Support:

Preserving Income, Stabilizing Families*

Trainer:
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February 12, 2019
Duane Morris, LLP

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About Philadelphia VIP

Mission Statement: VIP promotes equal justice for the poor by providing civil legal services not otherwise available, collaborating with other legal services organizations and promoting a culture of volunteerism by educating and exposing attorneys and law students to issues of poverty.

Philadelphia VIP is the hub of pro bono legal services in Philadelphia. Since 1981, we have provided legal services for low-income residents and families facing civil legal problems that threaten their basic human needs – shelter, employment, financial stability, education, and health.

VIP, through its volunteers and staff, serves more than 3,500 individuals and families yearly who could not afford attorneys and whose cases could or would not be handled by other public interest organizations. We are the agency of last resort for the majority of our clients.

Our clients are among the poorest in the city and region and their numbers are growing. To be eligible for our services a client's income must be at or below 200% of the federal poverty guidelines. Thus, our most financially secure clients earn approximately $24,980, while a family of 4 lives on $51,500.

VIP serves a multi-lingual population, principally Spanish speaking, but increasingly we see clients who speak Russian, Creole (Haitians), Chinese, Vietnamese and Cambodian, a reflection of growing and changing immigration patterns in the Greater Philadelphia area.

VIP handles any civil matter that is non-fee generating and for which there is no right to counsel. We define our caseload by four priority areas:

- Maintaining family income (child/spousal support, employment/wage claims, tax issues, torts defense)
- Preventing homelessness (mortgage foreclosure, landlord/tenant, public housing evictions, probate, tangled title, consumer debt, litigation defense)
- Supporting family stability (child custody, adoption, guardianship, divorce, domestic abuse); and
- Promoting community economic development.

Most of VIP's cases are referred to us from our partner organizations, Community Legal Services and Philadelphia Legal Assistance; an additional number come from specialized legal services organizations throughout Philadelphia. In stark terms, VIP is the agency of last resort for many low-income individuals and families who face critical legal problems that affect their basic needs.

TRAINER

James Rocco III, Esq.

James Rocco is a partner with Rocco Law, which he started as Rocco Law Offices, L.L.C. in 2003. His practice consists primarily of civil cases, with an emphasis on family law and personal injury matters. Prior to Rocco Law, James was a shareholder with a boutique Philadelphia law firm where he started as a young associate.

In 2015, James was elected president of the Nicholas J. Cipriani American Family Law Inn of Court, which is comprised of a limited number of lawyers and judges whose primary practice consists of handling family law matters in Philadelphia County and the surrounding counties. James is entering his fourth (4th) year as President.

In addition to being previously named as a Pennsylvania Super Lawyer Rising Star, James has been honored to serve in a number of elected positions within a variety of legal associations. James is likewise regularly asked to be a guest lecturer for continuing legal education seminars. James has also served as either a mentor or primary volunteer in forty-five VIP cases.

Frequently Asked Volunteer Questions

Q: What happens after I accept a VIP case?
A: After accepting a VIP case you will be sent a VIP referral form, all information included in the VIP file about the case and the VIP representation agreement. At this same time, your client will receive a letter with your name, address and phone number, and the request that they contact you within 7 days. You may contact the client first if you wish. At the first meeting, you and the client should sign the VIP representation agreement. The scope of representation should be filled in carefully, so that you and the client are clear about any limitations on your services. (Contact VIP's Managing Attorney if you have any questions about the extent of your representation.) Keep the original in your file, give a copy to your client and send a copy to VIP. Throughout your representation of a VIP client, our staff attorneys will be available to help you find answers to substantive legal questions, connect you to mentors, and find the necessary resources.

Q: What if my client does not contact me?
A: Your client may fail to follow through for several reasons. Your client may not be able to read or understand the letter, may not have received the letter or may have other more pressing problems. If your client does not call you within a few days of your receipt of the VIP letter, try to call the client. If after 10 days your client has not contacted you, and you cannot reach them by telephone, write your client stating that if you do not hear from them within 5 days, VIP will close their file. After 5 days, if your client still has not contacted you, call or write VIP, describing your attempts to contact the client. Under most circumstances, VIP will close the case, and another client can be referred to you.

Q: What if my client doesn't have a telephone?
A: Contacting a client who doesn't have a telephone can be challenging. We recommend that you send your client a letter asking the client to call you at a specific time on a specific date and time. After your client reaches you, ask them for the telephone number of a neighbor, relative, and/or employer where you can leave a message if necessary. Another way that you can keep in touch with a client who doesn't have a telephone is to schedule weekly telephone "appointments." (For example, the client would call you every Friday at 1:00 p.m.) By keeping "appointments," you will have the opportunity to communicate information to the client.

Q: What if my client does not keep our appointments?
A: Terminating representation of a client due to his/her failure to cooperate is left up to the discretion of the volunteer. Some clients are simply uncooperative, while other clients have personal problems or mental impairments that interfere with their ability to keep appointments. Address this problem with your client and make it clear that without his/her cooperation you will be unable to help him/her. If, after the discussion, the situation continues, you should contact VIP's Managing Attorney and discuss closing the case.

Q: What if my client doesn't speak English?
A: If you are not fluent in the primary language of your client, VIP can arrange a volunteer to translate. Our pool of volunteers is limited, however, so if you work in a firm, we request that you first draw on your firm's resources. If you are working independently, or your firm is unable to arrange an interpreter, please contact VIP and we will assist you. If the client speaks Spanish, VIP has Spanish-speaking staff

members who have already translated many forms into Spanish. It is a good idea to ask your client for the telephone number of a friend, neighbor or relative of the client who can communicate with both of you. If you plan to relay confidential information through the client's interpreter, you should discuss this with your client.

Additional steps must be taken with the Court if your client does not speak English. If a hearing has been scheduled, you should contact the Court to inform the Court that your client will need an interpreter. In addition to the Court's interpreter who interprets the proceedings, you may want to have an interpreter with you at counsel table, so that you can communicate confidentially with your client during the proceedings. The Court does not provide this interpreter. If you are submitting any documents that are not in English, the documents must be translated and the translation must be certified. VIP can provide information on how to certify the translation.

Q: What if I am fluent in a foreign language and would like to volunteer to interpret for other volunteers?
A: VIP is always in need of volunteers with proficiency in foreign languages. We generally need interpreters who speak Spanish, Russian, French or Vietnamese. Whatever foreign languages you speak, however, please contact VIP because we may have a client who needs your help.

Q: What if there are costs associated with my representation?
A: VIP will cover certain costs only if approval is obtained from VIP before the cost is incurred. The costs encountered most often are:
Photocopying medical records - You should first write the doctor and/or hospital and request that the fee be waived. If the doctor refuses, you should ask the client if he/she has the money to pay for the expense. If they do not, VIP may pay to obtain the records if VIP approves the cost before it is incurred.
Filing costs - The client should qualify for In Forma Pauperis (IFP) status. An IFP petition must be filed with the Court. If the client's IFP petition is denied, the client must pay the filing fees unless VIP determines that the denial was unjustified. VIP has copies of IFP petitions and can explain to you the procedure for filing an IFP.
VIP determines whether or not to cover litigation expenses on a case-by-case basis. If you would like VIP to cover a cost that is not listed above, please contact VIP's Managing Attorney or Executive Director before incurring any expense.

Q: What if I determine that my case lacks merit?
A: You should not represent a client if you believe the case is not meritorious. Even if you do not represent your client, you provide a valuable service by explaining the situation to your client, advising your client of available options, and suggesting ways to avoid the problem in the future. If you are not sure of the merits of the case, call VIP and discuss the matter with the Managing Attorney or the Executive Director.

Q: What do I do when my case is finished?
A: You should write a letter to VIP stating the outcome of the case, estimating the number of hours you spent on the case, and indicating whether you are available to take another case. We encourage volunteers to send a closing letter to the client and copy VIP.

Support from VIP

VIP strives to make pro bono service easier for volunteer attorneys by providing support throughout a VIP case. You can always contact VIP staff members with any questions or concerns that you cannot otherwise resolve. We are always here to provide guidance and advice. We also strongly encourage our volunteers to make use of our mentors for consultation on substantive or procedural legal issues. Please do not hesitate to contact VIP for referral to a mentor. The VIP staff can be reached at 1500 Walnut Street, Fourth Floor, Philadelphia, PA, 19102, (215) 523-9550, fax (215) 564-0845. Specifically, Todd W. Nothstein is the VIP staff attorney responsible for supporting our family law volunteers. You may contact him directly at:

Todd W. Nothstein
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Thank You for Volunteering!

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I. Introduction

The general term "support" includes four different categories of maintenance: child support, spousal support, alimony pendente lite, and alimony. This manual does not address alimony, which is covered in our trainings on divorce. Although a claim for alimony pendente lite (also referred to as "APL") may be made only pursuant to a divorce action, it is handled by the court system in the same manner as a claim for spousal support. Parents, spouses, guardians, caregivers, and agencies (for example, the Department of Human Services (DHS)) all may file with the court a petition seeking support, separate maintenance, reimbursement, contribution toward expenses, and similar financial relief. The amount of child, support, spousal support, and APL is determined by statutory guidelines set forth at Pa. R.C.P. 1910.16-1 *et seq.* In cases in which the parties' combined net monthly income exceeds $30,000, child support will be calculated in accordance with the three-step process in Rule 1910.16-3.1(a). This will never be a concern for a VIP case.

The rules governing the framework of support hearings are found at Pa. R.C.P 1910.10, 1910.11, and 1910.12. Pursuant to Pa. R.C.P. 1910.10, Pennsylvania courts are empowered to adopt the alternative hearing procedures set forth at Pa. R.C.P. 1910.12. Philadelphia has adopted those procedures creating a three-tiered hearing framework. That framework consists of:

Tier 1:	A Support conference with a conference officer (not required to be a lawyer).
Tier 2:	A *de novo* record hearing before a hearing officer (master) who must be a lawyer.
Tier 3:	An exceptions hearing before a judge.

The nature of each of these proceedings will be discussed below. However, it is important to understand that the second tier—the support master's hearing—is the trial in a support matter. The initial conference is an opportunity for the court to perform a guidelines calculation and effect an agreement among the parties. An exceptions hearing before a judge is limited in scope to the

exceptions raised in response to the master's finding.

II. Beginning a Support Case

Those new to practicing family law in Philadelphia may be surprised to learn that there is **no e-filing in Family Court. All filing takes place at the clerk's office on the 11th floor of the Family Court Building at 1501 Arch St.** Always take extra copies of your filings so that you will have a time-stamped copy for your records.

Discovery is only permitted in complex support matters pursuant to Pa.R.C.P. 1930.5. Where there are attorneys on both sides of a case, they may be willing to exchange income and other relevant information voluntarily to improve the likelihood of settlement. Where the case involves self-employment or other complex issues, and information is not supplied voluntarily, counsel may file a motion for discovery to have the matter declared "complex" in order to be entitled to the discovery allowed under Rule 1930.5. Methods of gathering evidence without discovery include:

- Utilizing discovery from the parties' divorce proceeding
- Utilizing documents lawfully in your client's possession
- Reviewing court file for prior findings or evidence of record in the support case
- Issuing a Subpoena to third party witnesses for the master's hearing
- Issuing a Notice to Attend and Produce to opposing party with reasonable requests in a reasonable time frame.
- Cross-Examining a party regarding expenditures.

A. Kinds of Pleadings Allowed

1. Complaints

A claim for child and/or spousal support is raised by filing a support complaint. Pursuant to Pa. R.C.P. 1920.31(a)(2) claims for child support, alimony, and *alimony pendente lite* may no longer be included in a divorce complaint. No support can be awarded before the date the

complaint or counterclaim is filed. The following information must be included in any claim for support:

- attorney identification number;
- counsel's complete address and telephone number; Domestic Relations number and PACSES number (where a number has been assigned; if this is a new DR case, the number will be assigned at filing);
- the full names of the parties, and any aliases;
- complete addresses of the parties with city, state, and ZIP code;
- Social Security numbers of the parties and any children involved;
- place of employment of parties and payroll numbers;
- whether the petitioner is receiving public assistance (include DHS number, if assistance is received);
- full names of all children of the parties for whom support is sought, with their dates of birth;
- complete addresses of the children for whom support is sought;
- full name and address of any custodian for any child/ren for whom support is sought;
- place of employment of any custodian for any child/ren for whom support is sought;
- information on health coverage available to any party and any child/ren for whom support and/or health coverage is sought; and
- clear designation in cases where the parties are married as to whether spousal support is sought for the filing party.

In Philadelphia County, the fact that a child support or spousal support matter is pending must be prominently noted on the petition for alimony pendente lite, including the date and time of any hearings scheduled. Pa.R.C.P. 1920.31(a)(3). Support complaints prepared by attorneys or by parties independent of court staff must be accompanied by a completed Domestic Relations information sheet; divorce complaints and counterclaims must also be accompanied by a notice to plead.

Standing has been expanded so that any person caring for a child may commence or continue an action for support of that child regardless of whether that person was granted custody by a court order. (See Pa.R.C.P. 1910.3.) If, however, a party has a child in his or her custody in violation of a custody order, he or she is not entitled to seek child support until there is a modification of the custody order.

2. Petitions to Modify an Existing Support Order

Whenever there has been a material and substantial change in circumstances in the situation of a party or child, either party may file a petition to increase, reduce, suspend, credit, or terminate an existing support order. Indeed, the parties are under a continuing obligation to notify the court of any such material and substantial change in circumstance; however, notification alone does not alter the existing support obligation.

In the event a party fails to notify the court of a material and substantial change in circumstances, the court may retroactively modify the support obligation beyond the filing date back to the time period when the change in circumstance occurred. The seminal case involving retroactive modification for failure to notify the court and the other party is Krebs v. Krebs, 944 A.2d 768 (Pa. Super. 2008).

3. Petitions for Contempt

Contempt matters commence with allegations that the party obligated under the support order (the payor) is willfully failing to comply with the support order. A petition for contempt (see Rule 1910.25) can be prepared on preprinted forms provided by the court, or in a form similar in nature. If the party obligated to pay support has failed to comply with the order and believes that a change in circumstances entitles him or her to a reduction in the support amount, the party should timely file a petition setting forth the change in circumstances that he or she believes will entitle him or her to a reduction. The filing of a petition to modify, however, does not stay contempt proceedings or relieve the party of the obligation to pay the full amount of the order. Upon request, the court will enter a non-distribution order where a personal injury or other award may become payable to a party in arrears on his or her support payments.

4. Motions

If a motion is required in any support matter, it should be filed as soon as possible and within the time prescribed by the Rules of Civil Procedure. Stays will not be granted except in unusual cases. The following are examples of motions that may be filed in a support action:

- preliminary objections
- jurisdictional objection
- statute of limitations defense (paternity)
- discovery request (complex case designation, request for vocational evaluation)
- protracted hearing request
- stipulations/agreements

At any time during the proceeding, prior to the entry of a court order, the parties may resolve the outstanding support matter by agreement. (Note: where TANF cash assistance is received by the petitioner, or where DHS has an interest, DHS must agree to the terms of the settlement.) Each agreement/stipulation must contain the following, or it may not be approved by the court:

- names and Social Security numbers of the parties;
- docket and PACSES numbers;
- amount of support to be paid and the names and Social Security numbers of the persons for whom the support obligation is to be entered;
- timing of payment consistent with the payor's pay period (that is, weekly, biweekly, semimonthly, or monthly);
- effective date of the order;
- specific amount of the payment toward the arrears, payable on the same schedule as the regular order (for example, an additional $20 biweekly on the arrears);
- provision for attaching wages, either immediately or upon default of a certain number of payments (for example, for a biweekly order, upon default of two payments);
- medical/health-care coverage information and terms (for example, reasonable and necessary unreimbursed health-care expenses for child/ren in excess of $250 per child per year to be shared by the parties in proportion to their respective net incomes from line 7 of the guideline computation sheet);
- allocation of the order (specify the amount intended for child support and

for spousal support); and
- names and effective dates for any child or spouse terminated or suspended from the support order.

Where the parties are not represented by counsel, it is requested that both signatures be notarized so that there is no question that they each agreed to the terms set forth, and each signed the document. The court usually will not accept for filing any support orders for direct payment between the parties because the court cannot enforce such orders.

5. Responsive Pleadings

No responsive pleading is required in a support action, but it can be extremely effective. For example, the responsive pleading to a petition to reduce could attach a copy of a deed for a recent real estate purchase or a copy of a new model vehicle registration belonging to the petitioner.

B. Filing Procedures

An original and six copies, plus the number of time-stamped copies to be returned to the filer, must be filed **in-person** with the **Clerk of Family Court, 1501 Arch Street, 11th Floor**, Philadelphia. VIP can provide you with many templates and sample forms.

1. The following documents should be filed:

- complaint for support
  - complaint
  - verification
  - completed DR information sheet
- petition for modification
  - petition
  - verification
  - DR information sheet
- petition for contempt
  - petition
  - verification
  - DR information sheet
- petitions for *alimony pendente lite*

    - petition
    - verification
    - completed DR information sheet
    - cover sheet
- motions
    - rule to show cause
    - proposed order
    - motion
    - verification
    - current DR information sheet
    - motion cover sheet
- stipulations/agreements
    - Stipulation (each page of the stipulation must be numbered, and include the total number of the pages in the document (that is, page __ of __)).
    - order approving stipulation (For all VIP Clients submit a Praecipe to Proceed *In Forma Pauperis* certifying that you are providing free legal services. (Included in Appendix B)

II. Calculating Support

Pennsylvania utilizes the Income Shares Model to determine the amount of child support owed by an obligor. See Pa. R.C.P. 1910.16-1, Explanatory Cmt. A. The income shares model is premised on the assumption that a child should receive the same proportion of parental income that he or she would have received if the parents lived together. In an intact household, the income of both parents is generally pooled and spent for the benefit of all household members. The creation of guidelines is based on authoritative studies estimating average expenditures for children in intact households. Responsibility for the basic support amounts is then assigned in proportion to each parties share of income.

A. Guidelines Calculations

Every support guidelines calculation begins with a determination of each party's net monthly income. Not every paycheck deduction is allowed when making this determination; only the following so-called "mandatory" deductions are considered. Pa.R.C.P. 1910.16-2(c):

- taxes (federal, FICA, state, local, unemployment compensation, Local Services Taxes (LST))
- Non-voluntary retirement contributions
- union dues
- alimony paid to the other party

Child support orders are based in most cases on what an intact family spends on its children, expressed as a percentage of the parties' combined monthly net income. Certain other expenses, such as health insurance, day care, tuition, extracurricular activities, camp, etc., might be added to that base amount. Once the total amount of child support is determined, it is divided between the parties in the same percentage that each party's income contributes to the combined net monthly income. For example, if the mother's income is 42 percent of the joint net monthly income and the father's is 58 percent, then where the mother is the custodial parent, the father will pay to the mother 58 percent of the basic child support amount. See Pa. R.C.P 1910.16-4(a).

Spousal support and APL awards are 40 percent of the difference between the parties' net incomes, unless there is a child support order, in which case they are 30 percent of the difference after deduction of the child support from the payor's net income. See Pa. R.C.P. 1910.16-4(a). Support orders will not be entered where the parties live in the same household and the person from whom support is sought is paying all basic household expenses. Proof of such payment must be produced. Commonwealth v. George, 56 A.2d 228 (Pa. 1948), modified by Biler v. Biler, 508 A.2d 1261 (Pa. Super. 1986). In the event the parties have shared physical custody or one party has substantial partial physical custody, the guidelines provide for a deviation when the noncustodial party has the child(ren) overnight at least 40 percent of the time pursuant to Pa.R.C.P. 1910.16-4(c). In the unlikely event where the parties have a divided or split physical custody of the child(ren), subsection (d) of Pa.R.C.P. 1910.16-4 sets forth the proper calculation for that circumstance. In essence, the court offsets the parties' respective child support obligations. When

a custodial parent is entitled to child support but owes spousal support, Pa.R.C.P. 1910.16-4(e) discusses the five-step process in determining the proper amount of support owed to each parent. For multifamily calculations, see Pa.R.C.P. 1910.16-7.

B. Deviations

Pa.R.C.P. 1910.16-5 provides for deviations from the guidelines amount when applicable. In deciding whether to deviate from the amount of support, the court will consider the following factors:

(1) unusual needs and unusual fixed obligations;

(2) other support obligations of the parties;

(3) other income in the household;

(4) ages of the children;

(5) the relative assets and liabilities of the parties;

(6) medical expenses not covered by insurance;

(7) standard of living of the parties and their children;

(8) in a spousal support or alimony pendente lite case, the duration of the marriage; and

(9) other relevant and appropriate factors, including the best interests of the child(ren).

Pa.R.C.P. 1910.16-5 provides for deviations from the guidelines amount when applicable.

C. Adjustments Due to Additional Expenses

1. Child Care Expenses

The most common additional expense is child care expenses. When a parent incurs reasonable child care expenses in order to maintain employment or appropriate education in pursuit of income, those reasonable child care expenses will be allocated between the parties in proportion to their net incomes and will be added to the parties' basic child support obligation. See Pa.R.C.P.

1910.16-6(a).

2. Health Insurance Premiums

When a party carries health insurance for the child(ren) and/or spouse, the premium payment will be allocated between the parties in proportion to their net incomes. See Pa.R.C.P. 1910.16-6(b).

3. Private School Tuition and Summer Camp

A court will take into consideration private school tuition or other needs if the court determines that such needs are reasonable, which will also be allocated in proportion to the parties' net incomes and will be added to their respective basic child support obligation. See Pa.R.C.P. 1910.16-6(d).

4. Mortgage Deviation

The guidelines assume the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowner's insurance. However, in the event the mortgage payment exceeds 25 percent of the obligee's total net income (including any amounts of spousal support, alimony pendente lite, and child support), the court may direct the obligor to assume up to 50 percent of the excess amount as part of the total support award. See Pa.R.C.P. 1910.16-6(e).

5. Multi-Family Calculations

When the total of the obligor's basic support obligations exceeds 50 percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. See Pa.R.C.P. 1910.16-7.

6. College Support

On October 10, 1995, the Supreme Court of Pennsylvania declared unconstitutional the law that had provided that parents have an obligation to support a child through college. Curtis v. Kline, 666 A.2d 265 (Pa. 1995). However, orders have been enforced or modified

based upon divorce settlements and agreements. Such an action usually is brought by a petition to enforce the agreement.

III. Court Proceedings

A. Pretrial Conference Before Conference Officer

In accordance with Pa.R.C.P. 1910.10–1910.12, Philadelphia County provides for a three-step process, which comprises a pretrial support conference, a support master's hearing, and an exceptions hearing before a judge. Upon receipt of a support complaint or petition, the court will issue an order to appear for a mandatory pretrial conference (setting forth the time, date, and place of the conference) to the parties and counsel of record. To be "of record," counsel must have entered his or her appearance in the case, either by filing a pleading containing the attorney's name, or by filing a form entry of appearance. Each party must bring to the conference and to any subsequent hearing or conference:

- most recent tax returns with all W-2s, attachments, and schedules;
- verification of income: copies of personal checks received; 1099 forms received; copies of dividend or other income/interest statements; checking account statements where there is direct deposit of, for example, pension checks; copies of checks paid that pertain to business or other income-related expenses; proof of end of the prior year's income where the proceeding is conducted in the early portion of the year and a party alleges a change in income or earnings; supporting documents where there is a dispute between the parties and credibility is at issue for either party;
- if a party is self-employed, three years of individual returns, as well as corporate, partnership, or other applicable returns, and any and all 1099 statements;
- a completed income and expense statement (Pa.R.C.P. 1910.27), only if either party is requesting a deviation based upon extraordinary income or expenses. See also Pa.R.C.P. 1910.11(c).

On the income and expense statement, the custodial parent must "specifically identify the child's monthly expenses" (simply dividing an expense by the number of people in the household

is not considered accurate).

If an income and expense form does not come with the notice of the conference, the party must prepare a complete list of the following:

- Income: wages; rents; SSI; pension; income tax refund; unemployment compensation benefits; workers' compensation benefits before the deduction of attorneys' fees; dividends, salaries, bonuses, fees, and commissions; net income from business or dealings in property; interest; royalties; all forms of retirement; income from an interest in an estate or trust; Social Security disability benefits; Social Security retirement or other benefits; temporary and permanent disability benefits; proceeds from any source, including lawsuits or settlements; anticipated income from an inheritance or pending lawsuit or other litigation.
- Assets: automobiles; bank accounts; credit union accounts; stocks; bonds; real estate; certificates of deposit; 401(k) plans; trailer homes; motorcycles; mutual funds, rental property, interest in real estate, etc.
- Expenses: rent/mortgage; utilities; food; clothing; child care; school tuition; car payment, repairs and maintenance; unreimbursed medical; time-share and vacation; mobile and other telephone; therapy; transportation; loans; etc.
- Court orders: a copy of support orders entered by courts outside of Pennsylvania must be provided.

A party may include expenses for a residence for which he or she is not solely responsible (for example, where a party has remarried and has no income). The household mortgage, utilities, and other expenses are relevant, as well as any other income coming into the household (the party should provide the income, from whatever source, of any other adults living in the household).

The income and expense statement is for personal expenses. A separate statement should be submitted for rental income and rental property expenses or business income and business expenses.

All documents produced for the pretrial conference and any subsequent support proceeding should be brought with two copies, so that there will be one for the court record, one for the opposing party, and one for the party introducing the document. Parties should also come to the conference prepared to present documents, calendars, or clear statements as to the number of overnight visits the child/ren have with each party throughout the year. Rule 1910.16-4(c)(1).

A putative father from whom support is sought is advised of his right to genetic testing and a trial on the issue of paternity alone. If he wishes to have a genetic test performed, the parties and child will be given a date to appear at the courthouse for this testing. The fee is usually held in abeyance until after the test has been completed. If the test results are positive for paternity, the fee is charged to the father. The charge may be waived if the respondent is found not to be the father. If the respondent is found to be the father after the test is performed, the matter will be referred for a hearing before a judge and notices will be mailed to the parties.

At the conclusion of the conference, if the parties can agree to an amount for an order of support, an order will be entered in that amount by the court. If there is no agreement, an interim support order is entered based upon a guidelines calculation, and either or both parties may request a support master's hearing. The parties will be personally served with a notice of the date, time, and place of the hearing before a support master. Support master hearings are scheduled either for 45 minutes, or 90 minutes for a semi-protracted hearing. Counsel should advise the hearing officer so that the case is scheduled appropriately. If the matter will take longer than 90 minutes to present, counsel should file a motion for a protracted listing with the clerk of court. If the respondent has been properly served with notice of the support conference and has failed to attend that conference, an interim order, calculated in accordance with the guidelines, will be entered. Either party may demand a hearing within 10 days of the date of that interim order. If no hearing is requested by either party, the order becomes final.

Where a party to a divorce action has filed a petition for alimony pendente lite (APL), this issue may be consolidated with any support petition pending, and be heard at the same time as the child or spousal support matter. The petitioner should supply an expense statement with standard of living information; expenses (including debts relating to the marriage, costs pertaining

to the divorce) should be submitted by both parties. An order can be entered for spousal support or for APL, but not both. Rule 1910.16-1(c)(1).

At the conclusion of the pretrial support conference, the obligor will be asked to attend an exit interview where the interviewer will seek a payment prior to leaving and ensure that the court has correct employment information.

B. Hearings Before a Support Master

Master's hearings are scheduled for 45 minutes or 90 minutes (semi-protracted). The 45-minute period does not usually allow for the testimony of witnesses, so if witnesses are required, counsel should motion the court for a protracted hearing (an all-day hearing). Please note that it is counsel's responsibility to file a motion for a protracted hearing.

The parties should bring to the hearing the original documents (and copies for the court record and opposing party) of all information they want the court to consider. A party who is obligated to pay child support for children who are part of another Philadelphia County support order must provide a copy of the other order, and receipts for child care, clothing, tuition, purchases made for the children, medical bills, camp fees, health coverage costs, etc., if that party wants such support to be considered where applicable.

The hearings conducted by the support masters are electronically recorded. Each party and counsel must speak clearly, keeping their voices up and directed toward the microphone. Parties should not talk over each other. Counsel should take precautions during discussions with the client that the discussion is not picked up by the recording device and thereby made part of the record.

Even if a party is represented by counsel, the master generally will first ask questions of the obligee, which is then followed by any questions by the plaintiff's counsel, and then the cross-

examination by the party or their attorney. The same format is followed with the obligor.

The master will receive the evidence, hear argument, and file with the court a report and recommendation containing findings and a proposed order for support. Pa.R.C.P. 1910.19(c) permits the master to modify or terminate an existing support order in any appropriate manner based upon the evidence presented. A copy of the proposed order of support and findings will be mailed to the parties and counsel for their review, and the proposed order will become an interim order until a permanent order is entered. Pa. R.C.P 1910.12.

Counsel should be aware of Pa. R.C.P. 1910.29, which provides that the Pennsylvania Rules of Evidence must be followed in all record hearings conducted in an action for support and a verified petition, affidavit, or document, and any document incorporated by reference therein that would not be excluded under the hearsay rule if given in person will be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered, (2) the other party does not object to their admission into evidence, and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of notice of intention to offer the evidence. When an objection is properly made, the Rules of Evidence apply to determine the admissibility of the document into evidence.

C. Exceptions Procedure

The proposed order will be reviewed by the court and, if approved, made an interim order. The findings and interim order will be sent by the court to the parties and counsel, along with instructions on how and when to file written exceptions to the recommendation. Matters not raised in the exceptions are deemed waived unless, prior to the entry of the final order, leave is granted

to file exceptions raising those matters. Under local administrative rule, any party wishing a copy of the notes of testimony must order them in writing or in person within 20 days of filing the exceptions. The instructions provide information to order the transcript. You must order the notes of testimony if you intend to rely upon them at the argument on the exceptions. If no exceptions are filed, the interim order becomes the final order. The PACSES statewide computer processes final orders in a timely fashion, so it is imperative that exceptions be filed as soon as possible. Exceptions can be faxed to the clerk of court, but a hard copy must be submitted to the clerk's office in a timely fashion.

If exceptions are filed by one party within the 20-day period allowed, the other party may file exceptions within 20 days of the date of service of the original exceptions. When exceptions are filed, the matter is scheduled for a hearing before a judge, but the interim order continues in effect.

The following support matters are heard by judges:

- exceptions to support masters' findings and interim order
- contempt petitions
- motions
- bench warrants (if marked "Judge Only," or referred by the trial commissioner)

D. Additional Considerations

1. Continuances

See Admin. Reg. No. 02-02 (included in Appendix). Requests for continuances must be for good cause, made in a timely manner to the Support Masters Unit. Prior to making such a request, the other party or his or her counsel must be consulted to ascertain whether he or she will agree to the continuance. However, mere agreement to continue a matter will not necessarily be considered good cause, as the court frowns upon "wasting" a time slot. As a general rule,

continuance requests should be submitted within 10 calendar days from the date the notices were served, or promptly upon your becoming aware of the need for the continuance if there are exigent circumstances.

When requesting a continuance, specify the reason for the request and provide the other side's position regarding the request. It is helpful to provide the dates counsel is unavailable for a rescheduled hearing in the event the request is approved, and specify the amount of time needed for the rescheduled hearing. Be sure to contact the Support Masters Unit prior to the scheduled date to determine whether the request for continuance has been approved.

2. Court Information Sheet

Upon arrival in the Support Masters Unit, each party must complete a demographic information sheet. This includes but is not limited to name, address, phone number, employment information, Social Security number, health coverage, etc. It is important that each party supply all information needed in a full and accurate manner. Attorneys who have not yet entered their appearances of record may do so at the time of the hearing.

3. Clerk of Family Court

A certified copy of any support order may be obtained at the Office of the Clerk of Family Court, 1501 Arch Street, for a fee of $41.58 (no personal checks). Requests to examine records should be made at the records room in the Office of the Clerk of Family Court (215- 686-3805). Access to these files is restricted to counsel of record and the parties (a party must present a photo I.D.). Counsel should take a time-stamped copy of your entry of appearance.

4. Bench Warrants

If a party who has been properly served fails to appear for a pretrial conference, master's hearing, or court hearing, a bench warrant may be issued for his or her arrest. The party will be sent a notice advising him or her that a bench warrant has been issued and giving the party the opportunity to surrender at the Bench Warrant Unit, 2nd Floor, 1501 Arch Street (215-686-2977, -2978). Any party who fails to turn himself or herself in will be picked up by a sheriff or a warrant officer. Persons who turn themselves in on bench warrants should do so early in the morning; otherwise, they may be held overnight. If the court becomes aware that a party obligated to pay a support order is incarcerated on a criminal charge, the court will lodge the bench warrant as a detainer so that before the party is released from criminal custody, he or she can be brought to Family Court for a hearing on the support issue.

5. Types of Support Obligations

Financial Obligations are the dollar amount the obligor is ordered by a court to pay for support according to the frequency or due date indicated in the order. The financial obligation may include:

- Retroactive arrears (past-due support)—the amount of support that accrues prior to the establishment or modification of a support order as a result of the retroactive effective date of the order (Pa.R.C.P. 1910.1(c)). Also defined as support included in an order of support that has not been paid (23 Pa.C.S. § 4302).
- Normal arrears (overdue support)—the amount of delinquent support equal to or greater than one month's support obligation that accrues after establishment or modification of a support order as a result of nonpayment of the order (Pa.R.C.P. 1910.1(c)). Also defined

as support that is delinquent under a payment schedule established by the court (23Pa.C.S. § 4302).

Retroactive arrears become normal arrears when the current support obligation and ordered on arrears (OOA) are not fully paid in the month due, or within 45 days if the obligor has income withheld (Pa.R.C.P. 1910.21(f)(1)). Once retroactive arrears owing under the order convert to normal arrears, they remain as such until paid in full (Pa.R.C.P. 1910.21(c)). Arrears are automatically entered as judgments and liens pursuant to 23 Pa.C.S. § 4352(d) and §4352(d.1) (1). An obligor is determined to be delinquent/noncompliant when failing to make payments in an amount equal to the support payable for one month.

IV. Enforcement of Support Obligations

In accordance with 45 CFR 303.6, for all Title IV-D support cases in which the obligation to provide support and the amount of the obligation are established, the Domestic Relations Section (DRS) must maintain and use an effective system to:

- monitor compliance with the support obligation;
- identify support cases in which there is a failure to comply with the support obligation on the date the noncustodial parent fails to make payments in an amount equal to the support payable for one month; and enforce the obligation by:
  - initiating income withholding at the time of order establishment;
  - taking appropriate enforcement action within no more than 30 calendar days of identifying delinquency/noncompliance or location of the obligor, whichever occurs later, if service of process is not necessary;
  - taking action within 60 calendar days of identifying delinquency or location of the obligor, whichever occurs later, if service of process is necessary;
  - submitting all certified support cases for federal and state tax offset; and
  - examining unsuccessful enforcement attempts and determining when to take additional enforcement actions in the future.

A. Enforcement Remedies

Enforcement is the process of securing compliance with court orders for child and/or spousal support. Conditions of the court order, coupled with federal, state, and local statutes, regulations, and rules, provide the framework for enforcing a support order. The Family Support Act of 1988 increased states' abilities to implement and execute enforcement remedies through mandated statewide automated child support enforcement systems. In Pennsylvania, this system is known as PACSES (Pennsylvania Automated Child Support Enforcement System).

In Philadelphia County, conference officers use PACSES to identify noncompliance or delinquency and initiate manual and automated enforcement remedies. Efforts are taken to encourage compliance as soon as the order is entered. If necessary, progressive enforcement remedies are taken. Upon discovery of noncompliance, enforcement conferences or judicial contempt hearings may be scheduled.

Most child support is paid via income withholding as ordered by the court and maintained in PACSES. Pennsylvania uses monthly support orders that accrue the first of every month. All support payments, including those paid via income withholding, are sent to the PA SCDU. General inquiries regarding enforcement and/or income withholding should be directed to the Order Establishment and Enforcement Unit (OEE) at 215-686-9330 (phone) or 215-686-9198 (fax). All OEE staff are located on the 12th floor of the Philadelphia Family Court Building located at 1501 Arch Street.

- Income withholding (wage attachment)—In accordance with federal requirements, income withholding is a mandatory remedy in Pennsylvania that occurs without need for an amendment to the support order or any further action by the court that issued the order (42 U.S.C. § 666(b)(2); 23 Pa.C.S. § 4348(a) and (b); Pa.R.C.P. 1910.21(a)).
    - Eligibility criteria for withholding (23 Pa.C.S. § 4348(a); Pa.R.C.P. 1910.21(a))—Every order of court must contain an immediate order for withholding of income unless:

- there is no overdue support owing under the order; and
- either the court finds that there is good cause not to require immediate income withholding or the parties agree in writing to an alternative arrangement.

- Income withholding of support is county-based. If an obligor has more than one case in the same county, one income-withholding form is generated for the total support obligations. If an obligor has more than one support case in different counties, an income-withholding form is generated in each county.

The Tactical Enforcement Unit of the Domestic Relations Division, located on the 12th floor of the Philadelphia Family Court Building, uses the following enforcement remedies to secure compliance with support orders. Inquiries regarding any of these enforcement remedies should be directed to the Tactical Enforcement Unit at 1501 Arch Street, 12th Floor, Philadelphia, PA 19102 or by fax to 215-686-7759. General information regarding the Tax Refund Offset Program is available 24 hours per day, 7 days per week by calling 215-686-4024. Only some of the available remedies are listed below. See 23 Pa.C.S. §§ 4352, 4355 for more information on remedies.

1. Credit bureau reporting

In accordance with federal requirements, Pennsylvania law provides for the periodic reporting of obligors owing overdue support, notice and a period of time thereafter to contest the accuracy of the information, and reporting of the information to verified reporting agencies (23 Pa.C.S. § 4303; Pa.R.C.P. 1910.20(b)(6)).

- Eligibility criteria for reporting—Obligors must have a verified Social Security number and normal arrears equal to or greater than two months of the support obligation.
- Notification—The obligor is notified of the intent to report arrearage information to the credit bureau reporting agency via the Notice of Credit Bureau Reporting form.

- Contesting—The obligor has 20 days from the date of the Notice of Credit Bureau Reporting to contest the accuracy of the information to be reported by submitting an objection (23 Pa.C.S. § 4303(1)). The basis for the objection is limited to errors in the balance due, name, Social Security number, or address. Three actions are possible:
    - the objections are sustained and credit bureau reporting is not initiated;
    - the objections are sustained and credit bureau reporting is modified; or
    - the objections are dismissed and credit bureau reporting is initiated.

Once initiated, credit bureau reporting continues for the life of the support case, even if the arrears amount reaches zero. If/when the arrears for a support case fall below the reporting threshold (two months of the support obligation), the account status reported to the credit bureau changes from "account delinquent" to "account current" to reflect that the obligor has paid on the account.

2. Federal Tax Refund Offset Program (FTROP)

States are required to have in effect procedures necessary to obtain payment of past-due support from overpayments made to the Secretary of the Treasury (42 U.S.C. § 654(18); 42 U.S.C. § 664; 45 CFR 302.60; 45 CFR 303.6(c)(3)).

- Eligibility criteria for FTROP (45 CFR 303.72(a))—Eligibility criteria for this remedy differ depending on whether the overdue support is assigned to the state or owed to an individual IV-D case obligee:
    - overdue support assigned to the state through Temporary Assistance for Needy Families (TANF), General Assistance, and Title IV-D programs qualifies for offset if the amount is greater than $150;
    - overdue support in non-assistance cases qualifies for offset if the amount is greater than $500; and
    - overdue support amounts in each category from multiple cases of the same obligor may be combined to reach the minimum amounts to qualify for offset.

- Notification—The Office of Child Support Enforcement (OCSE) sends a written pre-offset notice to inform a noncustodial parent that the amount of his or her past-due support will be referred to the U.S. Treasury for collection by federal tax refund offset. The notice is sent at the time each noncustodial parent is initially submitted in each tax year or when the individual is resubmitted for the program after having been deleted earlier in the particular tax year. Notification informs the noncustodial parent of:
    - their right to contest the determination that past-due support is owed and/or the amount of past-due support;
    - their right to an administrative review;
    - the procedures and time frames for contacting the Title IV-D agency in the submitting state to request an administrative review; and
    - in the case of a joint return, the U.S. Treasury will notify the noncustodial parent's spouse of the steps to take to protect the share of the refund that may be payable to that spouse.
- Contesting—Upon receipt of a complaint from a noncustodial parent in response to the pre-offset notice or concerning a tax refund that has already been offset, the Title IV-D agency sends a notice to the noncustodial parent informing them of the time and place for an administrative review. After the review to determine the validity of the complaint, the Title IV-D agency provides the results via a Notice of Results of FTROP Administrative Review.
    - If the review results in deletion of, or change in, the amount referred for offset, the Title IV-D agency notifies OCSE and includes updates to the information supplied at the time of the initial submission.
    - If, as a result of the review, an amount that has already been offset is found to have exceeded the amount of overdue support owed, the Title IV-D agency takes steps to promptly refund excess amount to the noncustodial parent.

3. State Tax Refund Offset Program (STROP)

States are required to increase the effectiveness of the Title IV-D program by enacting

procedures for the interception of state income tax refunds payable to the noncustodial parents (42 U.S.C § 666(a)(3); 45 CFR 302.70(a)(3) and (c); 45 CFR 303.6(c)(3)).

- Eligibility—The obligor's total normal arrears must be equal to or greater than $150.
- Notification—A pre-offset notice is sent to each obligor eligible for submission with the support case that has the highest arrears balance at the time of submission. The form provides advance notification of submission and informs the obligor of the opportunity to contest the intended action. (45 CFR 303.102(c) and (e).)
- Contesting—To contest the amount of overdue support and/or submission of the arrears to STROP, the obligor must contact the DRS in writing within 20 days from the date of notice of submission. Upon receipt, the obligor will be informed of the time and place of an administrative review.
    - If the obligor's normal arrears fall below $150 and payments are made regularly, the obligor is considered in compliance with the support order, and submission to STROP is terminated.

Appendix A

Support Guidelines

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Appendix B

Forms

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Rule 1910.16-1 Amount of Support. Support Guidelines

(a) Applicability of the Support Guidelines.

(1) Except as provided in subdivision (3), the support guidelines determine the amount of support that a spouse or parent should pay based on the parties' combined monthly net income, as defined in Pa.R.C.P. No. 1910.16-2, and the number of persons being supported.

(2) If a person caring for or having custody of a minor child, who does not have a duty of support to the minor child, initiates a child support action as provided in Pa.R.C.P. No. 1910.3:

(i) the complaint shall identify the parent(s) as defendant(s);

(ii) in determining the basic child support amount, the monthly net income for the individual initiating the action shall not be considered in the support calculation by the trier of fact;

(iii) the parents' monthly net incomes shall be combined to determine the basic child support amount, which shall be apportioned based on the parents' respective monthly net incomes consistent with Pa.R.C.P. No. 1910.16-4. The parents shall pay the obligee their proportionate share of the basic child support amount as a separate obligor; and

(iv) as with other support actions, the trier of fact may make adjustments or deviations consistent with the support guidelines based on the evidence presented by the parties.

Example 1. The parents have one child, who is in the custody of the maternal grandmother. Maternal grandmother initiates a support action against the parents. Mother's monthly net income is $3,000 and Father's monthly net income is $2,000 for a combined monthly net income of $5,000. For purposes of the child support calculation, maternal grandmother's income is irrelevant and not part of the calculation. The basic child support obligation for one child at a combined monthly net income of $5,000 is $990 per month. Mother's percentage share of the combined monthly net income is 60% ($3,000/$5,000) and Father's percentage share of the combined monthly net income is 40% ($2,000/$5,000). Mother's preliminary monthly share of the child support obligation is $594 ($990 x 60%) and Father's preliminary monthly share of the child support obligation is $396 ($990 x 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing $594 and $396 respectively to the maternal grandmother.

(3) In actions in which the plaintiff is a public body or private agency pursuant to Pa.R.C.P. No. 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's monthly net income, as defined in Pa.R.C.P. No. 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and the parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's monthly net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 2. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of $2,000 per month. Father's monthly net income is $3,000. The parties' third child is in foster care placement. Pursuant to the schedule in Pa.R.C.P. No. 1910.16-3, the basic child support amount for the two children with Mother is $1,415. As Father's income is 60% of the parties' combined monthly net income, his basic support obligation to Mother is $849 per month. The guidelines assume that Mother will provide $566 per month in direct expenditures to the two children in her home. The agency/obli-

gee brings an action against each parent for the support of the child in placement. Father/obligor's income will be $2,151 for purposes of this calculation ($3,000 less $849 in support for the children with Mother). As the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the $2,151 income level, or $509 per month. Mother/obligor's income will be $1,434 for purposes of this calculation ($2,000 less $566 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or $348 per month.

Example 3. Mother and Father have two children in placement. Father owes child support of $500 per month for two children of a former marriage. At the same income levels as in Example 2, Father's income for determining his obligation to the children in placement would be $2,500 ($3,000 less $500 support for two children of prior marriage). His obligation to the agency would be $849 per month (100% of the schedule amount for two children at the $2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe $686 for the children in placement (100% of the schedule amount for two children at the $2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and the calculated support amount shall be deducted from the parents' monthly net incomes for purposes of calculating support for the child(ren) in placement.

Example 4. Mother and Father have four children, two of whom are in placement. Mother's monthly net income is $4,000 and Father's is $3,000. The basic support amount for the two children in the home is $1,660, according to the schedule in Pa.R.C.P. No. 1910.16-3. As Mother's income is 57% of the parties' combined monthly net incomes, her share would be $946, and Father's 43% share would be $714. Mother's income for purposes of calculating support for the two children in placement would be $3,054 ($4,000 less $946). She would pay 100% of the basic child support at that income level, or $1,032, for the children in placement. Father's income would be $2,286 ($3,000 less $714) and his obligation to the children in placement would be $784.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate the support amount downward to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(4) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

(b) Amount of Support. The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as the child support schedule set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in these rules.

(c) Spousal Support and Alimony Pendente Lite.

(1) Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.

(2) In determining the duration of an award for spousal support or alimony *pendente lite,* the trier of fact shall consider the duration of the marriage from the date of marriage to the date of final separation.

(d) Rebuttable Presumption. If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. The support guidelines are a rebuttable presumption and must be applied taking into consideration the special needs and obligations of the parties. The trier of fact must consider the factors set forth in Rule 1910.16-5. The presumption shall be rebutted if the trier of fact makes a written finding, or a specific finding on the record, that an award in the amount determined from the guidelines would be unjust or inappropriate.

(e) Guidelines Review. The guidelines shall be reviewed at least once every four years to insure that application results in the determination of appropriate amounts of support.

Rule 1910.16-2 Support Guidelines. Calculation of Monthly Net Income

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

(a) Monthly Gross Income. Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S.A. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

(1) wages, salaries, bonuses, fees and commissions;

(2) net income from business or dealings in property;

(3) interest, rents, royalties, and dividends;

(4) pensions and all forms of retirement;

(5) income from an interest in an estate or trust;

(6) Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;

(7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriate; and

Official Note: Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if the obligor is paying $1,000 per month in alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

(8) other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

Official Note: The trial court has discretion to determine the most appropriate method for imputing lump-sum awards as income for purposes of establishing or modifying the party's support obligation. These awards may be annualized or they may be averaged over a shorter or longer period of time depending on the circumstances of the case. They may also be escrowed in an amount sufficient to secure the support obligation during that period of time.

Income tax refunds should not be included as income to the extent they were already factored into the party's actual tax obligation for purposes of arriving at his or her net income.

(b) Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.

(1) *Public Assistance and SSI Benefits.* Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) *Social Security Derivative Benefits for a Child.*

(A) This subdivision (A) shall be applied if a child for whom support is sought is receiving Social Security derivative benefits as a result of either parent's retirement or disability.

(i) If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement or disability, the amount of the benefit shall be added to the income of the party receiving the benefit on behalf of the child to calculate child support. Next, apportion the amount of basic child support set forth in the schedule in Rule 1910.16-3 between the parties based upon each party's percentage share of their combined net monthly income, including the child's benefit in the income of the party receiving it.

(ii) If the child's benefit is being paid to the obligee, the amount of the child's benefit shall be deducted from the basic support obligation of the party whose retirement or disability created the child's benefit. If the child's benefit is being paid to the obligor, the child's benefit shall not be deducted from the obligor's obligation, even if the obligor's retirement or disability created the child's benefit. In cases of equally shared custody, first determine which party has the higher income without the benefit, and thus is the obligor, before adding the child's benefit to the income of the party receiving it.

(iii) In cases in which the obligor is receiving the child's benefits, the domestic relations sections shall provide the parties with two calculations theoretically assigning the benefit to each household.

(iv) In allocating additional expenses pursuant to Rule 1910.16-6, the allocation shall be based upon the parties' incomes before the addition of the child's benefit to the income of the party receiving it.

(B) This subdivision (B) shall be applied when determining the support obligation of a surviving parent when the child for whom support is sought is receiving Social Security derivative benefits as a result of the other parent's death. The income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child, including the Social Security derivative benefits if they are being paid to the obligee. If the benefits are being paid to the surviving parent, the amount of the benefit shall be added to that parent's income to calculate child support.

(3) *Foster Care Payments.* If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

Example 1. The obligor has monthly net income of $2,000. The obligee's monthly net income is $1,500 and the obligee, as primary custodial parent of the parties' two children, receives $700 per month in Social Security derivative benefits on behalf of the children as a result of the obligor's disability. Add the children's benefit to the obligee's income, which now is $2,200 per month. At the parties' combined monthly net income of $4,200, the amount of basic child support for two children is $1,301. As the obligor's income is 48% of the parties' combined monthly net income, the obligor's preliminary share of the basic support obligation is $624. However, because the obligor's disability created the children's Social Security derivative benefits that the obligee is receiving, the obligor's obligation is reduced by the amount of the benefit, $700. As the support amount cannot be less than zero, the obligor's support obligation is $0 per month. If it were the obligee's disability that created the benefit, the obligor's support obligation would remain $624. If the obligor were receiving the children's benefit as a result of the obligor's retirement or disability, the obligor's income would include the amount of the benefit and total $2,700, or 64% of the parties' combined monthly net income. The obligor's share of the basic support obligation would then be $833 and would not be reduced by the amount of the children's benefit because the obligor, not the obligee, is receiving the benefit. Therefore, the obligor's support obligation is less if the obligee is receiving the benefit created by the obligor.

Example 2. Two children live with Grandmother who receives $800 per month in Social Security death benefits for the children as a result of Father's death. Grandmother also receives $500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns $2,000 net per month. Grandmother seeks support from the children's mother, who earns $1,500 net per month. For purposes of calculating Mother's support obligation, Grandmother's income will be $1,300, the amount she receives on behalf of the children in Social Security derivative benefits and the income from the trust. (If Mother were receiving the ben-

efit on behalf of the children it would be added to her income such that Mother's income would be $2,300 and Grandmother's income would be $500.) Therefore, Mother's and Grandmother's combined monthly net incomes total $2,800. The basic support amount at the $2,800 income level for two children is $949. As Mother's income of $1,500 is 54% of the parties' combined income of $2,800, her portion of the basic support obligation is $512. Since Mother's retirement or disability did not generate the child's derivative benefit, the benefit amount is not subtracted from her portion of the basic support amount and Mother owes Grandmother $512. If Grandmother was not receiving the children's derivative benefits or income from the trust, her income for purposes of calculating Mother's child support obligation would be zero, and Mother would pay 100% of the basic support amount because Grandmother has no duty to support the children.

Official Note: Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this rule.

(c) Monthly Net Income.

(1) Unless otherwise provided in these rules, the court shall deduct only the following items from monthly gross income to arrive at net income:

(A) federal, state, and local income taxes;

(B) unemployment compensation taxes and Local Services Taxes (LST);

(C) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;

(D) mandatory union dues; and

(E) alimony paid to the other party.

(2) In computing a spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's monthly net income all of his or her child support obligations and any amounts of spousal support, alimony pendente lite or alimony being paid to former spouses.

(d) Reduced or Fluctuating Income.

(1) *Voluntary Reduction of Income.* When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation.

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control unless the trier of fact finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation.

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Earning Capacity.* If the trier of fact determines that a party to a support action has willfully failed to obtain or maintain appropriate employment, the trier of fact may impute to that party an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. In order for an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment.

(e) Net Income Affecting Application of the Support Guidelines.

(1) *Low Income Cases.*

(A) If the obligor's monthly net income and corresponding number of children fall into the shaded [ed. note: designated by underlined text in this book] area of the schedule set forth in Pa.R.C.P. No. 1910.16-3, the basic child support obligation shall be calculated initially by using the obligor's income only. For example, if the obligor has monthly net income of $1,100, the presumptive amount of support for three children is $110 per month. This amount is determined directly from the schedule in Pa.R.C.P. No. 1910.16-3. Next, calculate the obligor's child support obligation by using the parties' combined monthly net incomes and the formula in Pa.R.C.P. No. 1910.16-4. The lower of the two calculated amounts shall be the obligor's basic child support obligation.

Example 1: The parties have two children. The obligor has monthly net income of $1,500, which falls into the shaded area of the schedule for two children. Using only the obligor's monthly net income, the amount of support for two children would be $472. Next, calculate support using the parties' combined monthly net incomes. The obligee has monthly net income of $2,500 so the combined monthly net income of the parties is $4,000. The basic child support amount at that income level for two children is $1,269. As the obligor's income is 38% of the combined monthly net income of the parties, the obligor's share of the basic support amount is $482. As the amount of support the obligor would pay using only the obligor's income is less than the amount calculated using the parties' combined monthly net incomes, the lower amount would be awarded, and the obligor's basic child support obligation would be $472.

(B) In computing a basic spousal support or alimony *pendente lite* obligation, the presumptive amount of support shall not reduce the obligor's monthly net income below the Self-Support Reserve of $981 per month.

Example 2: If the obligor earns $1,000 per month and the obligee earns $300 per month, the formula in Part IV of Pa.R.C.P. No. 1910.16-4 would result in a support obligation of $280 per month ($1,000 – $300 = $700 x 40%). Since this amount leaves the obligor with only $720 per month, it must be adjusted so that the obligor retains at least $981 per month. The presumptive minimum amount of spousal support, therefore, is $19 per month in this case.

(C) When the obligor's monthly net income is $981 or less, the court may award support only after consideration of the parties' actual financial resources and living expenses.

(2) *High Income Cases.* When the parties' combined net income exceeds $30,000 per month, calculation of child support, spousal support and alimony pendente lite shall be pursuant to Rule 1910.16-3.1.

(f) Dependency Tax Exemption. In order to maximize the total income available to the parties and children, the court may, as justice and fairness require, award the federal child dependency tax exemption to the non-custodial parent, or to either parent in cases of equally shared custody, and order the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C.A. § 152(e). The tax consequences resulting from an award of the child dependency exemption must be considered in calculating each party's income available for support.

Rule 1910.16-3 Support Guidelines. Basic Child Support Schedule

The following schedule represents the amounts spent on children of intact families by combined monthly net income and number of children. Combined monthly net income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Pa.R.C.P. No. 1910.16-4.

Monthly Basic Child Support Schedule

COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1000	17	17	18	18	18	18
1050	62	63	64	64	65	66
1100	107	108	110	111	112	113
1150	152	154	156	157	159	161
1200	197	199	202	204	206	208
1250	242	245	248	250	253	256
1300	287	290	294	297	300	303
1350	325	336	340	343	347	351
1400	336	381	386	390	394	398
1450	348	427	432	436	441	446
1500	360	472	478	483	488	493
1550	372	518	524	529	535	541
1600	383	555	570	576	582	588
1650	395	571	616	622	629	636
1700	407	588	662	669	676	683
1750	418	605	708	715	723	731
1800	430	621	730	762	770	778
1850	441	638	748	808	817	826
1900	452	654	767	855	864	873
1950	464	670	786	878	911	921
2000	475	686	805	899	958	968
2050	487	703	824	920	1005	1016
2100	498	719	843	941	1035	1063
2150	509	735	861	962	1058	1111
2200	521	751	880	983	1081	1158
2250	532	768	899	1004	1105	1201
2300	543	784	918	1025	1128	1226
2350	555	800	937	1046	1151	1251
2400	566	816	956	1067	1174	1276
2450	578	832	974	1088	1197	1301
2500	589	849	993	1109	1220	1326
2550	600	865	1012	1131	1244	1352
2600	612	882	1032	1153	1268	1378
2650	623	898	1052	1175	1292	1404

[Editor's Note: underline indicates shaded table entry.]

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2700	635	915	1071	1197	1316	1431
2750	647	932	1091	1218	1340	1457
2800	658	949	1111	1240	1364	1483
2850	670	965	1130	1262	1389	1509
2900	681	982	1150	1284	1413	1536
2950	693	999	1169	1306	1437	1562
3000	704	1015	1189	1328	1461	1588
3050	716	1032	1209	1350	1485	1614
3100	727	1049	1228	1372	1509	1641
3150	739	1065	1248	1394	1534	1667
3200	751	1082	1268	1416	1558	1693
3250	762	1099	1287	1438	1582	1719
3300	774	1115	1307	1460	1606	1745
3350	782	1127	1320	1475	1622	1763
3400	791	1140	1333	1489	1638	1781
3450	800	1152	1347	1504	1655	1799
3500	809	1164	1360	1519	1671	1817
3550	818	1176	1373	1534	1687	1834
3600	827	1188	1387	1549	1704	1852
3650	836	1200	1400	1564	1720	1870
3700	845	1212	1413	1579	1737	1888
3750	853	1224	1427	1594	1753	1905
3800	862	1236	1440	1608	1769	1923
3850	868	1245	1450	1620	1782	1937
3900	873	1253	1460	1630	1793	1949
3950	879	1261	1469	1641	1805	1962
4000	884	1269	1479	1652	1817	1975
4050	890	1277	1488	1662	1829	1988
4100	895	1285	1498	1673	1840	2001
4150	900	1293	1508	1684	1852	2013
4200	906	1301	1517	1695	1864	2026
4250	911	1309	1527	1705	1876	2039
4300	917	1317	1536	1716	1888	2052
4350	922	1325	1545	1726	1899	2064
4400	928	1333	1555	1736	1910	2076
4450	934	1341	1564	1747	1921	2088
4500	940	1349	1573	1757	1932	2100
4550	946	1357	1582	1767	1943	2113
4600	952	1365	1591	1777	1955	2125
4650	957	1373	1600	1787	1966	2137

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
4700	963	1381	1609	1797	1977	2149
4750	969	1389	1618	1807	1988	2161
4800	975	1397	1627	1817	1999	2173
4850	979	1403	1633	1824	2006	2181
4900	983	1407	1637	1828	2011	2186
4950	986	1411	1641	1833	2016	2191
5000	990	1415	1644	1837	2020	2196
5050	993	1419	1648	1841	2025	2201
5100	996	1423	1652	1845	2030	2206
5150	1000	1427	1656	1850	2034	2211
5200	1003	1431	1660	1854	2039	2217
5250	1007	1436	1663	1858	2044	2222
5300	1010	1440	1667	1862	2049	2227
5350	1014	1445	1672	1868	2055	2234
5400	1018	1451	1679	1876	2063	2243
5450	1022	1457	1686	1883	2072	2252
5500	1027	1463	1693	1891	2080	2261
5550	1031	1469	1700	1899	2089	2270
5600	1036	1475	1707	1906	2097	2279
5650	1040	1481	1714	1914	2105	2289
5700	1044	1487	1720	1922	2114	2298
5750	1049	1493	1727	1929	2122	2307
5800	1053	1499	1734	1937	2131	2316
5850	1057	1505	1741	1945	2139	2325
5900	1062	1511	1748	1952	2148	2334
5950	1066	1517	1755	1960	2156	2343
6000	1071	1523	1761	1968	2164	2353
6050	1075	1529	1768	1975	2173	2362
6100	1079	1536	1775	1983	2181	2371
6150	1085	1542	1783	1992	2191	2381
6200	1090	1549	1791	2000	2200	2392
6250	1095	1556	1798	2009	2210	2402
6300	1100	1563	1806	2017	2219	2412
6350	1105	1570	1814	2026	2228	2422
6400	1110	1577	1821	2034	2238	2432
6450	1115	1584	1829	2043	2247	2443
6500	1120	1591	1836	2051	2256	2453
6550	1125	1598	1844	2060	2266	2463
6600	1130	1605	1852	2068	2275	2473
6650	1135	1612	1859	2077	2285	2483

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
6700	1140	1619	1867	2085	2294	2494
6750	1145	1625	1875	2094	2303	2504
6800	1151	1632	1882	2103	2313	2514
6850	1156	1639	1890	2111	2322	2524
6900	1160	1646	1898	2120	2332	2535
6950	1165	1653	1906	2129	2342	2546
7000	1170	1660	1914	2138	2352	2556
7050	1175	1667	1922	2147	2361	2567
7100	1180	1674	1930	2156	2371	2578
7150	1185	1681	1938	2165	2381	2588
7200	1190	1687	1946	2173	2391	2599
7250	1195	1694	1954	2182	2401	2609
7300	1199	1701	1962	2191	2410	2620
7350	1204	1708	1970	2200	2420	2631
7400	1209	1715	1978	2209	2430	2641
7450	1214	1722	1986	2218	2440	2652
7500	1219	1729	1994	2227	2450	2663
7550	1224	1736	2002	2236	2459	2673
7600	1229	1743	2010	2245	2469	2684
7650	1233	1749	2017	2253	2478	2694
7700	1238	1756	2024	2261	2487	2704
7750	1243	1762	2032	2269	2496	2714
7800	1248	1769	2039	2278	2505	2723
7850	1253	1776	2046	2286	2514	2733
7900	1257	1782	2054	2294	2523	2743
7950	1262	1789	2061	2302	2532	2753
8000	1267	1795	2068	2310	2541	2762
8050	1272	1802	2076	2319	2550	2772
8100	1276	1808	2083	2327	2559	2782
8150	1281	1815	2090	2335	2568	2792
8200	1286	1822	2098	2343	2577	2802
8250	1291	1828	2105	2351	2586	2811
8300	1296	1835	2112	2359	2595	2821
8350	1300	1841	2120	2368	2604	2831
8400	1305	1848	2127	2376	2613	2841
8450	1310	1854	2134	2384	2622	2850
8500	1315	1861	2142	2392	2631	2860
8550	1320	1868	2149	2400	2640	2870
8600	1324	1874	2156	2408	2649	2880
8650	1329	1881	2164	2417	2659	2890

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
8700	1334	1888	2172	2426	2669	2901
8750	1339	1895	2181	2436	2679	2912
8800	1344	1902	2189	2445	2689	2923
8850	1349	1909	2197	2454	2699	2934
8900	1353	1916	2205	2463	2710	2945
8950	1358	1923	2214	2473	2720	2956
9000	1363	1930	2222	2482	2730	2967
9050	1368	1937	2230	2491	2740	2978
9100	1373	1944	2238	2500	2750	2990
9150	1378	1951	2247	2509	2760	3001
9200	1383	1958	2255	2519	2771	3012
9250	1387	1965	2263	2528	2781	3023
9300	1392	1972	2271	2537	2791	3034
9350	1397	1979	2280	2546	2801	3045
9400	1402	1986	2288	2556	2811	3056
9450	1407	1993	2296	2565	2821	3067
9500	1412	2000	2304	2574	2831	3078
9550	1417	2007	2313	2583	2842	3089
9600	1421	2014	2321	2593	2852	3100
9650	1426	2020	2328	2601	2861	3110
9700	1428	2024	2332	2605	2866	3115
9750	1431	2027	2336	2609	2870	3120
9800	1433	2031	2340	2614	2875	3125
9850	1436	2034	2344	2618	2880	3130
9900	1438	2038	2347	2622	2884	3135
9950	1441	2041	2351	2626	2889	3140
10000	1443	2044	2355	2630	2894	3145
10050	1445	2048	2359	2635	2898	3150
10100	1448	2051	2363	2639	2903	3155
10150	1450	2055	2366	2643	2908	3160
10200	1453	2058	2370	2647	2912	3166
10250	1455	2061	2374	2652	2917	3171
10300	1458	2065	2378	2656	2922	3176
10350	1460	2068	2382	2660	2926	3181
10400	1463	2072	2385	2664	2931	3186
10450	1465	2075	2389	2669	2936	3191
10500	1468	2079	2393	2673	2940	3196
10550	1470	2082	2397	2677	2945	3201
10600	1473	2085	2401	2681	2950	3206
10650	1475	2089	2404	2686	2954	3211

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
10700	1479	2094	2410	2692	2961	3219
10750	1483	2100	2416	2699	2969	3227
10800	1487	2105	2422	2706	2976	3235
10850	1491	2111	2428	2713	2984	3243
10900	1495	2116	2434	2719	2991	3251
10950	1499	2122	2441	2726	2999	3260
11000	1504	2127	2447	2733	3006	3268
11050	1508	2133	2453	2740	3014	3276
11100	1512	2138	2459	2746	3021	3284
11150	1516	2144	2465	2753	3029	3292
11200	1520	2149	2471	2760	3036	3300
11250	1524	2155	2477	2767	3043	3308
11300	1528	2160	2483	2774	3051	3316
11350	1532	2166	2489	2780	3058	3324
11400	1536	2171	2495	2787	3066	3333
11450	1540	2177	2501	2794	3073	3341
11500	1545	2182	2507	2801	3081	3349
11550	1549	2188	2513	2808	3088	3357
11600	1553	2193	2520	2814	3096	3365
11650	1557	2199	2526	2821	3103	3373
11700	1561	2204	2532	2828	3111	3381
11750	1565	2210	2538	2835	3118	3389
11800	1569	2215	2544	2841	3126	3398
11850	1573	2221	2550	2848	3133	3406
11900	1577	2226	2556	2855	3141	3414
11950	1582	2232	2563	2863	3149	3423
12000	1586	2239	2570	2871	3158	3433
12050	1591	2245	2577	2879	3167	3442
12100	1595	2251	2585	2887	3176	3452
12150	1600	2258	2592	2895	3185	3462
12200	1604	2264	2600	2904	3194	3472
12250	1609	2271	2607	2912	3203	3482
12300	1613	2277	2614	2920	3212	3492
12350	1618	2283	2622	2928	3221	3501
12400	1622	2290	2629	2937	3230	3511
12450	1627	2296	2636	2945	3239	3521
12500	1631	2303	2644	2953	3248	3531
12550	1636	2309	2651	2961	3257	3541
12600	1640	2316	2658	2969	3266	3551
12650	1645	2322	2666	2978	3275	3560

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
12700	1649	2328	2673	2986	3285	3570
12750	1654	2335	2681	2994	3294	3580
12800	1659	2341	2688	3002	3303	3590
12850	1663	2348	2695	3011	3312	3600
12900	1668	2354	2703	3019	3321	3610
12950	1672	2360	2710	3027	3330	3619
13000	1677	2367	2717	3035	3339	3629
13050	1681	2373	2725	3044	3348	3639
13100	1686	2380	2732	3052	3357	3649
13150	1690	2386	2739	3060	3366	3659
13200	1695	2392	2747	3068	3375	3669
13250	1699	2399	2754	3076	3384	3678
13300	1704	2405	2762	3085	3393	3688
13350	1708	2412	2769	3093	3402	3698
13400	1713	2418	2776	3101	3411	3708
13450	1717	2424	2784	3109	3420	3718
13500	1722	2431	2791	3118	3429	3728
13550	1726	2437	2798	3126	3438	3737
13600	1731	2444	2806	3134	3447	3747
13650	1735	2450	2813	3142	3456	3757
13700	1740	2457	2820	3150	3465	3767
13750	1745	2463	2828	3159	3475	3777
13800	1749	2469	2835	3167	3484	3787
13850	1754	2476	2843	3175	3493	3797
13900	1758	2482	2850	3183	3502	3806
13950	1763	2489	2857	3192	3511	3816
14000	1766	2493	2863	3198	3517	3823
14050	1770	2498	2868	3203	3524	3830
14100	1773	2503	2873	3209	3530	3837
14150	1776	2507	2878	3215	3536	3844
14200	1780	2512	2883	3221	3543	3851
14250	1783	2517	2889	3227	3549	3858
14300	1786	2521	2894	3232	3556	3865
14350	1790	2526	2899	3238	3562	3872
14400	1793	2531	2904	3244	3568	3879
14450	1797	2535	2909	3250	3575	3886
14500	1800	2540	2915	3256	3581	3893
14550	1803	2545	2920	3261	3588	3900
14600	1807	2549	2925	3267	3594	3907
14650	1810	2554	2930	3273	3600	3914

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
14700	1814	2558	2935	3279	3607	3921
14750	1817	2563	2941	3285	3613	3927
14800	1820	2568	2946	3290	3620	3934
14850	1824	2572	2951	3296	3626	3941
14900	1827	2577	2956	3302	3632	3948
14950	1830	2582	2961	3308	3639	3955
15000	1834	2586	2967	3314	3645	3962
15050	1837	2591	2972	3320	3651	3969
15100	1841	2596	2977	3325	3658	3976
15150	1844	2600	2982	3331	3664	3983
15200	1847	2605	2987	3337	3671	3990
15250	1851	2610	2993	3343	3677	3997
15300	1854	2614	2998	3349	3683	4004
15350	1858	2619	3003	3354	3690	4011
15400	1861	2624	3008	3360	3696	4018
15450	1864	2628	3013	3366	3703	4025
15500	1868	2633	3019	3372	3709	4032
15550	1871	2638	3024	3378	3715	4039
15600	1874	2642	3029	3383	3722	4046
15650	1878	2647	3034	3389	3728	4053
15700	1881	2652	3039	3395	3735	4059
15750	1885	2656	3045	3401	3741	4066
15800	1888	2661	3050	3407	3747	4073
15850	1891	2666	3055	3412	3754	4080
15900	1895	2670	3060	3418	3760	4087
15950	1898	2675	3065	3424	3767	4094
16000	1902	2679	3071	3430	3773	4101
16050	1905	2684	3076	3436	3779	4108
16100	1908	2689	3081	3442	3786	4115
16150	1912	2693	3086	3447	3792	4122
16200	1915	2698	3091	3453	3798	4129
16250	1918	2703	3097	3459	3805	4136
16300	1922	2707	3102	3465	3811	4143
16350	1925	2712	3107	3471	3818	4150
16400	1929	2717	3112	3476	3824	4157
16450	1932	2721	3117	3482	3830	4164
16500	1935	2726	3123	3488	3837	4171
16550	1939	2731	3128	3494	3843	4178
16600	1942	2735	3133	3500	3850	4184
16650	1946	2740	3138	3505	3856	4191

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
16700	1949	2745	3143	3511	3862	4198
16750	1952	2749	3149	3517	3869	4205
16800	1956	2754	3154	3523	3875	4212
16850	1959	2759	3159	3529	3882	4219
16900	1963	2763	3164	3534	3888	4226
16950	1966	2768	3169	3540	3894	4233
17000	1969	2773	3175	3546	3901	4240
17050	1973	2777	3180	3552	3907	4247
17100	1976	2782	3185	3558	3913	4254
17150	1979	2787	3190	3564	3920	4261
17200	1983	2791	3195	3569	3926	4268
17250	1986	2796	3201	3575	3933	4275
17300	1990	2801	3206	3581	3939	4282
17350	1993	2805	3211	3587	3945	4289
17400	1996	2810	3216	3593	3952	4296
17450	2000	2814	3221	3598	3958	4303
17500	2003	2819	3227	3604	3965	4310
17550	2007	2824	3232	3610	3971	4316
17600	2010	2828	3237	3616	3977	4323
17650	2013	2833	3242	3622	3984	4330
17700	2017	2838	3247	3627	3990	4337
17750	2020	2842	3253	3633	3997	4344
17800	2023	2847	3258	3639	4003	4351
17850	2027	2852	3263	3645	4009	4358
17900	2030	2856	3268	3651	4016	4365
17950	2034	2861	3273	3656	4022	4372
18000	2037	2866	3279	3662	4028	4379
18050	2040	2870	3284	3668	4035	4386
18100	2044	2875	3289	3674	4041	4393
18150	2047	2880	3294	3680	4048	4400
18200	2051	2884	3299	3685	4054	4407
18250	2054	2889	3305	3691	4060	4414
18300	2057	2894	3310	3697	4067	4421
18350	2061	2898	3315	3703	4073	4428
18400	2964	2903	3320	3709	4080	4435
18450	2067	2908	3325	3715	4086	4441
18500	2071	2912	3331	3720	4092	4448
18550	2074	2917	3336	3726	4099	4455
18600	2078	2922	3341	3732	4105	4462
18650	2081	2926	3346	3738	4112	4469

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
18700	2084	2931	3351	3744	4118	4476
18750	2088	2935	3357	3749	4124	4483
18800	2091	2940	3362	3755	4131	4490
18850	2095	2945	3367	3761	4137	4497
18900	2098	2949	3372	3767	4143	4504
18950	2101	2954	3377	3773	4150	4511
19000	2105	2959	3383	3778	4156	4518
19050	2108	2963	3388	3784	4163	4525
19100	2112	2968	3393	3790	4169	4532
19150	2115	2973	3398	3796	4175	4539
19200	2118	2977	3403	3802	4182	4546
19250	2122	2982	3409	3807	4188	4553
19300	2125	2987	3414	3813	4195	4560
19350	2128	2991	3419	3819	4201	4566
19400	2132	2996	3424	3825	4207	4573
19450	2135	3001	3429	3831	4214	4580
19500	2139	3005	3435	3837	4220	4587
19550	2142	3010	3440	3842	4227	4594
19600	2145	3015	3445	3848	4233	4601
19650	2149	3019	3450	3854	4239	4608
19700	2152	3024	3455	3860	4246	4615
19750	2156	3029	3461	3866	4252	4622
19800	2159	3033	3466	3871	4259	4629
19850	2162	3038	3471	3877	4265	4636
19900	2166	3043	3476	3883	4271	4643
19950	2169	3047	3481	3889	4278	4650
20000	2172	3052	3487	3895	4284	4657
20050	2176	3056	3492	3900	4290	4664
20100	2179	3061	3497	3906	4297	4671
20150	2183	3066	3502	3912	4303	4678
20200	2186	3070	3507	3918	4310	4685
20250	2189	3075	3513	3924	4316	4692
20300	2193	3080	3518	3929	4322	4698
20350	2196	3084	3523	3935	4329	4705
20400	2200	3089	3528	3941	4335	4712
20450	2203	3094	3533	3947	4342	4719
20500	2206	3098	3539	3953	4348	4726
20550	2210	3103	3544	3959	4354	4733
20600	2213	3108	3549	3964	4361	4740
20650	2216	3112	3554	3970	4367	4747

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
20700	2220	3117	3559	3976	4374	4754
20750	2223	3122	3565	3982	4380	4761
20800	2227	3126	3570	3988	4386	4768
20850	2230	3131	3575	3993	4393	4775
20900	2233	3136	3580	3999	4399	4782
20950	2237	3140	3585	4005	4405	4789
21000	2240	3145	3591	4011	4412	4796
21050	2244	3150	3596	4017	4418	4803
21100	2247	3154	3601	4022	4425	4810
21150	2250	3159	3606	4028	4431	4817
21200	2254	3164	3611	4034	4437	4823
21250	2257	3168	3617	4040	4444	4830
21300	2261	3173	3622	4046	4450	4837
21350	2264	3177	3627	4051	4457	4844
21400	2267	3182	3632	4057	4463	4851
21450	2271	3187	3637	4063	4469	4858
21500	2274	3191	3643	4069	4476	4865
21550	2277	3196	3648	4075	4482	4872
21600	2281	3201	3653	4080	4489	4879
21650	2284	3205	3658	4086	4495	4886
21700	2288	3210	3663	4092	4501	4893
21750	2291	3215	3669	4098	4508	4900
21800	2294	3219	3674	4104	4514	4907
21850	2298	3224	3679	4110	4520	4914
21900	2301	3229	3684	4115	4527	4921
21950	2305	3233	3689	4121	4533	4928
22000	2308	3238	3695	4127	4540	4935
22050	2311	3243	3700	4133	4546	4942
22100	2315	3247	3705	4139	4552	4949
22150	2318	3252	3710	4144	4559	4955
22200	2321	3257	3715	4150	4565	4962
22250	2325	3261	3721	4156	4572	4969
22300	2328	3266	3726	4162	4578	4976
22350	2332	3271	3731	4168	4584	4983
22400	2335	3275	3736	4173	4591	4990
22450	2338	3280	3741	4179	4597	4997
22500	2342	3285	3747	4185	4604	5004
22550	2345	3289	3752	4191	4610	5011
22600	2349	3294	3757	4197	4616	5018
22650	2352	3299	3762	4202	4623	5025

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
22700	2355	3303	3767	4208	4628	5031
22750	2359	3307	3771	4212	4633	5036
22800	2362	3311	3775	4216	4638	5041
22850	2365	3315	3779	4220	4642	5046
22900	2369	3319	3783	4224	4647	5051
22950	2372	3323	3787	4229	4652	5056
23000	2375	3328	3792	4233	4656	5061
23050	2378	3332	3796	4237	4661	5066
23100	2382	3336	3800	4241	4665	5071
23150	2385	3340	3804	4246	4670	5076
23200	2388	3344	3808	4250	4675	5081
23250	2392	3348	3812	4254	4679	5087
23300	2395	3352	3816	4258	4684	5092
23350	2398	3356	3820	4262	4689	5097
23400	2402	3360	3824	4267	4693	5102
23450	2405	3365	3828	4271	4698	5107
23500	2408	3369	3833	4275	4703	5112
23550	2412	3373	3837	4279	4707	5117
23600	2415	3377	3841	4284	4712	5122
23650	2418	3381	3845	4288	4717	5127
23700	2422	3385	3849	4292	4721	5132
23750	2425	3389	3853	4296	4726	5137
23800	2428	3393	3857	4300	4730	5142
23850	2432	3397	3861	4305	4735	5147
23900	2435	3401	3865	4309	4740	5152
23950	2438	3406	3869	4313	4744	5157
24000	2441	3410	3874	4317	4749	5162
24050	2445	3414	3878	4322	4754	5167
24100	2448	3418	3882	4326	4758	5172
24150	2451	3422	3886	4330	4763	5177
24200	2455	3426	3890	4334	4768	5182
24250	2458	3430	3894	4338	4772	5187
24300	2461	3434	3898	4343	4777	5192
24350	2465	3438	3902	4347	4782	5198
24400	2468	3442	3906	4351	4786	5203
24450	2471	3447	3910	4355	4791	5208
24500	2475	3451	3914	4359	4795	5213
24550	2478	3455	3919	4364	4800	5218
24600	2481	3459	3923	4368	4805	5223
24650	2485	3463	3927	4372	4809	5228

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
24700	2488	3467	3931	4376	4814	5233
24750	2491	3471	3935	4381	4819	5238
24800	2495	3475	3939	4385	4823	5243
24850	2498	3479	3943	4389	4828	5248
24900	2501	3484	3947	4393	4833	5253
24950	2504	3488	3951	4397	4837	5258
25000	2508	3492	3955	4402	4842	5263
25050	2511	3496	3960	4406	4846	5268
25100	2514	3500	3964	4410	4851	5273
25150	2518	3504	3968	4414	4856	5278
25200	2521	3508	3972	4419	4860	5283
25250	2524	3512	3976	4423	4865	5288
25300	2528	3516	3980	4427	4870	5293
25350	2531	3520	3984	4431	4874	5298
25400	2534	3525	3988	4435	4879	5303
25450	2538	3529	3992	4440	4884	5308
25500	2541	3533	3996	4444	4888	5314
25550	2544	3537	4000	4448	4893	5319
25600	2548	3541	4005	4452	4898	5324
25650	2551	3545	4009	4457	4902	5329
25700	2554	3549	4013	4461	4907	5334
25750	2558	3553	4017	4465	4911	5339
25800	2561	3557	4021	4469	4916	5344
25850	2564	3562	4025	4473	4921	5349
25900	2567	3566	4029	4478	4925	5354
25950	2571	3570	4033	4482	4930	5359
26000	2574	3574	4037	4486	4935	5364
26050	2577	3578	4041	4490	4939	5369
26100	2581	3582	4046	4494	4944	5374
26150	2584	3586	4050	4499	4949	5379
26200	2587	3590	4054	4503	4953	5384
26250	2591	3594	4058	4507	4958	5389
26300	2594	3598	4062	4511	4962	5394
26350	2597	3603	4066	4516	4967	5399
26400	2601	3607	4070	4520	4972	5404
26450	2604	3611	4074	4524	4976	5409
26500	2607	3615	4078	4528	4981	5414
26550	2611	3619	4082	4532	4986	5419
26600	2614	3623	4086	4537	4990	5424
26650	2617	3627	4091	4541	4995	5430

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
26700	2621	3631	4095	4545	5000	5435
26750	2624	3635	4099	4549	5004	5440
26800	2627	3640	4103	4554	5009	5445
26850	2630	3644	4107	4558	5014	5450
26900	2634	3648	4111	4562	5018	5455
26950	2637	3652	4115	4566	5023	5460
27000	2640	3656	4119	4570	5027	5465
27050	2644	3660	4123	4575	5032	5470
27100	2647	3664	4127	4579	5037	5475
27150	2650	3668	4132	4583	5041	5480
27200	2654	3672	4136	4587	5046	5485
27250	2657	3676	4140	4592	5051	5490
27300	2660	3681	4144	4596	5055	5495
27350	2664	3685	4148	4600	5060	5500
27400	2667	3689	4152	4604	5065	5505
27450	2670	3693	4156	4608	5069	5510
27500	2674	3697	4160	4613	5074	5515
27550	2677	3701	4164	4617	5079	5520
27600	2680	3705	4168	4621	5083	5525
27650	2684	3709	4173	4625	5088	5530
27700	2687	3713	4177	4629	5092	5535
27750	2690	3718	4181	4634	5097	5541
27800	2693	3722	4185	4638	5102	5546
27850	2697	3726	4189	4642	5106	5551
27900	2700	3730	4193	4646	5111	5556
27950	2703	3734	4197	4651	5116	5561
28000	2707	3738	4201	4655	5120	5566
28050	2710	3742	4205	4659	5125	5571
28100	2713	3746	4209	4663	5130	5576
28150	2717	3750	4213	4667	5134	5581
28200	2720	3754	4218	4672	5139	5586
28250	2723	3759	4222	4676	5143	5591
28300	2727	3763	4226	4680	5148	5596
28350	2730	3767	4230	4684	5153	5601
28400	2733	3771	4234	4689	5157	5606
28450	2737	3775	4238	4693	5162	5611
28500	2740	3779	4242	4697	5167	5616
28550	2743	3783	4246	4701	5171	5621
28600	2747	3787	4250	4705	5176	5626
28650	2750	3791	4254	4710	5181	5631

Monthly Basic Child Support Schedule						
COMBINED MONTHLY NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
28700	2753	3796	4259	4714	5185	5636
28750	2756	3800	4263	4718	5190	5641
28800	2760	3804	4267	4722	5195	5646
28850	2763	3808	4271	4727	5199	5651
28900	2766	3812	4275	4731	5204	5657
28950	2770	3816	4279	4735	5208	5662
29000	2773	3820	4283	4739	5213	5667
29050	2776	3824	4287	4743	5218	5672
29100	2780	3828	4291	4748	5222	5677
29150	2783	3832	4295	4752	5227	5682
29200	2786	3837	4299	4756	5232	5687
29250	2790	3841	4304	4760	5236	5692
29300	2793	3845	4308	4764	5241	5697
29350	2796	3849	4312	4769	5246	5702
29400	2800	3853	4316	4773	5250	5707
29450	2803	3857	4320	4777	5255	5712
29500	2806	3861	4324	4781	5259	5717
29550	2810	3865	4328	4786	5264	5722
29600	2813	3869	4332	4790	5269	5727
29650	2816	3874	4336	4794	5273	5732
29700	2819	3878	4340	4798	5278	5737
29750	2823	3882	4345	4802	5283	5742
29800	2826	3886	4349	4807	5287	5747
29850	2829	3890	4353	4811	5292	5752
29900	2833	3894	4357	4815	5297	5757
29950	2836	3898	4361	4819	5301	5762
30000	2839	3902	4365	4824	5306	5768

Rule 1910.16-3.1 Support Guidelines. High Income Cases

(a) Child Support Formula. If the parties' combined monthly net income exceeds $30,000, the following three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall not be less than the amount of support that would have been awarded if the parties' combined monthly net income was $30,000. The calculated amount shall be the presumptive minimum amount of support.

(1) First, the following formula shall be applied as a preliminary analysis in calculating the amount of basic child support to be apportioned between the parties according to their respective monthly net incomes:

One child: $2,839 + 8.6% of combined monthly net income above $30,000.

Two children: $3,902 + 11.8% of combined monthly net income above $30,000.

Three children: $4,365 + 12.9% of combined monthly net income above $30,000.

Four children: $4,824 + 14.6% of combined monthly net income above $30,000.

Five children: $5,306 + 16.1% of combined monthly net income above $30,000.

Six children: $5,768 + 17.5% of combined monthly net income above $30,000;

(2) And second, the trier of fact shall apply Part II and Part III of the formula at Rule 1910.16-4(a), making any applicable adjustments for substantial or shared custody pursuant to Rule 1910.16-4(c) and allocations of additional expenses pursuant to Rule 1910.16-6;

(3) Then, third, the trier of fact shall consider the factors in Rule 1910.16-5 in making a final child support award and shall make findings of fact on the record or in writing. After considering all of the factors in Rule 1910.16-5, the trier of fact may adjust the amount calculated pursuant to subdivisions (1) and (2) above upward or downward, subject to the presumptive minimum.

(b) Spousal Support and Alimony Pendente Lite. In cases in which the parties' combined monthly net income exceeds $30,000, the trier of fact shall apply the formula in Part IV of Rule 1910.16-4(a) as a preliminary analysis in calculating spousal support or alimony pendente lite. In determining the amount and duration of the final spousal support or alimony pendente lite award, the trier of fact shall consider the factors in Rule 1910.16-5 and shall make findings of fact on the record or in writing.

Rule 1910.16-4 Support Guidelines. Calculation of Support Obligation. Formula

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

PART I. BASIC CHILD SUPPORT

		OBLIGOR		OBLIGEE
1.	Total Gross Income Per Pay Period	_____		_____
2.	Less Deductions	(_____)		(_____)
3.	Net Income	_____		_____
4.	Conversion to Monthly Amount (if pay period is other than monthly) Include amount of child's monthly Social Security derivative benefit, if any, in the income of the party receiving it pursuant to Rule 1910.16-2(b)(2)(A) or (B).	_____		_____
5.	Combined Total Monthly Net Income		_____	
6.	BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 5 combined monthly net income)		_____	
7.	Net Income Expressed as a Percentage Share of Income (divide line 4 by line 5 and multiply by 100)	_____%		_____%

		OBLIGOR	OBLIGEE
8.	Each Party's Preliminary Monthly Share of the Basic Child Support Obligation (multiply line 6 and 7)	_____	_____
9.	Subtract Child's Social Security Derivative Disability or Retirement Benefit from the Monthly Share of Basic Child Support of the Party whose Retirement or Disability Created the Child's Benefits if the Benefits are Paid to the Obligee	_____	_____
10.	Each Party's Adjusted Monthly Share of the Basic Child Support Obligation (Not less than 0)	_____	_____

PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c) of this rule)

11.	a.	Percentage of Time Obligor Spends with Children (divide number of overnights with obligor by 365 and multiply by 100)	_____%
	b.	Subtract 30%	(_____)%
	c.	Obligor's Adjusted Percentage Share of the Basic Monthly Support Obligation (subtract result of calculation in line 11b from line 7)	_____%
	d.	Obligor's Preliminary Adjusted Share of the Basic Monthly Support Obligation (multiply line 11c and line 6)	_____
	e.	Further adjustment, if necessary under subdivision (c)(2) of this rule	_____
	f.	Obligor's Adjusted Share of the Basic Child Support Amount.	_____

PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)

12.	a.	Obligor's Share of Child Care Expenses	_____
	b.	Obligor's Share of Health Insurance Premium (if the obligee is paying the premium)	_____
	c.	Less Obligee's Share of the Health Insurance Premium (if the obligor is paying the premium)	(_____)
	d.	Obligor's Share of Unreimbursed Medical Expenses	_____
	e.	Other Additional Expenses	_____
	f.	Total Additional Expenses	_____
13.		OBLIGOR'S TOTAL MONTHLY SUPPORT OBLIGATION (add line 10 or 11f, if applicable, and line 12f)	_____

PART IV. SPOUSAL SUPPORT OR APL

With Dependent Children

14.	Obligor's Monthly Net Income (line 4)	_____
15.	Less Obligor's Support, Alimony Pendente Lite or Alimony Obligations, if any, to Children or Former Spouses who are not part of this action (see Rule 1910.16-2(c)(2))	(_____)
16.	Less Obligee's Monthly Net Income (line 4)	(_____)

17.	Difference	_____
18.	Less Obligor's Total Monthly Child Support Obligation Without Part II Substantial or Shared Custody Adjustment (Obligor's line 10 plus line 12f)	(_____)
19.	Difference	_____
20.	Multiply by 30%	_____x.30
21.	AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____
	Without Dependent Children	
22.	Obligor's Monthly Net Income (line 4)	_____
23.	Less Obligor's Support, Alimony Pendente Lite or Alimony Obligations, if any, to Children or Former Spouses who are not part of this action (see Rule 1910.16-2(c)(2))	(_____)
24.	Less Obligee's Monthly Net Income (line 4)	(_____)
25.	Difference	_____
26.	Multiply by 40%	_____x.40
27.	PRELIMINARY AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____
28.	Adjustments for Other Expenses (see Rule 1910.16-6)	_____
29.	TOTAL AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____

(b) **Order For More Than Six Children.** When there are more than six children who are the subject of a single order, the child support obligation shall be calculated as follows. First, determine the appropriate amount of support for six children under the guidelines. Using the same income figures, subtract the support amount for five children from the amount for six children. Multiply the difference by the number of children in excess of six and add the resulting amount to the guideline amount for six children.

(c) **Substantial or Shared Physical Custody.**

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. This rebuttable presumption also applies in high income cases decided pursuant to Rule 1910.16-3.1. Except as provided in subsection (2) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

Example. If the obligor and the obligee have monthly net incomes of $5,000 and $2,300 respectively, their combined child support obligation is $1,701 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or $1,157. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or $987. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or $902. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or $816.

(2) Without regard to which parent initiated the support action, when the children spend equal time with their parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. An order shall not be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, this subdivision shall not preclude the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Pa.R.C.P. No. 1910.16-6. Based upon the evidence presented, the trier of fact may enter an order against either party without regard to which party initiated the action. If the parties share custody equally and the support calculation results in the obligee receiving a larger share of the parties' combined income, then the court shall adjust the support obligation

so that the combined monthly net income is allocated equally between the two households. In those cases, spousal support or alimony *pendente lite* shall not be awarded.

Example 1. Mother and Father have monthly net incomes of $3,000 and $2,700, respectively. Mother has filed for support for the parties' two children with whom the parties share time equally. As the parties have equal custody and Mother has the higher income, Mother cannot be the obligee. Although Mother initiated the support action, she would be the obligor. Pursuant to the basic child support schedule in Pa.R.C.P. No. 1910.16-3, the support amount for two children at the parties' combined monthly net income level is $1,487 per month. Mother's share is 53% of that amount, or $788. Father's share is 47%, or $699. Application of lines 11a and 11b of the Part II formula results in a 20% reduction in support when the obligor has 50% custody of the children. Mother's adjusted percentage share of the basic support amount is 33% (53% – 20% = 33%). Her adjusted share of the basic support amount is $491 (33% of $1,487). However, as this amount would result in Father having a greater share of the parties' combined monthly net income ($3,191 vs. $2,509), Mother's support obligation would be adjusted to $150 per month to allocate the parties' combined monthly net income equally between the two households and would be the presumptive amount of basic support payable to Father under these circumstances.

Example 2. If the obligor and the obligee have monthly net incomes of $3,000 and $2,500, respectively, then their combined child support obligation for two children is $1,463. The obligor's share of this obligation is 55%, or $805 ($1,463 x 55%). If the children spend equal time with the parents, the formula in Part II results in a support obligation of $512 ($1,463 x 35%) payable to the obligee. Since this amount results in the obligee having monthly net income of $3,012 and the obligor having monthly net income of $2,488, the obligor's support obligation would be adjusted to $250 to equalize the combined monthly net income between the parties' households and would be the presumptive amount of basic support payable to the obligee under these circumstances.

(d) Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party. Varied Partial or Shared Custodial Schedules.

(1) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party.* When calculating a child support obligation and each party owes child support to the other party as a result of the custodial arrangement, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support.

Example 1. If the parties have three children, one child resides with Mother and two children reside with Father, and their monthly net incomes are $2,500 and $1,250 respectively, Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of $3,750. The amount of basic child support to be apportioned between the parties is $1,224. As Mother's income is 67% of the parties' combined monthly net income, Mother's support obligation for the two children living with Father is $820. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of $3,750. The amount of basic child support to be apportioned between the parties is $853. Father's support obligation for the child living with Mother is $281. Subtracting $281 from $820 produces a net basic support amount of $539 payable to Father as child support.

Example 2. If the parties have two children, one child resides with Mother and the parties share custody (50%–50%) of the other child, and the parties' monthly net incomes are as set forth in Example 1. The child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for the one child primarily residing with Mother at the parties' combined monthly net income of $3,750, the amount of basic child support to be apportioned between the parties is $853. Father's income is 33% of the parties' combined monthly net income, and the support obligation for the child living with Mother is $281. For Mother's obligation for the child with the 50%–50% shared custody arrangement, using the schedule in Pa.R.C.P. No. 1910.16-3 for one

child at the parties' combined monthly net income of $3,750, the amount of basic child support to be apportioned between the parties is $853. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's child support obligation for the shared custody child is $401 ($853 x 47%). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives the net of the two obligations by subtracting $281 from $401, or $120.

(2) *Varied Partial or Shared Custodial Schedules.* When the parties have more than one child and each child spends either (a) different amounts of partial or shared custodial time with the party with the higher income or (b) different amounts of partial custody time with the party with the lower income, the trier of fact shall add the percentage of time each child spends with that party and divide by the number of children to determine the party's percentage of custodial time. If the average percentage of custodial time the children spend with the party is 40% or more, the provisions of subdivision (c) apply.

Example 1. The parties have two children and one child spends 50% of the time with Mother, who has the higher income, and the other child spends 20% of the time with Mother. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average time with Mother). Pursuant to subdivision (c), Mother does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with Mother, who has the higher income, and the third child spends 30% of the time with Mother. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (c), Mother receives a reduction in the support order for substantial parenting time.

Example 3. The parties have three children, Mother has primary custody (60%–40%) of one child, Father has primary custody (60%–40%) of one child, and the parties share custody (50%–50%) of the third child. The parties' monthly net incomes are $2,500 (Mother) and $1,250 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined monthly net income of $3,750. The amount of basic child support to be apportioned between the parties is $853. Father's proportionate share of the combined monthly net incomes is 33%, but is reduced to 23% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's child support obligation for this child is $196 ($853 x 23%). Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined monthly net income of $3,750. The amount of basic child support to be apportioned between the parties is $1,224. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined monthly net incomes is 67%, but it is reduced to 52% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's child support obligation for these children is $636 ($1,224 x 52%). Offsetting the support amounts consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting $196 from $636, or $440.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

(3) When calculating a combined child support and spousal or alimony *pendente lite* obligation and one or more children reside with each party, the court shall offset the obligor's spousal and child

support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. If one or more of the children resides with each party then, in calculating the spousal support or alimony *pendente lite* obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(e) **Support Obligations When Custodial Parent Owes Spousal Support.** Where children are residing with the spouse obligated to pay spousal support or alimony pendente lite (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony pendente lite shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony pendente lite, and awarding the net difference either to the non-custodial parent as spousal support/alimony pendente lite or to the custodial parent as child support as the circumstances warrant.

The calculation is a five-step process. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children. Second, recalculate the net income of the parties assuming the payment of the spousal support. Third, determine the child support obligation of the non-custodial parent for the children who are the subjects of the support action. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 from the original support obligation determined in Step 1. Fifth, because the first step creates additional tax liability for the recipient non-custodial parent and additional tax deductions for the payor custodial parent and the third step involves an offset of the child support owed by the non-custodial parent against the spousal support or alimony pendente lite owed by the custodial parent, only that reduced amount will be taxable. Therefore, upon application of either party, the trier of fact may consider as a deviation factor the ultimate tax effect of the calculation.

(f) **Allocation. Consequences.**

(1) An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. Each order shall clearly state whether it is allocated or unallocated even if the amounts calculated for child and spousal support are delineated on the order. However, Part IV of the formula provided by these rules assumes that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate adjustment. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances. No consideration of federal income tax consequences shall be applied if the order is unallocated or the order is for the spousal support or alimony pendente lite only.

Official Note: The 2005 amendment supersedes *Diament v. Diament*, 816 A.2d 256 (Pa. Super. Ct. 2003), to the extent that it held that the tax savings from payments for the benefit of a spouse alone or from an unallocated order for the benefit of a spouse and child must be considered in determining the obligor's available net income for support purposes. Rule 1910.16-4(f)(1) states that the guidelines formula assumes that the order will be unallocated. The tax consequences of an order for a spouse alone or an unallocated order for the benefit of a spouse and child have already been built into the formula.

(2) When the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining an award of support. A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier of fact should utilize the guidelines which result in the greatest benefit to the obligee.

When the obligee's net income is equal to or greater than the obligor's net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's net income is equal to or greater than the obligor's net income, the guideline amount indicated shall be attributed to child support only.

(3) Unallocated charging orders for child and spousal support, or child support and alimony pendente lite, shall terminate upon the death of the payee spouse or payee ex-spouse.

(4) In the event that the obligor defaults on an unallocated order, the court shall allocate the order for collection of child support pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S.A. § 7101 et seq. The court shall provide notice of allocation to the parties.

Official Note: This provision is necessary to comply with various state and federal laws relating to the enforcement of child support. It is not intended to affect the tax consequences of an unallocated order.

Rule 1910.16-5 Support Guidelines. Deviation

(a) **Deviation.** If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing or on the record, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

(b) **Factors.** In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

(1) unusual needs and unusual fixed obligations;

(2) other support obligations of the parties;

(3) other income in the household;

(4) ages of the children;

(5) the relative assets and liabilities of the parties;

(6) medical expenses not covered by insurance;

(7) standard of living of the parties and their children;

(8) in a spousal support or alimony pendente lite case, the duration of the marriage from the date of marriage to the date of final separation; and

(9) other relevant and appropriate factors, including the best interests of the child or children.

Rule 1910.16-6 Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses

The trier of fact may allocate between the parties the additional expenses identified in subdivisions (a)–(e). If under the facts of the case an order for basic support is not appropriate, the trier of fact may allocate between the parties the additional expenses.

(a) **Child care expenses.** Reasonable child care expenses paid by the parties, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their monthly net incomes. The court may order that the obligor's share is added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee. When a party is receiving a child care subsidy through the Department of Human Services, the expenses to be allocated between the parties shall be the amount actually paid by the party receiving the subsidy.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is $2,000 and Father's is $3,500. At their combined income level of $5,500, the basic monthly child support from the schedule in Pa.R.C.P. No. 1910.16-3 is $1,463 for two children. As Father's income is 64% of the parties' combined income, his share is $936. Mother incurs child care expenses of $400 per month and Father incurs $100 of such expenses each month. The total amount of child care expenses, $500, will be apportioned between the parties, with Father paying 64%, or $320. As he is already paying $100 for child care while the children are in his partial custody, he would pay the remaining $220 to Mother for a total child support obligation of $1,156 ($936 + $220 = $1,156).

(1) Documentation of the child care expenses shall be provided to the other party within a reasonable period of time after receipt unless the service provider invoices the parties separately for their proportionate share of the expense. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(2) Except as provided in subdivision (3), the total child care expenses shall be reduced to reflect the amount of the federal child care tax credit available to the eligible party, whether or not the credit is actually claimed by that party, up to the maximum annual cost allowable under the Internal Revenue Code.

(3) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible party is not qualified to receive the credit.

(b) Health Insurance Premiums.

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. If, prior to the entry of a divorce decree, a party's policy covers that party, a child and a spouse and the spouse has separate additional coverage not needed to cover the child and/or the other party, the cost of the spouse's insurance premium shall not be allocated between the parties. If, prior to the entry of a divorce decree, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If, prior to the entry of a divorce decree, each spouse has his or her own health insurance that does not cover the other party, and there are no children subject to the order, the cost of both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers a party to whom no statutory duty of support is owed, even if that person is paying the premium as set forth in subdivision (1) above, or other persons who are not parties to the support action or children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event that evidence as to this portion is not submitted by either party, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of the support action. The resulting amount is excluded from allocation.

(2.1) The actual incremental amount of the premium which provides coverage for the subjects of the support order, if submitted by either party, shall be used in determining the amount of the premium to be allocated between the parties. If not submitted by either party, then the amount of the

premium shall be divided by the number of persons covered to calculate the portion of the premium that provides coverage to each person.

Example 1. If the parties are separated, but not divorced, and Husband pays $200 per month toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing $200 by five persons and then multiplying the resulting amount of $40 per person by the two additional children, for a total of $80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S. § 4321, Wife's percentage share of the $120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

Example 2. If the parties are divorced and Father pays $200 per month toward the cost of a health insurance policy provided through his employer which covers himself, the parties' child and two additional children from a previous marriage, the portion of the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same calculations in Example 1, the amount of the premium attributable to Father and the two other children is $150 ($200 premium divided among four covered persons equals $50 per person multiplied by three) and that amount is deducted from the total cost of the premium, leaving $50 ($200 – $150 = $50) to be allocated between the parties.

Example 3. The parties are divorced and Mother is the obligee of a child support order. Father, the obligor, pays $200 per month toward the cost of a health insurance policy provided by his employer that covers himself and the parties' child. Mother pays $400 per month for her employer-sponsored health insurance that covers only herself. The amount of the premium Father pays to cover the parties' child, $100 ($200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective incomes. The portion of the premium that covers Father will not be allocated because the parties are no longer married and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent's ability to provide medical support for the parties' children and the support "order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children."

(i) The obligor bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost. "Reasonable cost" to an obligor shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income. If the obligee is providing the coverage, the reasonable amount of the obligor's share shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income.

(ii) Unless health care coverage for the parties' children is provided by the obligee or a third party, the court shall issue the National Medical Support Notice required by 23 Pa.C.S. § 4326(d.1) to the obligor's employer in response to notification that the obligor is employed. The notice shall direct the employer to enroll the children of the obligor who are the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor. However, the notice shall direct that enrollment shall not occur earlier than 25

days from the date of the National Medical Support Notice to allow the obligor time to object. Concurrent with the issuance of the National Medical Support Notice, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact or availability of alternative health care coverage for the children. If there is more than one employer-provided health care coverage option, the obligor shall select the plan, subject to the obligee's right to seek a court order designating a different option.

(iii) Absent the availability of health care coverage to the obligor for the parties' children at a reasonable cost, the court shall order the obligee to provide health care coverage for the children if it is available at a reasonable cost. "Reasonable cost" to the obligee shall be defined as an amount not to exceed 5% of the obligee's net monthly income.

(iv) If health care coverage is not available to either party at a reasonable cost, the court may order the custodial parent to apply for government-sponsored coverage, such as the Children's Health Insurance Program ("CHIP"), with any co-premium or other cost apportioned between the parties in proportion to their respective net monthly incomes.

(v) Within thirty days after the entry of the support order, the party ordered to provide health care coverage shall provide written proof to the other party that medical insurance has been obtained, including insurance cards and all other materials set forth in the form order in Rule 1910.27(e). There shall be a continuing obligation to provide the other party and the court with proof of any changes in coverage.

(vi) The court shall give preference to health care coverage that is readily accessible to the child, as defined by geographic coverage area, access to local treatment providers or other relevant factors.

Official Note: The maximum amount of any attachment for child and medical support is set forth by the federal Consumer Credit Protection Act (Public Law 90-321, Section 303(b); 15 U.S.C. § 1601 et seq.).

(4) In cases in which the obligor is paying the cost of health insurance coverage and the obligee has no income or minimal income such that the obligor will bear 90% or more of the proportional share of the cost of the health insurance premiums, the trier of fact may, as fairness requires, deduct part or all of the cost of the premiums actually paid by the obligor to provide coverage for the other party or the children from the obligor's gross income to determine net income for support purposes. If such a deduction is taken from the obligor's gross income, then the allocation of premium costs as set forth in (b)(1) above shall not be applied.

Official Note: Subdivision (b) of this rule does not apply to Medical Assistance. See 23 Pa.C.S. § 4326(l). The 2005 amendments to Rule 1910.16-6(b)(1) and (2) clarify that the portion of the insurance premium covering the party carrying the insurance cannot be allocated between the parties if there is no statutory duty of support owed to that party by the other party. See *Maher v. Maher,* 575 Pa. 181, 835 A.2d 1281 (2003) and 23 Pa.C.S. § 4321.

(c) Unreimbursed Medical Expenses. Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of $250 per person. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric, psychological or other services unless specifically directed in the order of court.

Official Note: While cosmetic, chiropractic, psychiatric, psychological or other expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

(2) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the $250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.

(5) In cases involving only spousal support or alimony pendente lite, the parties' respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor's income and added to the obligee's income.

Official Note: If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) **Private School Tuition. Summer Camp. Other Needs.** Expenditures for needs outside the scope of typical child-rearing expenses, e.g., private school tuition, summer camps, have not been factored into the Basic Child Support Schedule.

(1) If a party incurs an expense for a need not factored into the Basic Child Support Schedule and the court determines the need and expense are reasonable, the court shall allocate the expense between the parties in proportion to the parties' monthly net incomes. The court may order that the obligor's share is added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee.

(2) Documentation of the expenses allocated under (d)(1) shall be provided to the other party not later than March 31 of the year following the calendar year in which the invoice was received unless the service provider invoices the parties separately for their proportionate share of the expense. For purposes of subsequent enforcement, these expenses need not be submitted to the domestic relations section prior to March 31. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(e) **Mortgage Payment.** The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. This rule shall not be applied after a final resolution of all outstanding economic claims. For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may in-

clude any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

Rule 1910.16-7 Support Guidelines. Awards of Child Support When There are Multiple Families

(a) When the total of the obligor's basic child support obligations equals 50% or less of his or her monthly net income, there will be no deviation from the guideline amount of support on the ground of the existence of a new family.

Example: If the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are $2,500 for the obligor, $500 for the former spouse and $1,300 for the current spouse, then the request for a reduction will be denied because the total support obligation of $1,153 ($584 for the first child and $569 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds 50% of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, a first or later family shall not receive preference, and the court shall not divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are $3,800 for the obligor, $1,100 for the former spouse, $0 for the current spouse and $1,500 for the parent of the new child. The obligor's basic support obligations to each family are $1,097 for the two children of the first marriage, $862 for the one child of the second marriage, and $727 for the one child out of wedlock for a total support obligation of $2,686. Since the total of these obligations exceeds 50% of the obligor's monthly net income of $3,800 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are $1,600 for the obligor, $0 for the first spouse and $500 for the second spouse. The obligor's basic support obligations to each family are $555 for the two children of the first marriage and $641 for the three children of the second marriage for a total support obligation of $1,196. Since this total obligation leaves the obligor with only $404 on which to live, the orders are too high as the obligor must be left with a Self-Support Reserve of $981. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued by three obligees to establish orders for three children. The monthly net income for the obligor and for each obligee is $1,500. The court would determine that the obligor's basic support obligation for each child is $352 for a total obligation of $1,056 for three children. It would be incorrect to determine the guideline amount for three children, in this case $1,189, and then divide that amount among the three children. Due to the total support amount exceeding 50% of the obligor's monthly net income, the support orders should be reduced proportionately consistent with subdivision (b) and ensure the obligor retains the Self-Support Reserve of $981 consistent with Pa.R.C.P. No. 1910.16-2(e).

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of support, as determined from the formula in Pa.R.C.P. No. 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Pa.R.C.P. No. 1910.16-6. In calculating the presumptive amount of the obligor's basic support obligation, the court should ensure that the obligor retains at least $981 per month consistent with Pa.R.C.P. No. 1910.16-2(e).

Example 1. Assume that the obligor is paying $566 per month support for one child of the first marriage, plus an additional $200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are $2,400 for the obligor and $0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations for both children is only $1,132 ($566 for each child) and does not exceed 50% of the obligor's monthly net income. A reduction should not be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of $1,332 which exceeds 50% of the obligor's monthly net income. Thus, the presumptive amount of basic support for the two children is still $1,132 ($566 for each child). The court must then consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying $360 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are $1,500 for the obligor and $0 for the former and current spouses. A reduction should not be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only $720 ($360 for each child) and this amount does not exceed 50% of the obligor's monthly net income. Since, however, this amount leaves the obligor with only $780 per month, the court should proportionally reduce the support obligations so that the obligor retains $981 per month. Thus, the presumptive amount of basic support for the two children is $519 ($259.50 for each child). The court must then consider the deviation factors under Pa.R.C.P. No. 1910.16-5 and the parties' respective contributions to additional expenses under Pa.R.C.P. No. 1910.16-6 in arriving at an appropriate amount of total support for each child.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

_____, Plaintiff	:	FAMILY COURT DIVISION
vs.	:	
_____, Defendant	:	PACSES NO.

COMPLAINT FOR SUPPORT

1. The plaintiff is (name) _____

and resides at (street, city, state, zip) _____

_____

Plaintiff's Social Security Number is _____, and date of birth is _____ .

2. The defendant is (name) _____

and resides at (street, city, state, zip) _____

_____

Defendant's Social Security Number is _____, and date of birth is_____ .

3. Plaintiff and Defendant are/were/were never (cicle one) married.

4. The parties are the parents of (fill in number) _____ children. The names, birth dates and residence of the child/ren are:

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date: _____

Address: _____

Name: _____ Birth Date:_____

Address: _____

5. Plaintiff seeks support for the following persons:

_____

_____

_____

6. Plaintiff (circle one) is/is not receiving public assistance.

7. The last support received from the Defendant was _____ on _____.

WHEREFORE, Plaintiff requests that an order be entered against Defendant and for Plaintiff and/or the aforementioned child/ren for reasonable support and medical coverage.

Date: _____ _____
Plaintiff

VERIFICATION

I, _____, verify that the statements made in the foregoing Complaint for Support are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____ _____
Plaintiff

DOMESTIC RELATIONS INFORMATION SHEET	Date:	Case ID No.

INFORMATION ON FATHER OF CHILDREN OR HUSBAND

First Name	Middle Initial	Last Name	Alias (If Any)

Mailing Address: City, State & Zip Code	Residential Address (If different from mailing)

Home Phone No.	Cell No.	Work Phone No.	E-Mail Address

Date of Birth:	Social Security No.	DPW No.

Height:	Weight:	Race:	Hair:	Eyes:	Distinguishing Features:

Primary Language:	Interpreter Needed: YES / NO

Place of Employment:	Occupation:	Medical Insurance Carrier Name, Address

Policy No	Children Covered Yes / No	Attorney=s Name and Address

Salary $_____ per_____	Attorney ID No.	Attorney Phone No.

INFORMATION ON MOTHER OF CHILDREN OR WIFE

First Name	Middle Initial	Last Name	Alias (If Any)

Mailing Address: City, State & Zip Code	Residential Address (If different from mailing)

Home Phone No.	Cell No.	Work Phone No.	E-Mail Address

Date of Birth:	Social Security No.	DPW No.

Height:	Weight:	Race:	Hair:	Eyes:	Distinguishing Features:

Primary Language:	Interpreter Needed: YES / NO

Place of Employment:	Occupation:	Medical Insurance Carrier Name, Address

Policy No.	Children Covered Yes / No	Attorney=s Name and Address

Salary $_____ per_____	Attorney ID No.	Attorney Phone No.

INFORMATION IF THERE IS A CLAIM FOR SUPPORT

Receiving Assistance Yes / No	DPW No	District Address	Semi-Monthly Grant Amount $	No. of People in House Hold

Parties Ever Married Yes / No	Marriage Date	Place	Separation Date	Divorce Date	Place

Maternal Grandmother's Maiden Name	Maternal Grandfather's Name

INFORMATION ON CARETAKER OF CHILD(REN) OTHER THAN PARENTS (IF ANY)

First Name	Middle Initial	Last Name	Alias (If Any)

Mailing Address: City, State & Zip Code	Residential Address (If different from mailing)

Home Phone No.	Cell No.	Work Phone No.	E-Mail Address

Date of Birth:	Social Security No.	DPW No.

Height:	Weight:	Race:	Hair:	Eyes:	Distinguishing Features:

Primary Language:	Interpreter Needed: YES / NO

Place of Employment:	Occupation:	Medical Insurance Carrier Name, Address

Policy No.	Children Covered Yes / No	Attorney=s Name and Address

Salary $________ per______	Attorney ID No.	Attorney Phone No.

INFORMATION ON CHILD(REN)

First Name	Middle Initial	Last Name	Sex	Date of Birth

Social Security No.	Place of Birth City/State	Active on Cash Assistance Yes / No

Father Listed on Birth Certificate Yes / No	Born Out of Wed Lock Yes / No	Was Paternity Established Yes / No	Date of Paternity Establishment

First Name	Middle Initial	Last Name	Sex	Date of Birth

Social Security No.	Place of Birth City/State	Active on Cash Assistance Yes / No

Father Listed on Birth Certificate Yes / No	Born Out of Wed Lock Yes / No	Was Paternity Established Yes / No	Date of Paternity Establishment

First Name	Middle Initial	Last Name	Sex	Date of Birth

Social Security No.	Place of Birth City/State	Active on Cash Assistance Yes / No

Father Listed on Birth Certificate Yes / No	Born Out of Wed Lock Yes / No	Was Paternity Established Yes / No	Date of Paternity Establishment

First Name	Middle Initial	Last Name	Sex	Date of Birth

Social Security No.	Place of Birth City/State	Active on Cash Assistance Yes / No

Father Listed on Birth Certificate Yes / No	Born Out of Wed Lock Yes / No	Was Paternity Established Yes / No	Date of Paternity Establishment

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____, PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	
_____, DEFENDANT	:	PACSES NO.

PETITION TO MODIFY EXISTING SUPPORT ORDER

1. Petitioner (name) _____ is plaintiff or defendant (circle one) in the support complaint, and resides at (street, city, state, zip) _____ _____.

2. Respondent (name) _____ is plaintiff or defendant (circle one) in the support complaint, and resides at (street, city, state, zip) _____ _____.

3. On _____, an Order of Court was entered for the support of _____ _____ _____ _____ _____ _____ in the amount of $_____ semi-weekly/weekly/semi-monthly/monthly.

4. Petitioner is entitled to an increase/decrease/termination/modification *(circle one)* of this Order because of the following material change in circumstances: _____ _____ _____ _____.

WHEREFORE, petitioner prays this court to grant the petition to modify.

Date: _____ _____
Petitioner

VERIFICATION

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ _____

Petitioner

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____, PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	CIVIL ACTION
_____, DEFENDANT	:	D.R. NO.

PETITION FOR CONTEMPT OF SUPPORT ORDER

1. Petitioner (name) _____
   is **plaintiff or defendant** (circle one) in the above-captioned support matter
   and resides at (street, city, state, zip) _____
   _____

2. Respondent (name) _____
   is **plaintiff or defendant** (circle one) in the above-captioned support matter
   and resides at (street, city, state, zip) _____
   _____

3. On (month/date/year) _____,
   The Honorable (name of Judge)
   _____
   Entered the following order

4. Since the entry of said order, the respondent has willfully failed to obey said order as follows:

WHEREFORE, petitioner prays this court to adjudge the respondent in contempt of court and order appropriate sanctions.

Date: _____ _____
Petitioner

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ _____
Petitioner

PHILADELPHIA COURT OF COMMON PLEAS, FAMILY COURT DIVISION
PETITION FOR APL WITH RULE TO SHOW CAUSE AND ORDER
COVER SHEET

_____ :

:

Plaintiff,

:

v.

:

:

:

Defendant.

_____ :

Please attach the following documents and indicate if attached:

Income and Expense Statements: _____

Paystubs for last six (6) months: _____

Most Recent Federal Income Tax Form: _____

Is a hearing scheduled for support before Permanent Hearing Officer? _____

Date: _____

Time: _____

Before: _____

Identification No.:
_____ Street
Philadelphia, Pennsylvania 191__
(215)_____ ATTORNEY FOR PETITIONER

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

	:	_____ Term,
vs.	:	NO. _____
	:	PETITION FOR ALIMONY
	:	PENDENTE LITE

PETITION FOR ALIMONY PENDENTE LITE

AND NOW, the Petitioner, _____, by and through her/his attorney _____, ESQUIRE, respectfully represents the following:

1. A divorce proceeding between the Petitioner _____ and the Respondent _____ was initiated by the Petitioner on _____ in the Court of Common Pleas of _____ Pennsylvania at No. _____.

2. The Petitioner is unable to sustain her/himself during the course of this litigation.

3. The Petitioner lacks sufficient property to provide for her/his reasonable needs and expenses and is unable to sustain herself/himself through appropriate employment.

4. Petitioner has employed counsel, but is unable to pay necessary and reasonable attorney fees for said counsel.

WHEREFORE, Petitioner respectfully requests this Honorable court to enter an award of Alimony Pendente Lite with counsel fees and costs until the final hearing and thereupon to award _____ pursuant to Sections _____ of the Divorce Code.

Respectfully submitted,

_____ DATE

_____ ESQUIRE
Attorney for Petitioner

VERIFICATION FOR PETITION FOR ALIMONY PENDENTE LITE

The undersigned verifies that the statements made in this petition are true and correct. Petitioner understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____

PETITIONER

PHILADELPHIA COURT OF COMMON PLEAS
FAMILY DIVISION
MOTION COVER SHEET

_____ Plaintiff	:	_____ Term, 20___, No. ____
v.	:	DR No: _____
_____ Defendant	:	PACSES No: _____

Name of Filing Party _____

Status of Filing Party: ☐ Plaintiff ☐ Defendant ☐ Petitioner ☐ Respondent

Type of Filing: ☐ Support ☐ Custody ☐ Divorce ☐ Domestic Violence

State Full Description of Motion: _____

_____

CASE STATUS (Answer all questions)

I. Has this case been listed before a Judge for any other Domestic Relations matter?
☐ Yes ☐ No **IF YES**, identify the Judge(s)_____

II. If a Decree in Divorce has been entered, identify the Judge who entered the Decree and the date of Decree.

_____

III. Has another Motion been decided in this case? ☐ Yes ☐ No

IF YES, identify the Judge and date of Order. _____

Is another Motion pending? ☐ Yes ☐ No

IF Yes, identify the type of Motion and hearing date if assigned. _____

IV. List name, address and telephone number of other counsel of record and any unrepresented parties. (Attach a self-addressed stamped envelope for each attorney and any unrepresented party.)

I verify that the information listed above is true and correct and I understand that sanctions may be imposed for inaccurate or incomplete answers.

_____ _____
Signature Printed Name

FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION #00-02

PROCEDURE FOR OBTAINING *IN FORMA PAUPERIS* STATUS IN CUSTODY AND SUPPORT ACTIONS

EFFECTIVE IMMEDIATELY, in order to be excused from paying required filing fees for actions in custody or support, it is necessary that the person seeking such relief file a "Petition to Proceed In Forma Pauperis."

(1) Said Petition will be approved without judicial review if the petitioner can establish that he or she is a current recipient of federal Supplemental Security Income (SSI), cash or medical Public Assistance benefits, by producing appropriate documentation of said benefits as provided to him or her by the appropriate agency.

(2) If the individual seeking In Forma Pauperis status is not currently receiving SSI or cash or medical Public Assistance benefits, the Petition must be supported by a Poverty Affidavit.

(3) The Petition to Proceed In Forma Pauperis and Poverty Affidavit shall be in the forms set forth hereafter, or as may be modified from time to time. The Clerk of Family Court and the Intake Unit of the Domestic Relations Division of Family Court shall make the current forms available to the public at no cost.

(4) If the Petitioner is not currently receiving SSI, or cash or medical Public Assistance benefits, the information set forth in the Poverty Affidavit will be reviewed by a Judge of the Family Court who will determine eligibility for In Forma Pauperis status by adhering to the National Eligibility Level that has been established for individuals seeking free legal representation from affiliates of the Legal Services Corporation.

(5) The specific income standards are set forth by 45 C.F.R. 1611, and depend on family size, and certain other circumstances.

(6) Future changes to eligibility requirements as set forth in 45 C.F.R. 1611 are effective immediately upon the effective date of the change.

(7) The relevant income levels shall be posted in the Office of the Clerk of Family Court and the Intake Unit of the Domestic Relations Division of Family Court, which shall also make 45 C.F.R. 1611 available for public inspection.

(8) This Administrative Regulation revises Family Court Administrative Regulation #00-02, which was originally approved on May 4, 2000, and specifically supersedes Family Court Administrative Regulation 93-3.

PAUL P. PANEPINTO
ADMINISTRATIVE JUDGE

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION

	:	(Sole Legal Custody) (Shared Legal Custody)
	:	(Sole Physical Custody) (Primary Physical Custody)
	:	(Shared Physical Custody) (Partial Physical Custody)
	:	(Supervised Physical Custody)
_____	:	
Plaintiff	:	Case ID No. _____
vs.	:	
	:	Docket No. _____
_____	:	
Defendant	:	

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

(1) I am the ❑ PLAINTIFF ❑ DEFENDANT (check one) in the above matter and because of my financial condition I am unable to pay the required filing fee of $_____.

(2) I am unable to obtain funds from anyone, including my family and friends, to pay this fee.

(3) Check one:

- ❑ I am currently a recipient of the Supplemental Security Income (SSI)
- ❑ I am currently a recipient of the following type(s) of Public Assistance Benefits from the Pennsylvania Department of Human Services:
  ❑ cash benefits; and/or
  ❑ medical benefits
  (check one or both, and be prepared to present to the filing clerk supporting documentation that you are currently receiving the benefit(s))
- ❑ I am not currently receiving SSI, or cash or medical Public Assistance benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition, and why I cannot afford to pay the aforementioned filing fee.

I verify that the statements made in this Petition, and attached Poverty Affidavit (if applicable), are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

_____
Name of Petitioner

_____
Address

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the foregoing Petition, and attached Poverty Affidavit (if applicable), it is hereby ORDERED that the petitioner be excused from payment of the filing fee in this matter.

BY THE COURT:

_____
J.

You do not need to fill out this petition if you receive DHS or SSA benefits.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____ Plaintiff	FAMILY COURT DIVISION (Sole Legal Custody) (Shared Legal Custody) (Sole Physical Custody) (Primary Physical Custody) (Shared Physical Custody) (Partial Physical Custody) (Supervised Physical Custody)
vs.	
_____ Defendant	D.R. No. _____ PACSES No. _____

POVERTY AFFIDAVIT

1. I, _____, am the (check one) ☐ **PLAINTIFF** ☐ **DEFENDANT** in a support/custody matter, and because of my financial condition I am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: _____

Address: _____

_____

Social Security Number: _____

Employment:

(b) If you are presently employed, state

Employer: _____

Employer Address: _____

_____

Salary or Wages per month: _____

Type of Work: _____

(c) If you are unemployed, state

Date of last employment: _____

Salary or wages per month: _____

Type of Work: _____

Other income within the past twelve months:

Business or profession: _____

Other Self-employment: _____ Support payments: _____

Interest: _____ Disability payments: _____

Dividends: _____ Unemployment compensation and/ or supplemental benefits: _____

Pension & annuities: _____ Public assistance/welfare: _____

Other: _____

(d) Other contributions to household support

Wife/Husband **(circle one)** Name: _____

If your wife/husband is employed, state:

Employer: _____

Salary or wages per month: _____

Type of Work: _____

Contributions from children per month: _____

Contributions from parents per month: _____

Other contributions per month: _____

(e) Property owned

Cash: _____

Checking account: _____

Savings account: _____

Certificates of deposit: _____

Real estate (including home): _____

Motor vehicle: Make: _____ Year: _____

Cost: _____ Amount Owed: _____

Stocks, Bonds: _____

Other: _____

_____

(f) Debts and obligations

Mortgage: _____

Rent: _____

Loans: _____

Other: _____

(g) Persons dependent upon you for support

Wife/Husband Name: _____

Child(ren) (if any)

Name(s)	Age(s)
_____	_____
_____	_____
_____	_____

Other Persons:

Name(s)	Relationship
_____	_____
_____	_____

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____ _____

Date Petitioner

BY: [ATTORNEY], Esquire
Attorney for Petitioner
Attorney I.D. No. [NUMBER]
[ATTORNEY'S ADDRESS]
[ATTORNEY'S CITY, STATE ZIP]
[ATTORNEY'S PHONE NUMBER]

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION

	_____Term, 2019 **No. _____** **PASCES NO. _____**

CERTIFICAITON IN SUPPORT OF PLAINTIFF'S/DEFENDANT'S REQUEST FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, [ATTORNEY'S NAME], Esquire, represent Plaintiff/Defendant in the instant action, and, in consideration of the information provided by [CLIENT NAME], am of the opinion that he/she seeks to pursue this action in good faith. I further certify that [CLIENT NAME] has been referred to me through Philadelphia VIP and will not be charged, either directly or indirectly, for my services in this action.

Respectfully submitted,

_____
[ATTORNEY'S NAME]
[ATTORNEY'S FIRM]
Attorney for Plaintiff/Defendant

Dated: [DATE]

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

FAMILY COURT OF PHILADELPHIA
DOMESTIC RELATIONS DIV, FAMILY COURT BLDG, 1501 ARCH ST., PHILADELPHIA, PA. 19102

Phone: (215) 686-7466 Fax: (215) 686-9191

Plaintiff Name:
Defendant Name:
Docket Number:
PACSES Case Number:
Other State ID Number:
Please note: All correspondence must include the PACSES Case Number.

SUPPORT GUIDELINE CALCULATION

CHILD SUPPORT	**Defendant**	**Plaintiff**
1. Number of Dependents in this Case	_____	_____
2. Total Gross Monthly Income	$_____	$_____
3. Less Monthly Deductions	$_____	$_____
4. Monthly Net Income	$_____	$_____
5. Combined Total Monthly Net Income	$_____	
6. Basic Child Support Obligation	$_____	
7. Net Income as Percentage of Combined Amount	_____ %	_____ %
8. Each Parent's Monthly Share of the Basic Child Support Obligation	$_____	$_____
9. Adjustment for Shared Custody	$_____	
10. Adjustment for Child Care Expenses	$_____	
11. Adjustment for Health Insurance Premiums	$_____	
12. Adjustment for Unreimbursed Medical Expenses	$_____	
13. Adjustment for Additional Expenses	$_____	
14. Total Obligation with Adjustments	$_____	
15. Less Split Custody Counterclaim	$_____	
16. Obligor's Support Obligation		$_____

Service Type

Form OE-019
Worker ID

v. PACSES Case Number:

Summary

Date:

Monthly obligation amount selected: $

Payment frequency:

Obligation amount: $

Deviation reason:

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

FAMILY COURT OF PHILADELPHIA
DOMESTIC RELATIONS DIV, FAMILY COURT BLDG, 1501 ARCH ST., PHILADELPHIA, PA. 19102

Phone: (215) 686-7466 Fax: (215) 686-9191

Plaintiff Name:
Defendant Name:
Docket Number:
PACSES Case Number:
Other State ID Number:
Please note: All correspondence must include the PACSES Case Number.

SPOUSAL SUPPORT CALCULATION

	- with Dependent Children (30% for line 7)	- without Dependent Children (40% for line 7)
1.	Obligor's Monthly Net	$_____
2.	Less Obligee's Monthly	$_____
3.	Difference	$_____
4.	Less Child Obligation for Current	$_____
5.	Less All Other Support	$_____
6.	Income Available for Spousal	$_____
7.	Multiply by 30% or 40%	_____ %
8.	Amount of Monthly Spousal	$_____

Summary

Date:

Monthly obligation amount selected: $

Payment frequency:

Obligation amount: $

Deviation reason:

Service Type

Form OE-523
Worker ID

LOCAL FORM "B"

Date _____

INCOME AND EXPENSE STATEMENT

NAME _____

_____ v. _____ DR no. _____

THIS FORM MUST BE FILLED OUT

INCOME

Employer: _____

Address: _____

_____

Type of Work: _____

Payroll no.: _____ Social Security no.: _____

Gross Pay Per
Pay Period: _____

Pay Period:
(weekly, biweekly, etc.) _____

Itemized Payroll Deductions:

Fed. Withholding	$ _____	Retirement	$_____	Health	$_____
Social Security	$ _____	Savings Bonds	$_____	Insurance	$_____
Local Wage Tax	$ _____	Credit Union	$_____	Other	$_____
State Income Tax	$ _____	Life Insurance	$_____		
Net Pay per Pay Period:	$ _____				

Other Income: (Fill in Appropriate Column)

	Week	Month	Year		Week	Month	Year
Interest	$ _____	$_____	$_____	Royalties	$_____	$_____	$ _____
Dividends	$ _____	$_____	$_____	Expense Account	$_____	$_____	$ _____
Pension	$ _____	$_____	$_____	Gifts	$_____	$_____	$ _____
Annuity	$ _____	$_____	$_____	Unemployment Comp.	$_____	$_____	$ _____
Social Security	$ _____	$_____	$_____	Workers' Comp.	$_____	$_____	$ _____
Rents	$ _____	$_____	$_____				
Total	$ _____	$_____	$_____				

Total All Income: $_____

EXPENSES Fill in appropriate column.
Wk. = Weekly; Mo. = Monthly; Yr. = Yearly
Indicate amount for self and children.

	Wk.	Mo.	Yr.	Self	Child(ren)
Home					
Mortgage/Rent	$	$	$	$	$
Maintenance					
Utilities					
Electric					
Gas					
Oil					
Telephone					
Water					
Sewer					
Employment					
Public Trans.	$	$	$	$	$
Lunch					
Taxes					
Real Estate	$	$	$	$	$
Personal Property					
Income					
Insurance					
Homeowners	$	$	$	$	$
Automobile					
Life					
Accident					
Health					
Other					
Automobile					
Payments	$	$	$	$	$
Fuel					
Repairs					
Medical					
Doctor	$	$	$	$	$
Dentist					
Orthodontist					
Hospital					
Medicine					
Special Needs (glasses, braces, orthopedic needs)					

PROPERTY OWNED: *H = Husband; W = Wife; J = Joint; C = Child

	Description	Value	Ownership* H	W	J	C
Checking Accounts		$				
		$				
Savings Accounts		$				
		$				
Credit Union		$				
		$				
Stocks/Bonds		$				
		$				
Real Estate		$				
		$				
Other		$				
		$				

INSURANCE: Indicate Coverage. H = Husband; W = Wife; J = Joint; C = Child

	Company	Policy no.	H	W	C
Hospitalization		$			
Medical (Blue Shield)		$			
Health/Accident		$			
Disability Income		$			
Dental		$			

	Wk.	Mo.	Yr.	Self	Child(ren)
Education	$	$	$	$	$
Private School					
Parochial School					
College					
Religious					
Personal					
Clothing					
Food					
Barber/Hairdresser					
Credit payments					
Credit Card					
Charge Account					
Memberships					

		Payments				
LOANS:	**Balance Due**	**Wk.**	**Mo.**	**Yr.**	**Self**	**Child(ren)**
Credit Union	$_____	$_____	$_____	$_____	$_____	$_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

	Wk.	**Mo.**	**Yr.**	**Self**	**Child(ren)**
CHILD CARE:	$_____	$_____	$_____	$_____	$_____

MISCELLANEOUS					
Household Help	$_____	$_____	$_____	$_____	$_____
Papers/magazines	_____	_____	_____	_____	_____
Entertainment	_____	_____	_____	_____	_____
Pay T.V.	_____	_____	_____	_____	_____
Vacation	_____	_____	_____	_____	_____
Gifts	_____	_____	_____	_____	_____
Legal Fees	_____	_____	_____	_____	_____
Charitable Contributions	_____	_____	_____	_____	_____
Other child support	_____	_____	_____	_____	_____
Alimony payments	_____	_____	_____	_____	_____
Other					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
TOTAL EXPENSES	$_____	$_____	$_____	$_____	$_____

SUPPLEMENTAL INCOME STATEMENT

This form must be filled out if you:

(1) operate a business or practice a profession, or

(2) are a member of a partnership or joint venture, or

(3) are a shareholder in and are salaried by a closed corporation or similar entity.

Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, professional corporation or similar entity:

(1) the most recent Federal Income Tax Return, and

(2) the most recent Profit and Loss Statement.

Name of Business: _____

Address of Business: _____

_____

Telephone: _____

Nature of Business (Check One)

❑ (1) partnership

❑ (2) joint venture

❑ (3) professional

❑ (4) closed corporation

❑ (5) other

Name of accountant, controller or other person in charge of financial records:

_____

Address: _____

_____

Annual Income from business: _____

(1) How often is income received? _____

(2) Gross income per pay period: _____

(3) Net income per pay period: _____

(4) Specified deductions, if any: _____

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

FAMILY COURT DIVISION

_____	:	Docket No. _____
	:	
vs.	:	
_____	:	PACSES No. _____

ATTORNEY'S ENTRY/WITHDRAWAL OF APPEARANCE

PLEASE ENTER/WITHDRAW OF RECORD MY APPEARANCE FOR:

_____
Client's Name

_____
Attorney's Name

_____
Attorney's Address

_____
City State ZIP code

_____
Attorney's Telephone Number

_____
Attorney's Email Address

_____ _____
Attorney's I.D. Number Signature of Attorney

_____
Date

Entry of Appearance Self Represented Party

		: IN THE COURT OF COMMON PLEAS
		: OF PHILADELPHIA COUNTY, PENNSYLVANIA
	PLAINTIFF	: DOMESTIC RELATIONS SECTION
VS.		:
		: DOCKET
	DEFENDANT	: PACSES CASE ID

TO THE DOCKETING DIVISION OF THE DOMESTIC RELATIONS SECTION:

I am the ___ plaintiff ___ defendant in the above captioned ___ support ___custody ___divorce ___annulment ___protection from abuse case.

I intend to represent myself in upcoming legal proceedings at the Philadelphia County Domestic Relations Section. Remove the counsel of record from my case, if applicable.

Papers may be served at the address set forth below:

_____
Address

_____
City, State, Zip Code

_____ _____
Home Phone Number Mobile Phone Number

_____ _____
Fax Number Email Address

For Self Represented Party:

_____ _____
Print Name Signature

Pursuant to Pa.R.C.P. 1930.8(b) a self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

FAMILY COURT DIVISION
ADMINISTRATIVE REGULATION NO. 02-02

CONTINUANCE POLICY—DOMESTIC RELATIONS DIVISION

EFFECTIVE IMMEDIATELY, the Domestic Relations Division institutes the following policy relating to continuance requests:

(1) Continuances shall be granted only for good cause shown, and agreements to continue the matter by the parties or counsel are not sufficient to stay the provisions of this Administrative Regulation.

(2) A continuance request by an attorney for a case will only be considered if the attorney has already filed a formal entry of appearance in the case.

(3) Except as otherwise provided by this Administrative Regulation, all requests for continuance must be submitted in writing and within ten (10) calendar days from the date that the notices for the proceeding were served. If the scheduled event is a courtroom proceeding the request must be submitted to the presiding judge; if the scheduled event is not a courtroom proceeding, the request must be submitted to the supervisor of the presiding quasi-judicial officer. The addresses and fax numbers for all judges and operational units within the Domestic Relations Division are available on its internet website at: http://www.courts.phila.gov/common-pleas/family/dr/.

(4) If a continuance request is based on an emergency and/or other unanticipated situation, the request must be submitted in writing to the presiding judge or the supervisor of the presiding quasi-judicial officer within twenty-four (24) hours from the time that the party or attorney becomes aware of, or should have become aware of the situation, and at least twenty-four (24) hours prior to the proceeding, if possible. Failure of a party to retain counsel in a timely fashion shall not constitute an emergency and/or unanticipated situation.

(5) All continuance requests must specify the reason therefor and include documentation, to the extent possible, and all opposing parties and/or counsel must be copied with said request.

(6) In order for the court or supervisor to accurately and easily identify the specific event for which the continuance is being requested, the request must include the caption of the case, the names of the parties and presiding officer, the matter pending, the date, time and place of the scheduled event, the position of the opposing parties or counsel with regard to the continuance request, and a copy of the scheduling notice if a time conflict is alleged.

(7) Unless the party or attorney requesting the continuance receives approval of the continuance by the court or appropriate supervisor, the event shall proceed as scheduled. If either party fails to appear for the scheduled event, and a continuance request has not been approved, the underlying petition, complaint, motion, or other pleading may be disposed by the court or presiding officer under applicable law.

(8) Filing advance notices of unavailability with the Clerk of Family Court will only prevent an attorney from being scheduled on unavailable dates in custody, divorce, and protection from abuse cases in which the attorney has entered an appearance. The Pennsylvania Child Support Enforcement System (PACSES) on which support cases are administered does not have the ability to prevent scheduling an attorney for a support proceeding, notwithstanding that the attorney has previously filed a notice of unavailability with the Clerk of Family Court. Therefore, any attorney of record in a support case who receives a notice for a proceeding on a date that the attorney had previously filed as unavailable, must submit a request for continuance in accordance with this Administrative Regulation within ten (10) calendar days from the date that the notice for the proceeding was served, and include a copy of the letter of unavailability that had been filed with the Clerk of Family Court.

(9) This Administrative Regulation specifically supercedes Family Court Administrative Regulation #00-04, which is hereby RESCINDED.

MYRNA P. FIELD
Administrative Judge
Family Court Division

HEARING DATE:

, Obligee

vs PACSES #

, Obligor DOCKET NBR

REPORT OF MASTER IN SUPPORT

PARTIES PRESENT: Obligee and Obligor.
Pro se/Attorney for Obligee: _____, Esquire
Pro se/Attorney for Obligor: _____, Esquire

TYPE OF ACTION: Petition to modify.

RELIEF SOUGHT: Obligor filed a petition to modify on _____.

CURRENT ORDER: The Pennsylvania Child Enforcement System (PACSES) OBLE screen indicates that an order was entered that _____ pay $0.00 weekly plus $0.00 weekly toward arrears for the support of minor child.

JURISDICTION: Pursuant to Pa.R.C.P. 1910.12(d), a record hearing was held before _____, Esquire, Master in Custody and Support, on _____. The Master evaluated the credibility of the parties, reviewed the evidence submitted, and based upon the _____ finds as follows:

DOCUMENTS SUBMITTED:
Court's Exhibits
C-1: Income and Expense Statement—Obligee
C-2: Income and Expense Statement—Obligor

Obligee's Exhibits
P-1:
P-2:

Obligor's Exhibits
D-1:
D-2:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

SPOUSAL SUPPORT—ENTITLEMENT;

ALIMONY *PENDENTE LITE;*

EMANCIPATION ISSUES; OR

EARNING CAPACITY ATTRIBUTION DISCUSSION, IF APPLICABLE

I. OBLIGEE'S INFORMATION

A. Obligee's income:

(1) Other income in the household:

B. Assets:

C. Household expenses and obligations:

D. Non-household expenses and obligations:

E. Expenses:

1. Child care:

2. Health insurance premiums:

3. Unreimbursed medical:

4. Private school tuition:

5. Summer camp:

6. Orthodontia:

7. Other debts or expenses:

8. Other relevant and appropriate factors, including the best interest of the child(ren):

9. *Other support obligation(s):*

10. *Unusual needs and unusual fixed obligations:*

II. Obligor's Information

A. Obligor's income:

(1) Other income in the household:

B. Assets:

C. Household expenses and obligations:

D. Non-household expenses and obligations:

E. Expenses:

1. *Other debts:*

2. *Other relevant and appropriate factors, including the best interest of the child(ren):*

3. *Other support obligation(s):*

4. *Unusual needs and unusual fixed obligations:*

III. CONCLUSIONS OF LAW

1. Liability for Support

A. Pursuant to **23 Pa.C.S. Sec. 4321(2),** parents are liable for the support of their children who are unemancipated and eighteen (18) years of age or younger (educational level may also apply based upon other legal authority).

2. Support Guidelines

A. The support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net incomes and the number of persons being supported. The support of a spouse or child is a priority obligation so that a person is expected to meet this obligation by adjusting his or her other expenditures. **Pa.R.C.P. 1910.16-1(a).**

B. Pursuant to **23 Pa.C.S. § 4302 and Pa.R.C.P. 1910.16-2(a),** monthly gross income has been determined from:

[ ] wages, salaries, bonuses, fees, and commissions;
[ ] net income from business or dealings in property;
[ ] interest, rents, royalties, and dividends;
[ ] pensions and all forms of retirement;
[ ] income from an interest in an estate or trust;
[ ] Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation, and unemployment compensation;
[ ] alimony; and
[ ] other entitlements to money or lump-sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

C. Pursuant to Pa.R.C.P. 1910.16-2(c), only the following items were deducted from gross income to arrive at net income:

1. federal, state, and local income taxes;
2. unemployment compensation taxes and Local Services Taxes (LST);
3. F.I.C.A. payments and non-voluntary retirement payments;
4. union dues;
5. alimony paid to the other party; and
6. for spousal support and alimony pendente lite, all child support, spousal support, or alimony *pendente lite* being paid to former spouses.

3. Application of Support Guidelines.

A. The formula set forth in Pa.R.C.P. 1910.16-4(a) was used to calculate the obligor's share of the basic guideline child support obligation.

B. Pursuant to Pa.R.C.P. 1910.16-6, in deciding whether to make adjustments to the basic support obligation amount, the Support Master considered the following:

[ ] child care expenses
[ ] health insurance premiums
[ ] unreimbursed medical expenses
[ ] catholic or private school tuition
[ ] summer camp expenses
[ ] other needs
[ ] mortgage payment

3. Deviation from Support Guidelines

A. There is a rebuttable presumption that the amount of support determined from the guidelines is the correct amount of support to be awarded. Pa.R.C.P. No 1910.16-1(d).

B. In most cases a party's living expenses are not relevant in determining his or her support obligation. Explanatory Comment to Rule 1910.16-1.

C. Pursuant to Pa.R.C.P. 1910.16-5, in deciding to deviate from the amount determined by the guidelines, the Support Master considered:

1. unusual needs and unusual fixed obligations;

2. other support obligations for the parties;
3. other income in the household;
4. ages of the children;
5. assets of the parties;
6. medical expenses not covered by insurance;
7. standard of living of the parties and their children;
8. in a spousal support or alimony *pendente lite* case, the period of time during which the parties lived together from the date of marriage to the date of separation; and
9. other relevant and appropriate factors, including the best interests of the child or children.

4. Reducing or Fluctuating Income

(a) Voluntary Reduction of Income. Where a party voluntarily assumes a lower paying job, there generally will be no effect on the support obligation. A party will ordinarily not be relieved of a support obligation by voluntarily quitting work or by being fired for cause. **Pa.R.C.P. 1910.16-2(d)(1).**

(b) Involuntary Reduction of Income. Pursuant to **Pa.R.C.P. 1910.16-2(d)(2),** no adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income.

(c) Seasonal Workers. Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average. Pa.R.C.P. 1910.16-2(d)(3).

(d) Income Potential. Ordinarily, a party who willfully fails to obtain appropriate employment will be considered to have an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history, and child care responsibilities are factors which shall be considered in determining earning capacity. Pa.R.C.P. 1910.16-2(d)(4).

5. Summary

Federal and State law require the use of **guidelines** to establish child and spousal support orders in order to promote similar treatment of persons similarly situated and more equitable distribution of the financial responsibility for raising children. The chart and schedule in Rule 1910.16-3 have been used to determine this obligor's basic child support obligation. When there are unavoidable differences, deviations must be made from the guidelines to reflect special circumstances and/or special needs. A review of the evidence in this matter requires ***deviation/no deviation*** from the guidelines.

RECOMMENDATION

_____

, Esquire

Support Master

Obligee Name:

Obligor Name:

Docket Number:

PACSES Case Number:

SUPPORT GUIDELINE CALCULATION

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION

DOMESTIC RELATIONS DIVISION

, Obligee

PACSES #

DR #

vs

Hearing Date:

, Obligor

PROPOSED ORDER OF SUPPORT

Now, _____, the undersigned Master in Support, having filed a report with the Court, a copy of which is attached hereto and copies of which were mailed to all interested parties on _____, 20__, AND the parties having been advised that any Exceptions must be filed by _____, 20__, the undersigned Support Master hereby recommends that the Court enter the following order in the above-captioned matter:

All payments to be made through Pa. SCDU at P.O. Box 69110, Harrisburg, PA 17106-9110

Payments must include the obligor's PACSES Member Number or Social Security Number in order to be processed. ***Do not send cash by mail.***

All terms of this Order are subject to collection and/or enforcement by contempt proceedings, credit bureau reporting, and tax refund offset certification and will not be initiated as long as the defendant does not owe overdue support. Failure to make each payment on time and in full will cause all arrears to become subject to immediate collection by all the means listed above.

Health care coverage shall be maintained by **[ ] Obligor [ ] Obligee for one child [ ]** immediately or **[ ]** when available through employment at reasonable or no cost. Within thirty (30) days after the entry of this Order, the **Obligor/Obligee** shall submit to the person having custody of the child(ren) written proof that medical insurance coverage has been obtained or that application for coverage has been made.

The amount of **Unreimbursed medical expenses** not already included in the monthly support obligation that exceed **$250.00 annually** per person per year for one child is to be paid as follows: **00.00%** by **Obligor** and **00.00%** by **Obligee.** The **Obligee** is responsible for paying the first $250.00 annually per child and/or spouse in unreimbursed medical expenses. Unreimbursed medical expenses include insurance co-payments and deductibles, and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental, and orthodontia, and optical services, but excluding cosmetic, chiropractic, psychiatric, and psychological. These unreimbursed health care expenses shall be paid directly by the Obligor to the provider of the services or supplies.

IMPORTANT LEGAL NOTICE

PARTIES MUST WITHIN SEVEN DAYS INFORM THE DOMESTIC RELATIONS SECTION AND THE OTHER PARTIES, IN WRITING, OF ANY MATERIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE LEVEL OF SUPPORT OR THE ADMINISTRATION OF THE SUPPORT ORDER, INCLUDING, BUT NOT LIMITED TO, LOSS OR CHANGE OF INCOME OR EMPLOYMENT AND CHANGE OF PERSONAL ADDRESS OR CHANGE OF ADDRESS OF ANY CHILD RECEIVING SUPPORT. A PARTY WHO WILLFULLY FAILS TO RE-

PORT A MATERIAL CHANGE IN CIRCUMSTANCE MAY BE ADJUDGED IN CONTEMPT OF COURT, AND MAY BE FINED OR IMPRISONED.

PENNSYLVANIA LAW PROVIDES THAT ALL SUPPORT ORDERS SHALL BE REVIEWED AT LEAST ONCE EVERY THREE (3) YEARS IF SUCH REVIEW IS REQUESTED BY ONE OF THE PARTIES. IF YOU WISH TO REQUEST A REVIEW AND ADJUSTMENT OF YOUR ORDER, YOU MUST DO THE FOLLOWING: CALL YOUR ATTORNEY. AN UNREPRESENTED PERSON WHO WANTS TO MODIFY (ADJUST) A SUPPORT ORDER SHOULD CONTACT THE DOMESTIC RELATIONS SECTION.

A MANDATORY INCOME ATTACHMENT WILL ISSUE [ ] YES; [ ] NO; [ ] GOOD CAUSE EXISTS NOT TO ISSUE ATTACHMENT; [ ] PARTIES AGREE NOT TO ATTACH UNLESS OBLIGOR DEFAULTS ON ___ PAYMENT(S).

UNPAID ARREARAGE BALANCES MAY BE REPORTED TO CREDIT AGENCIES. ON AND AFTER THE DATE IT IS DUE, EACH UNPAID SUPPORT PAYMENT SHALL CONSTITUTE, BY OPERATION OF LAW, A JUDGMENT AGAINST YOU, AS WELL AS A LIEN AGAINST REAL PROPERTY.

IT IS FURTHER ORDERED THAT, UPON OBLIGOR'S FAILURE TO COMPLY WITH THIS ORDER, OBLIGOR MAY BE ARRESTED AND BROUGHT BEFORE THE COURT FOR A CONTEMPT HEARING; OBLIGOR'S WAGES, SALARY, COMMISSIONS, AND/OR INCOME MAY BE ATTACHED IN ACCORDANCE WITH LAW; THIS ORDER WILL BE INCREASED WITHOUT FURTHER HEARING BY 35% UNTIL ALL ARREARAGES ARE PAID IN FULL. OBLIGOR IS RESPONSIBLE FOR COURT COSTS AND FEES. THE PORTIONS OF THIS ORDER APPLICABLE TO SPOUSE (EX-SPOUSE) ARE TERMINATED UPON THE DEATH OF THE PAYEE SPOUSE.

_____

, Esquire

Support Master

INTERIM ORDER OF COURT

Now, to wit, _____, upon consideration of the foregoing recommendation, the above proposed Order is approved and is made an Interim Order of Court. Pursuant to Pa.R.C.P. 1910.12(e)–(h), if no exceptions are filed within the twenty-day period, the Order shall constitute a final Order without further notice to the parties or Order of Court.

By the Court,

_____

Judge