

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>AF,</b>		:	
	<b>Plaintiff</b>	:	<b>DOMESTIC RELATIONS</b>
		:	<b>NO. 07-20,300</b>
<b>vs.</b>		:	
		:	
<b>RD,</b>		:	
	<b>Defendant</b>	:	

**ORDER**

*AND NOW*, this 15<sup>th</sup> day of **May, 2013**, this order is entered after a hearing held on May 7, 2013 regarding the Preliminary Objections filed by RD on March 8, 2013 in response to the Complaint for Support filed by AF on January 30, 2013.

At the hearing the following facts were determined:

1. ED, the *child* in question, is eighteen years old. Her date of birth is August 22, 1994.
2. The child is a senior in high school and on track to graduate in the spring of 2013.
3. Once the child turned eighteen years old she became belligerent and showed a disregard to her Mother's household rules.
4. The child then began a relationship with a 42 year old gentleman that neither Mother nor Father agreed with.
5. The child was repeatedly told that her parents did not approve of her relationship and that she needed to end it. The child refused to end her relationship with the gentleman.
6. The child moved out of her Mother's home in January of 2013 after being informed that in order to stay there she must obey by the household rules.

7. On approximately January 19, 2013 the child moved in with her sister and brother-in-law and has continued to reside with them.
8. The child is aware that both her Mother's and Father's homes are open to her to stay there if she will follow the household rules. She stated that she does not wish to do that.
9. The child has a part-time job at Weis grocery store. She had been working approximately twenty-six hours a week but recently reduced her hours to one day on the weekend. She is also a member of the Pennsylvania National Guard, she enlisted in the guard without input or guidance from her parents.
10. At some point, on approximately April 11, 2013 or shortly after, plaintiff began charging the child rent. The child currently has a bill with the plaintiff.

At issue was whether plaintiff, adult sister of ED, was entitled to child support due to the fact that the *child* is now residing with her. Father argues that plaintiff does not have standing to bring the child support claim and in the alternative the child is emancipated.

*Pennsylvania Rules of Civil Procedure* Rule 1910.3 governs who may bring a claim for child support.

Rule 1910.3. Parties. Obligor. Obligee

(a) An action may be brought

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(5) by a parent, guardian or public or private agency on behalf of an unemancipated child over eighteen years of age to whom a duty of support is owing.

Based on this Court's reading of Rule 1910.3 plaintiff would have standing to bring a support claim if the child is determined to be unemancipated. The question of emancipation is a factual determination made on a case by case basis. *Geiger v. Rouse*, 715 A.2d 454, 458 (Pa. Super. 1998). *See also Maurer v. Maurer*, 555 A.2d 1294, 1297 (Pa. Super. 1989). In this case the child voluntarily left her Mother's residence and refused her Father's residence in order to live freely and independently and make her own life decisions. The child is fully aware of the fact that she is free to return to her Mother's home or live at her Father's home however she has chosen to decline those offers as she does not agree with the rules that her parents have set in their respective households. For guidance the Court looked at 55 Pa. Code § 145.62 which defines emancipated minor. § 145.62 (i) states:

A minor who is aged 16 or over, who has left the parental household and has established himself as a separate entity free to act upon his own responsibility, and who is capable of acting independently of parental control. If the minor again lives with his parents he will no longer be considered emancipated unless he remains independent of his parents' control.

The Court determines that plaintiff does not have standing to bring a support claim in this case as the child is emancipated. Father's Preliminary Objections are hereby sustained and plaintiff's Complaint for Support filed January 30, 2013 is hereby Dismissed.

By the Court,

Joy Reynolds McCoy, Judge