

# *Dauphin County*



## *Domestic Relations*

Mailing address:

Dauphin County Domestic Relations Office  
P.O. Box 1295  
Harrisburg, PA 17108

Location:

Human Services Building  
25 South Front Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

(717) 255-2796

Fax (717) 780-6849

**Judge Jeannine Turgeon**

Court of Common Pleas

**Kim S. Robison**

Director, Domestic Relations Office



# Important Disclosure and Notice

**This booklet was prepared by the Domestic Relations Office of the Dauphin County Court of Common Pleas for informational purposes only. The information contained herein should not be construed as legal advice or legal opinion on any specific fact or circumstance. Readers should not act upon this information without seeking professional legal counsel.**

Revised June 2010

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## INTRODUCTION

The Domestic Relations Office is a division of the Dauphin County Court of Common Pleas. This booklet explains the Domestic Relations Office rules and procedures. Although we have other duties, the Domestic Relations Office is primarily responsible for working with families to establish and enforce support orders for children and spouses.

The Domestic Relations Office is comprised of Judges, Administrators, a Director, an Assistant Director, Managers, Supervisors, an Attorney, *Conference Officers*, *Enforcement Officers*, and various technical and clerical staff.

The Pennsylvania Child Support Enforcement System (*PACSES*) is a statewide automated computer system that tracks support cases and keeps financial records. *PACSES* also provides tools to enforce support orders.

Domestic Relations employees are trained to provide clients with information concerning support. **Domestic Relations non-lawyer employees are not permitted or licensed to provide legal advice. You should always seek professional legal advice for your case.**

A Domestic Relations *Conference Officer* computes the amount of support based upon the Pennsylvania Supreme Court Support Guidelines, unless the parties can reach an agreement.

More detailed information about the Pa. Support Guidelines is available at [www.supportguidelines.com/main.html](http://www.supportguidelines.com/main.html).

**All words in *italics* are explained in the “Definitions of Terms” at the end of this booklet.**

## CONTACTING THE DOMESTIC RELATIONS OFFICE

The Domestic Relations Office is located in the Dauphin County Human Services Building, 25 South Front Street, 8<sup>th</sup> Floor, Harrisburg, PA.

The mailing address is:

Dauphin County Domestic Relations Office  
P.O. Box 1295  
Harrisburg, PA 17108

## TELEPHONE, FAX, AND WEBSITE

**Telephone Number:** (717) 255-2796. To access computer information on the Interactive Voice Response System, you must have touch tone service.

**Fax Number:** (717) 780-6849 or (717) 780-6848

**Website:** [www.dauphincounty.org](http://www.dauphincounty.org) (currently found under “Courts Information”)

**Child support website:** [www.childsupport.state.pa.us](http://www.childsupport.state.pa.us)

You may call or appear at the Domestic Relations Office to meet with a Client Service Representative about your support case at any time Monday through Friday between 8:00 a.m. and 4:30 p.m. (excluding holidays). We recommend calling or writing a letter asking to schedule an appointment. Walk-in clients may experience a longer waiting time.

When contacting the office about an existing support case, you will be required to supply your Domestic Relations docket number, Social Security number, and *PACSES case number* (your *PACSES case number* is on all correspondence sent by the Domestic Relations Office and *PA State Collection Disbursement Unit (PA SCU)*).

Information concerning your case will not be given to any third parties (spouse, girlfriend, boyfriend, parent, child(ren), friend, relative, neighbor, etc.). Case information will only be given to the *plaintiff*, *defendant*, *defendant's* employer, attorney of record, power of attorney, or any authorized governmental agency.

**Please do not telephone or write to any Judge about your case. Judges do not give advice, discuss cases, or take action on a case as a result of letters or telephone calls.**

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## **LEGAL REPRESENTATION**

In all matters before the Domestic Relations Office, you have a right to have an attorney represent you.

If you need legal representation, you may contact:

Lawyer Referral Service  
Dauphin County Bar Association Building  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

Mid Penn Legal Services  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

[PALawHELP.org](http://PALawHELP.org)  
[www.PALawHELP.org](http://www.PALawHELP.org)  
[palawhelp@palgalaid.net](mailto:palawhelp@palgalaid.net)

Harrisburg Civil Law Clinic at Widener  
(717) 541-0320

Legal counsel, through the Domestic Relations Office, is available to all *plaintiffs* and minor defendants.

The Dauphin County Domestic Relations Office charges the following fees:

COMPLAINT FOR SUPPORT.....	NO FEE
MODIFICATION or TERMINATION PETITION.....	\$ 15.00
REINSTATEMENT.....	\$ 15.00
APPEAL .....	\$ 15.00
DRO ACCOUNT AUDITS.....	\$ 30.00
PIN NUMBER CHANGES.....	\$ 5.00
LIEN CERTIFICATE.....	\$ 15.00
PACSES STATEMENT OF ACCOUNT (COMPUTER PRINTOUT).....	\$ 5.00
COPIES.....	\$ 0.50 per page

The Domestic Relations Office does not accept personal checks.

All fees or *purge monies* paid to the Domestic Relations Office must be cash, money order, or certified check. Include your name, Social Security number, member number, and *PACSES* case number with all payments.

**WHAT IS SUPPORT**

“Support” is the amount of financial assistance paid for the basic needs of one’s child(ren) and/or spouse. Support may include two separate financial obligations - child support and *spousal support*. The amount of support is based upon the.

**TYPES OF SUPPORT**

**Child Support** - court ordered support for dependent child(ren).

**Spousal Support** - court ordered support for a spouse if the *parties (defendant/plaintiff)* are married, but separated.

**Alimony Pendente Lite (APL)** - court ordered temporary support for a spouse when a divorce action is pending.

**Alimony** - court ordered support (former spouse) after a divorce decree is entered.

**Medical Insurance Coverage** - court ordered medical insurance for one’s child(ren) and/or spouse.

**Other Expenses** - court ordered support may include other expenses such as, mortgage, educational, extracurricular activities, medical, psychological counseling, medical and dental insurance, day care, and such other expenses deemed appropriate by the Court.



## **WHO MAY FILE FOR SUPPORT**

Pennsylvania law provides that when a child(ren) resides with a parent, adult, or agency, that person or agency may file a *complaint* for support against the *non custodial parent(s)* or spouse. Both parents have a legal obligation to support their child(ren). A married person may be required to financially support their spouse pending their divorce (*alimony pendente lite* or *spousal support*) and after their divorce (*alimony*).

The most important factor in determining a support obligation is the *net income* or *earning capacity* of each party (see page 15 - Monthly *net income*). A parent is legally obligated to support their child(ren) until emancipation, generally their eighteenth birthday or graduation from high school (whichever occurs last). A parent is legally obligated to pay child support for any disabled child through adulthood. Parents are also required to pay child support when their child(ren) has been placed in a facility outside of the home by the Court in a juvenile court proceeding or dependency proceeding (such as Dauphin County Children and Youth Services). In those instances, both parents are obligated to pay child support based upon the *Guideline Chart* (see page 27).

## **ESTABLISHING A SUPPORT ORDER**

To establish a support case, a *plaintiff* must file a *complaint* in the Domestic Relations Office. It is generally requested that the *plaintiff* personally appear at the Domestic Relations Office and meet with a Client Service Representative to complete, sign, and file a formal *complaint* for support (no filing fee).

When a *plaintiff* files a *complaint* for support, he/she should always bring as much as possible of the following information to the Domestic Relations Office:

1. The Social Security card(s) or number(s) for both parents/*parties* and child(ren).
2. Current addresses for both parents/*parties*.
3. The date of birth for both parents/*parties* and child(ren).
4. Paystubs and places of employment (address and phone number) for both parents/*parties*.
5. Driver's license number of the *defendant*.
6. Medical insurance cards for both parents/*parties* and child(ren). Also, include documentation for any extraordinary medical expenses or conditions of the child(ren) or parent.
7. A photograph of the *defendant*.
8. Birth certificate(s) of the child(ren).
9. Marriage license, if married to the *defendant*.
10. Divorce decree, if divorced from the *defendant*.
11. Any Protection From Abuse Order between the *parties*.
12. Any support orders issued in any other state or county.

When filing a complaint for support at the Domestic Relations Office, a Client Service Representative will meet with the *plaintiff* and prepare a support *complaint* based on the information supplied. A *plaintiff* should expect to spend about an hour in the Domestic Relations Office.

A *plaintiff* may also hire an attorney to prepare and file a *complaint* for support on his/her behalf.

After the support *complaint* is filed, a support *conference* will be scheduled with a Domestic Relations *Conference Officer* generally within 30 - 45 days.

## **INTRASTATE and INTERSTATE CASES**

A *plaintiff* who resides in Dauphin County may file a support action here even if the *defendant* lives in another county (*intrastate*) or in another state (*interstate*). Support actions are enforceable across county and state lines.

Enforcement of a support order is usually handled by the county support office where the *defendant* lives. Therefore, a *plaintiff* may choose to file in the county where the *defendant* lives. It may be more efficient to keep management of the entire case in one county. A Client Service Representative will assist in determining where it is best to file a support *complaint*.

When a *plaintiff* files a support action in another county or state, it is not necessary for the *plaintiff* to travel there to file the *complaint*. The Dauphin County Domestic Relations Office will forward the *complaint* for filing to the other support office which will schedule the support *conference* and establish a support order. The *plaintiff* is not required to personally attend the *conference* in the other county or state and can participate via telephone at the Dauphin County Domestic Relations Office. The other support office may also provide an attorney to represent the *plaintiff* at those proceedings.

The Dauphin County Domestic Relations Office has no control over an office in another county or state. We will: (1) prepare and send a support *complaint* to the other county or state; (2) respond to all questions received from the other county or state; (3) provide the *plaintiff* copies of all notices and orders received from the other county or state, including *conference* and *hearing* notices and court orders; and (4) make periodic contacts with the other county or state to keep track of the case. Once a support order has been entered, the other county or state is responsible to collect and enforce the support obligation, as long as the *defendant* resides there.

### **LOCATING THE DEFENDANT**

The law requires that all *parties* must be served with notice of the support action at their last known address so that they are provided an opportunity to appear and participate in their support *conference* or court *hearing*. If a *plaintiff* does not know where the *defendant* resides, a Client Service Representative will provide some assistance. The Domestic Relations Office uses a variety of sources to try to locate the *defendant*, including but not limited to the internet, driver's license records, credit bureau reports, public assistance information, employment information, lottery records, and the federal and state directories of new hires. Therefore, it is very important that the *plaintiff* provides the *defendant's* full name, birth date, Social Security number, and other information listed on page 11.

### **DOMESTIC VIOLENCE**

If a *plaintiff* or *defendant* is experiencing or concerned about domestic violence issues, they should notify the Domestic Relations Office prior to the *conference* or *hearing* or at anytime during the life of the support case. In these circumstances, the *plaintiff* or *defendant* should also contact the below available agencies for counseling and support services:

Victim Witness Assistance Program  
Dauphin County Courthouse, 2<sup>nd</sup> Floor  
Harrisburg, PA 17101  
(717) 780-7077

YWCA  
1101 Market Street  
Harrisburg, PA 17103  
1-800-654-1211

Lawyer Referral Services  
Dauphin County Bar Association Bldg.  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

Mid Penn Legal Services  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

### **SUPPORT CONFERENCE AND HEARING**

Once a support *complaint* has been filed, notice of the time and date of the *conference* as well as income and expense forms are mailed to both *parties*. Requests for wage statements are mailed to both *parties'* employers. *Parties* should arrive at the Domestic Relations Office **at least fifteen minutes before the scheduled time of the conference with completed income and expense forms**. The *plaintiff* and *defendant*, along with their attorneys, are the only *parties* permitted to attend the *conference*. Depending upon individual circumstances, even if one party fails to appear, the *conference* may proceed. The *conference* may last up to one hour.

### **DOCUMENTS TO BRING TO THE CONFERENCE**

Both *parties* will be ordered to bring the following to the *conference*:

1. Previous years' income tax returns.
2. Past six months' payroll stubs.
3. Medical insurance cards, policy numbers, and benefit booklets.
4. Self-employed *clients* must bring business records, financial statements, and past two years' tax returns.
5. Unemployed *clients* must bring Unemployment, Workers' Compensation, Disability, Social Security Income (SSI), *Social Security Disability (SSD)* or pension benefits information.
6. Completed income and expense statements.

7. Documentation for any other expenses which *plaintiff* seeks financial assistance in addition to the monthly support amount, such as:
  - a. Day care bill or invoice statement and paid receipt.
  - b. Mortgage contribution.
  - c. Uninsured medical/dental, counseling expenses.
  - d. Private school, summer camp, extracurricular expenses.
  - e. Necessary reasonable tutoring or enrichment educational class expenses.
  - f. Expenses for special needs child(ren) and any necessary supporting documentation.
  - g. Extraordinary fixed expenses.
  - h. Proof of payments defendants made directly to the *plaintiff* or provider.

### WHAT HAPPENS AT THE CONFERENCE

In Pennsylvania, child, *spousal support*, and APL orders are based upon the most recent Pa. Support Guidelines adopted by the Pennsylvania Supreme Court. The Pa. Support Guidelines published in the Pa. Rules of Civil Procedure, Rule 1910, are available at any law library or at [www.supportguidelines.com/main.html](http://www.supportguidelines.com/main.html). The 2010 *Guideline Chart* is reproduced on page 27 of this booklet.

A Domestic Relations *Conference Officer* presides over the support *conference*. The purpose of the *conference* is to determine the *net income* or *earning capacity* of each party in order to compute the proper support order under the Pa. Support Guidelines (see definitions below). If the *plaintiff* provided the *defendant's* accurate employment information, the *Conference Officer* may have the *defendant's* salary (income) statement from the employer(s). The amount of support a party is required to pay is based primarily on both *parties'* net monthly incomes or *earning capacity*, plus their proportionate share of day care costs, mortgage expenses exceeding 25% of the *plaintiff's net income* (if *parties* have a marital residence), health insurance, and any other recurring expenses set forth above. An additional amount towards unpaid support *arrears* will also be added to the monthly support order.

The *Guideline Chart* determines the starting point for support orders based upon the *parties'* monthly *net income* or *earning capacity*:

1. **Income** - Monthly gross income is based upon at least a six-month average of a parent's income. The term "income" includes income from any source, including but not limited to: (see 23 Pa.C.S.A. §4302)
  - a. Wages, salaries, bonuses, fees, and commissions;
  - b. Income from a business, rental income, or sale of property;
  - c. Interest, royalties, and dividends;
  - d. Pensions and all forms of retirement;
  - e. Income from an interest in an estate or trust;
  - f. *Social Security Disability (SSD)* benefits, Social Security retirement benefits, temporary and permanent disability benefits, Workers' Compensation, and Unemployment Compensation;
  - g. *Alimony*;
  - h. Other entitlement 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.

(DPW cash assistance and SSI are not considered as income for child support computation purposes.)
2. **Monthly net income** - This is determined by averaging the monthly gross income or monthly *earning capacity* subtracting *mandatory deductions*. *Mandatory deductions* include, but are not limited to, federal, state, and local taxes, F.I.C.A deductions, mandatory retirement contributions, and union dues. *Mandatory deductions* do not include payroll deductions for insurance, child support payments, loan repayments, voluntary retirement contributions, and savings.
3. **Fluctuating (changing) income** - Adjustments in support orders will not be made for minor changes in income. The *net income* of seasonal employees or *parties* with several employers is usually based on an average of the last one to three years' *net incomes* or *earning capacity*.
4. **Earning capacity** - A parent may be held to the highest salary they have earned during their employment history or are capable of earning based on their education, training, experience, and ability to work to support their child(ren) or spouse. If a party is able to work and chooses a lower paying job, does not work a full forty hours per week, or fails to work at all, they may be held to have an income equal to their *earning capacity*. This also applies when a party voluntarily quits work or is fired for misconduct. When assessing an *earning capacity*, 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 demonstrated substantial good faith efforts to find suitable employment.

5. **Retroactive effect** - Support orders are effective retroactive to the date the support *complaint* or petition for modification was filed. Support orders will include an additional payment towards these *arrears* in addition to the monthly support amount. Credit may be given for voluntary payments made between the filing date and the date of the support order to the plaintiff or a creditor. Absent an agreement, proof of such payments is required. However, voluntary payments to a *plaintiff* receiving DPW cash benefits cannot be credited towards *arrears*.
6. **Deviation factors** – Child support is based upon the *Guideline Chart*. In rare circumstances, if justified, the child support *Guideline Chart* amount may be adjusted based upon certain deviation factors such as: unusual needs, failure to exercise partial custody/visitation with the child(ren), extraordinary fixed financial obligations, other support obligations, other household income, children’s ages, *parties’* relative assets and liabilities, unusually large uninsured medical expenses, standard of living, and best interests of the child(ren). In a spousal support or *APL* case, the duration of the marriage may be a factor from the date of marriage to the date of final separation.
7. **Marital residence mortgage payment** - The Pa. Support Guidelines assume that the parent or spouse who is living in the marital residence (the family home) will be solely responsible for the mortgage payment, real estate taxes, and homeowner’s insurance. If the *plaintiff*/spouse is living in the marital residence and the mortgage payment exceeds 25 percent of the *plaintiff*/spouse’s *net income* (including the amount of *spousal support*, *APL*, and child support), the Court may direct the *defendant* to assume up to 50 percent of the excess amount as part of the total support order.
8. **Child care** - Reasonable child care costs are the responsibility of both parents. The Pa. Support Guidelines require the parents to pay their proportionate share based on their *net income*.
9. **Private school/summer camp/extracurricular expenses** - The *Guideline Chart* amount does not consider the costs of private school tuition, tutoring, private lessons, summer camp, extracurricular activities, etc. If these expenses are reasonable and necessary, the support order may include this amount or order the *defendant* to pay their proportionate share either the plaintiff or directly to the provider of these services.
10. **Defendant’s substantial shared custody** - The *Guideline Chart* assumes that the *defendant* has normal visitation (shared physical custody) with their child(ren) (every other weekend, one night a week, summer vacations, and holidays) and that the defendant pays for the child’s expenses during those custodial periods. If a *defendant* has “substantial shared custody” (child spends more than 40% of overnights with the *defendant*), an adjustment to the *Guideline Chart* amount will be made under the Rules (see page 19)
11. **Medical/dental/counseling expenses** – The law requires that parents provide support for their child(ren) including medical insurance, if available at a reasonable cost, plus pay any uninsured expenses. Therefore, a support order may require one or both parents to have medical insurance for the child(ren)/spouse and to pay their proportionate share of the insurance. 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, orthodontic, optic, psychiatric, psychological or mental health counseling if court ordered. Medical expenses do not include cosmetic or chiropractic services unless specifically directed in the court order. Standard support orders provide that the *defendant* is responsible for unreimbursed medical expenses in excess of \$250 per person per year. In the year in which the initial support order is entered, the \$250 threshold is prorated. After the first year, the expenses are calculated on a calendar year basis. See page 38 for the unreimbursed medical expenses process.
12. **College expenses for adult child(ren)** - College support for adult child(ren) cannot be court ordered absent a *defendant’s* verbal or written agreement. If the parents are paying college expenses for a child, this may warrant deviating upward or downward to the standard support amount under the *Guideline Chart*.
13. **Welfare recipient** - A person who is a recipient of Temporary Assistance for Needy Families (*TANF*) or *General Assistance* (a welfare grant) from the Department of Public Welfare (DPW) for a child(ren) is required to file a *complaint* for support for the child(ren). A recipient of TANF benefits is required to file a complaint for support for themselves (*spousal support*) if they are married, but currently separated from their spouse. The recipient must assign (give over) their rights for support to DPW. DPW cash assistance is not considered income for child support computation purposes. If the support order is higher than the total DPW benefits received by the *plaintiff*, the *plaintiff* and child(ren) may no longer receive DPW cash benefits. Any support *arrears* owed by the *defendant* to DPW may be owed to DPW by the *defendant* at the time the *plaintiff* takes themselves and/or the child(ren) off their welfare grant.
14. **Social Security Income and Social Security Disability Income** - For purposes of calculating child(ren) and/or *spousal support* orders, income received by a *party* in the form of SSI benefits is not considered income. This is distinguished from *SSD* benefits which is “income” (see page 25 for further information on *SSD*).

**GENERAL OVERVIEW OF  
HOW TO COMPUTE A CHILD SUPPORT ORDER**

**NOTE:** This is merely a general overview of support calculations.

Please contact a lawyer familiar with support law to review all applicable statutes, court rules, and case law. The Pa. Rules of Civil Procedure 1910.16 can be found in your local law library or at [www.supportguidelines.com/main.html](http://www.supportguidelines.com/main.html).

Part I:

A blank basic child support calculation formula is on page 51 for your own calculations.

Add each *parties' net incomes/earning capacities* on the form to compute the parents' combined *net incomes*. Then, insert the basic child support obligation from the *Guideline Chart* (see page 27), add any prorated relevant adjustments for substantial shared custody (over 40% overnights), extraordinary necessary expenses, child care, school tuition, health premiums, or other relevant deviating factors.

To determine the *non custodial parent's pro rata* share, divide *net income* by the *parties' combined incomes*.

#### AN EXAMPLE OF A BASIC CHILD SUPPORT CALCULATION

The following is a basic support guideline calculation example: A *plaintiff* files a *complaint* for support requesting child support for two (2) children and *spousal support*. The *plaintiff's* monthly gross income is \$1,000 and the *defendant's* monthly gross income is \$2,000. The *defendant* has *mandatory deductions* of \$400 per month and the *plaintiff* has *mandatory deductions* of \$118 per month. To compute the monthly *net income* for both the *defendant* and *plaintiff*, subtract line 3 from line 2. Their combined monthly *net income* is \$2,482. To compute the basic child support obligation using the combined *parties' monthly net income* (\$2,482 would be rounded up to \$2,500), go to the *Guideline Chart* for two (2) children and follow that down until you reach \$2,500. The \$866 indicates the basic monthly support obligation of both parents for their children's basic needs (food, clothing, and shelter). Divide line 5 (combined monthly *net income*) into line 4 (monthly income) to determine each parents' proportionate child support responsibility. Multiply line 8 (basic child support) by line 11 (parent's percentage share) to arrive at each parent's share of basic child support on line 12.

	<i>Defendant</i>	<i>Plaintiff</i>
1. Number of Dependents in this case	<u>0</u>	<u>2</u>
2. Total Gross Monthly Income	<u>\$2,000</u>	<u>\$1,000</u>
3. Subtract Monthly Deductions	<u>\$400</u>	<u>\$118</u>
4. Monthly <i>Net Income</i> (subtract line 3 from line 2)	<u>\$1,600</u>	<u>\$882</u>
5. Combined Total Monthly <i>Net Income</i> (add both totals on line 4)	<u>\$2,482</u>	
6. Monthly Social Security Benefits for Child(ren) (see Rule 1910.16-2(b)(2))	<u>\$0</u>	
7. Adjusted Combined Monthly <i>Net Income</i> (add line 5 and line 6)	<u>\$2,482</u>	
8. Basic Child Support Obligation (use chart on the next pages; find number of children and combined monthly income on line 7)	<u>\$866</u>	
9. Less Monthly Social Security Benefit for Child(ren)	<u>\$0</u>	
10. Basic Child Support Obligation (subtract line 9 from line 8)	<u>\$866</u>	
11. <i>Net Income</i> as Percentage of Combined Income (divide <i>defendant's</i> line 4 by line 5 and then <i>plaintiff's</i> line 4 by line 5)	<u>64%</u>	<u>36%</u>
12. Each Parent's Monthly Share of the Basic Child Support Obligation (multiply line 10 and <i>defendant's</i> line 11 and then line 10 and <i>plaintiff's</i> line 11)	<u>\$554.24</u>	<u>\$311.76</u>

#### PART II. SUBSTANTIAL SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (see subdivision (c) of Rule 1910.16-4)

When the child(ren) spends 40% or more overnights during the year with the *defendant*, the *defendant* is entitled to a reduction calculated pursuant to a formula. If the child spends 40% of overnights, the obligation is reduced by 10%. (If the child spends 45% of overnights, the obligation is reduced by 15%; if the child spends 50% of overnights, the obligation is reduced by 20%.)

In the above example, the *defendant* is responsible for 64% of the total basic child support obligation (line 11). However, since the *defendant* has custody of the children 40% of overnights, the support obligation is reduced by 10%. The *defendant* therefore is responsible for 54% (instead of 64%) of the total basic child support obligation, resulting in a child support obligation of \$467.64 per month, based upon the following computation:

13 a.	Percentage of Time Spent with Children ( <i>defendant</i> ) (divide number of custodial overnights with <i>defendant</i> by 365 and multiply by 100)	<u>40%</u>
b.	Subtract 30%	<u>30%</u>
c.	<i>Defendant's</i> Adjusted Percentage Share of the Basic Monthly Support Obligation	<u>10%</u>
d.	<i>Defendant's</i> Adjusted Share of the Basic Monthly Support Obligation (multiply line 13c and line 10)	<u>\$86.60</u>
e.	Further adjustment, if necessary under subdivision (c)(2) of Rule 1910.16-4	<u>0</u>

**PART III. ADDITIONAL EXPENSES (see Rule 1910.16-6)**

Reasonable child care expenses, health insurance premiums, unreimbursed medical expenses, private school tuition, summer camps, or other additional expenses paid by either parent are allocated between the parents in proportion to their *net incomes*. Additional expenses are listed on page 16.

In the example, the children's private school tuition expense is \$130 per month. Based upon each parent's *pro rata* obligation (line 11), the *defendant* must pay \$83.20 per month for school tuition expenses. Note: In computing child care, adjustments are made on the total expenses using the federal child care tax credits.

The *defendant's* share of the additional expenses (line 14f) is added to the adjusted basic monthly child support order of \$467.64 (line 13d) to compute the *defendant's* total monthly child support obligation (line 15).

14 a.	<i>Defendant's</i> Share of Child Care Expenses	<u>\$0</u>
b.	<i>Defendant's</i> Share of Health Insurance Premium (if the <i>plaintiff</i> is paying the premium)	<u>\$0</u>
c.	Less <i>Plaintiff's</i> Share of the Health Insurance Premium (if the <i>defendant</i> is paying the premium)	<u>\$0</u>
d.	<i>Defendant's</i> Share of Unreimbursed Medical Expenses	<u>\$0</u>
e.	Other Additional Expenses (tuition, extracurricular activities, etc.)	<u>\$83.20</u>
f.	Total Additional Expenses (add line 14 a - e)	<u>\$83.20</u>
15.	<i>Defendant's</i> Total Monthly Support Obligation (add <i>defendant's</i> line 12 or line 13d or e (if applicable) and line 14f)	<u>\$550.84</u>

**Part IV: SPOUSAL SUPPORT**

*Spousal support* is based on 30% or 40% of the difference in the *parties' net incomes*. If the *defendant* has a child support obligation or an *alimony* obligation to a former spouse, *spousal support* is computed by multiplying 30% by the difference between their *net incomes* and 40% if the *defendant* has no child support or other *alimony* obligations (Pa. R.C.P 1910.16).

If the *plaintiff's net income* is greater than the *defendant's net income*, no *spousal support* is awarded.

If a *plaintiff* files a *spousal support* action in the Domestic Relations Office, legal entitlement defenses may be raised by the *defendant*. Under the law, a *defendant* has no *spousal support* obligation if the *plaintiff*/spouse left their marital residence "without cause" or if the *plaintiff* engaged in marital misconduct which justified the *defendant's* separation from the *plaintiff*. These are legal issues about which you should seek advice from an attorney.

If the *defendant* raises an entitlement defense at the Domestic Relations *conference*, the case is scheduled to be heard by a Judge.

**Part V: DEFENDANT WITHOUT DEPENDENT CHILDREN OR ALIMONY OBLIGATION**

If a *plaintiff* files a *complaint* for *spousal support* or *APL* against a *defendant* who has no dependent children with the *plaintiff* or in any other cases and no *alimony* obligation to a prior spouse, the *spousal support* order will be computed as 40% of the net difference between the *parties' net incomes*. (If the *plaintiff's net income* is greater than that of the *defendant*, no *APL* or *spousal support* is awarded.)

Therefore, assume the *plaintiff's* monthly net income is \$1,000 and the *defendant's* monthly *net income* is \$2,000. The basic computation for such a case is as follows:

<i>Defendant's net income</i> (monthly)	\$ 2,000
Subtract <i>plaintiff's net income</i> (monthly)	- \$ <u>1,000</u>
Difference between <i>defendant's</i> and <i>plaintiff's net incomes</i>	\$ <u>1,000</u>
Multiply by 40%	x 40%
Monthly <i>spousal support</i> obligation	\$ 400

**Part VI: DEFENDANT WITH ALIMONY OBLIGATION AND/OR CHILD SUPPORT FOR DEPENDENT CHILDREN**

If a *plaintiff* files for *spousal support* against a *defendant* who also has child support obligations or an *alimony* obligation to a prior spouse, the *spousal support* order will be computed as 30% of the net difference between the *parties' net incomes*. Therefore, assuming the *plaintiff's* monthly *net income* is \$1,000 and *defendant's* monthly *net income* is \$2,000, plus a monthly child support obligation of \$250, and an *alimony* obligation of \$250 per month, the computation is as follows:

Monthly *Spousal Support* Obligation Computations:

<i>Defendant's net income</i> (monthly)	\$ 2,000
Subtract <i>defendant's</i> child support obligations	-\$ 250
Subtract <i>defendant's alimony</i> obligations to former spouse(s)	- \$ <u>250</u>
<i>Defendant's net income</i> less those obligations	\$ 1,500
Subtract <i>plaintiff's net income</i> (monthly)	- \$ <u>1,000</u>
Difference between <i>defendant's net income</i> less child support and <i>alimony</i> obligations and <i>plaintiff's net income</i> (monthly)	\$ <u>500</u>
Multiply by 30%	x 30%
Monthly <i>spousal support</i>	\$ 150

**Part VII: CUSTODIAL PARENT IS THE DEFENDANT IN A SPOUSAL SUPPORT CASE**

When a *plaintiff* files for *spousal support* against their spouse with whom their children are residing, the Pa. Support Guideline amount of *spousal support* or *APL* is computed differently. The *spousal support* award is based upon the difference between the *plaintiff's* child support obligation to the other parent and that *custodial parent's* obligation of *spousal support* or *APL*. The net difference is awarded

either to the *non custodial parent* as *spousal support/APL* or to the *custodial parent* as child support. The essence of this computation under the Pa. Support Guidelines is to equalize the incomes in the households.

The following example illustrates this formula. It assumes that the *parties* have two (2) children and the parent who has primary physical custody of the children has a monthly *net income* of \$2,000 and the *non custodial parent's* monthly *net income* is \$1,000.

Step 1: Determine the initial computation for *spousal support*:

<i>Non custodial parent's net income</i>	\$ 1,000
<i>Custodial parent's net income</i>	- <u>\$ 2,000</u>
Net difference in <i>parties'</i> monthly <i>net incomes</i>	\$ 1,000
Multiply by 40%	<u>x 40%</u>
Monthly <i>spousal support</i> amount	\$ 400

Step 2: Determine the *parties'* adjusted *net incomes* after *spousal support*:

To compute the adjusted *net incomes* of the *parties*, add the *spousal support* ordered to the *non custodial parent's net income* and deduct the *spousal support* paid from the *custodial parent's* income.

<i>Custodial parent's net income</i>	\$2,000
Less monthly <i>spousal support</i> obligation	- <u>\$ 400</u>
Adjusted monthly <i>net income</i>	\$1,600

The *custodial parent's* "adjusted" *net income* is \$1,600. The *non custodial parent's* adjusted *net income* is \$1,400 (\$1,000 + \$400 *spousal support*).

The child support obligation under the Pa. Support Guidelines is determined by combining the *parties'* incomes and applying the *parties'* new proportionate percentage of *net income* to the *Guideline Chart* amount, in this example as follows:

<i>Non custodial parent's net income</i>	\$ 1,000
Plus <i>spousal support</i>	+ <u>400</u>
<i>Net income</i>	\$ 1,400
<i>Custodial parent's net income</i>	\$ 2,000
Less <i>spousal support</i>	- <u>400</u>
<i>Net income</i>	\$ 1,600

Step 3: Compute Child Support Obligation for *non custodial parent* based upon the *parties'* adjusted *net income*:

Compute parents' combined adjusted *net incomes*:

<i>Non custodial parent</i>	\$ 1,400
<i>Custodial parent</i>	+ <u>1,600</u>
<i>Parties' combined net incomes</i>	\$ 3,000

To determine the *non custodial parent's* proportionate share, divide each parent's *net income* by the *parties'* combined incomes:

$$\begin{aligned} \$1,400 \div \$3,000 &= 46.66\% (47\%) \\ \$1,600 \div \$3,000 &= 53.33\% (53\%) \end{aligned}$$

For all computations, round the percentage to a whole number, in other words, 46.66 is rounded up to 47% and 53.33 is rounded down to 53%.

Child support for two (2) children whose parents' combined incomes are \$3,000	\$ 1,033
<i>Non custodial parent's pro rata</i> income	<u>x 47%</u>
<i>Non custodial parent's</i> child support obligation	\$ 486

Step 4: Recomputed *spousal support* obligation of the *custodial parent* to the *non custodial parent*:



Original <i>custodial parent's spousal support</i> obligation (Step 1)	\$ 400
<i>Non custodial parent's child support</i> obligation	- \$ 486
Recomputed <i>non custodial parent's spousal support</i> obligation	\$ -86

Step 5: *Alimony Pendente Lite (APL)*

*APL* claims may be filed in the Domestic Relations Office in addition to a *spousal support* claim.

There are no entitlement defenses to *APL* claim, as exists with *spousal support* claims (see above discussion). Typically, requests for *APL* are filed as part of a divorce *complaint* filed in the Prothonotary's Office. An *APL* award is effective retroactive to the date the divorce *complaint* was filed.

*APL* awards have typically and historically been computed the same as *spousal support* claims, based upon 30% (*defendant* with dependent children or other *alimony* obligation) or 40% (*defendant* with no dependent children or other *alimony* obligation) of the net difference between the *parties' net incomes* (see above examples/computations of *spousal support*).

**CHILD SUPPORT CALCULATIONS FOR A CHILD IN PLACEMENT  
(DEPENDENCY OR DELINQUENCY)**

Both parents are legally obligated to pay child support when their child(ren) is in placement as the result of a dependency (Children and Youth), or delinquency action (Juvenile Probation Office). The amount of the order is calculated under the Pa. Support Guidelines based upon each parent's monthly *net income*. Each parent is treated as a separate *defendant*. A parent's obligation is based upon the Pa. Support Guidelines amount without regard to the income of the other parent in these types of cases.

If the parents have other dependent children, the amount of basic child support for those child(ren) not in placement (based upon the Pa. Support Guidelines) is deducted from each parent's *net income* to calculate the child support obligation for the child(ren) in placement.

Example:

Mother and Father (both parents are *defendants* in separate actions) have three children and do not live in the same household. Mother has primary custody of the *parties'* two children and has a *net income* of \$1,500 per month. Father's monthly net income is \$3,000. Their combined monthly *net income* is \$4,500. The *parties'* third child is in placement at a juvenile detention facility or in foster care.

Father's monthly *net income* is 67% (\$3,000 divided by \$4,500) of the *parties'* combined monthly *net income*. Therefore, his basic support obligation to the mother for the two children at home under the *Guideline Chart* is \$870 per month (67% x \$1,299 = \$870).

Mother's monthly *net income* is 33% (\$1,500 divided by \$4,500) of *parties'* combined monthly *net incomes*. Her basic child support obligations for the two children living in her household under the *Guideline Chart* is \$429 (33% x \$1,299 = \$429).

Father's monthly obligation for the child in placement is computed based upon father's *net income* less his basic support obligation for his other children. In this example, the father's monthly *net income* is \$2,130 (\$3,000 less \$870 support for the children living primarily with mother). Father's support for his obligation of the child in placement is computed using 100%, under the *Guideline Chart*, at the \$2,150 income level (\$2,130 is rounded up to \$2,150 on the *Guideline Chart*) is \$517 per month.

Mother's monthly obligation for the child in placement is computed based upon mother's *net income* less her basic support obligation for her other children. Mother's monthly *net income* is \$1,071 (\$1,500 net less \$429 support obligation for the children living primarily with her). Mother's support order will be 100% of the support *Guideline Chart* amount for one child at the \$1,050 income level (\$1,071 is rounded down to \$1,050 on the *Guideline Chart*), and is therefore \$165 per month.

**CALCULATIONS FOR CHILD SUPPORT FOR A CHILD  
RECEIVING SOCIAL SECURITY DISABILITY PAYMENTS DUE TO THEIR PARENT'S DEATH, DISABILITY, OR  
RETIREMENT**

Income received by a party in the form of SSI benefits and/or welfare cash assistance is not included as income for child or *spousal support/APL* computations. This is distinguished from *SSD* benefits which are considered income under the Pa. Support Guidelines.

If a child for whom support is sought is receiving *SSD* benefits as result of a parent’s death, disability, or retirement benefits, these payments are added to the combined monthly *net incomes* of the parents to calculate the support under the Pa. Support Guidelines (Pa. R.C.P 1910.16-3).

To compute child support where a child receives *SSD* benefits, add the *SSD* benefit to the combined total of parents’ monthly *net incomes* to determine the *Guideline Chart* support amount. Subtract the child’s *SSD* benefits amount from the *Guideline Chart* support amount. Multiply that amount by the *defendant’s pro rata* income.

Example:

If the *defendant* has a *net income* of \$1,200 per month, the *plaintiff* has a *net income* of \$800 per month, and the child receives *SSD* benefits of \$300 per month, the total combined income is \$2,300. Child support under the *Guidelines Chart* for one child is \$551 per month. Subtract from that amount the child’s *SSD* benefits (\$551 - \$300 = \$251). Then, prorate the *defendant’s* child support obligation. The *defendant’s* \$1,200 monthly *net income* is 60% of the parents’ combined monthly *net income* of \$2,000 (\$1,200 + \$800).

Thus, the *defendant’s* support obligation for this child is \$151 per month (60% of \$251).

NOTE: When computing income using the *Guideline Chart*, the income figures are rounded as follows:

If the calculated net income of the parties is any amount from \$901 to \$924 the Combined Monthly Net income Increment will be \$900.

If the calculated net income of the parties is any amount from \$925 to \$949 the Combined Monthly Net income Increment will be \$950.

If the calculated net income of the parties is any amount from \$951 to \$974 the Combined Monthly Net income Increment will be \$950.

If the calculated net income of the parties is any amount from \$975 to \$999 the Combined Monthly Net income Increment will be \$1000.

The following *Guideline Chart* sets forth the basic starting point to establish a child support order. The figures were established on national economic studies which determine the amounts spent on children’s basic needs in intact families, based on parents’ combined monthly incomes and the number of children in the household. Parents’ combined *net income* is listed in the first column. The number of children (for which support is sought) is set forth on the other columns.

The *Guideline Chart* is used to determine the basic combined child support obligation. The starting point for the *defendant’s* share of child support is computed by using the formula set forth on page 17.

Pa. Child Support Guideline Chart  
(effective May 12, 2010)

Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0-900	50	55	60	65	70	75
950	75	76	77	78	78	79
1000	120	121	123	124	125	127
1050	165	167	169	171	172	174
1100	210	212	215	217	219	222
1150	255	258	261	264	266	269
1200	294	303	307	310	313	317
1250	306	349	353	357	360	364
1300	318	394	399	403	407	412
1350	330	440	445	450	454	459
1400	342	485	491	496	501	507
1450	354	514	537	543	548	554
1500	365	531	583	589	595	602
1550	377	548	629	636	642	649
1600	389	656	665	682	689	697
1650	401	582	684	729	736	744

1700	412	598	704	775	783	792
1750	424	615	723	808	830	839
1800	436	631	742	829	877	887
1850	447	648	762	851	924	934
1900	459	664	781	872	960	982
1950	470	681	800	894	983	1029
2000	482	698	820	915	1007	1077
2050	493	714	839	937	1031	1120
2100	505	731	858	959	1054	1146
2150	517	747	877	980	1078	1172
2200	528	764	897	1002	1102	1198
2250	540	781	916	1023	1126	1223
2300	551	797	936	1045	1150	1250
2350	563	814	956	1068	1174	1277
2400	575	831	976	1090	1199	1304
2450	587	849	996	1113	1224	1330
2500	598	866	1016	1135	1249	1357
2550	610	883	1036	1158	1273	1384
2600	662	900	1057	1180	1298	1411
2650	634	917	1077	1203	1323	1438
2700	646	934	1097	1225	1348	1465
2750	657	951	1117	1248	1373	1492

Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2800	669	968	1137	1270	1397	1519
2850	681	985	1157	1293	1422	1546
2900	693	1002	1178	1315	1447	1573
2950	704	1019	1198	1338	1472	1600
3000	714	1033	1213	1354	1490	1619
3050	723	1045	1226	1370	1507	1638
3100	732	1057	1240	1385	1523	1656
3150	741	1070	1253	1400	1540	1674
3200	750	1082	1297	1415	1557	1692
3250	759	1094	1281	1431	1574	1711
3300	768	1107	1294	1446	1590	1729
3350	777	1119	1308	1461	1607	1747
3400	786	1131	1322	1476	1624	1765
3450	793	1141	1333	1489	1637	1780
3500	798	1149	1342	1500	1650	1793
3550	804	1157	1352	1511	1662	1806
3600	809	1165	1362	1522	1674	1819
3650	815	1173	1372	1533	1686	1832
3700	820	1182	1382	1543	1698	1846
3750	826	1190	1392	1554	1710	1859
3800	831	1198	1401	1565	1722	1872
3850	837	1206	1411	1576	1734	1885
3900	842	1214	1421	1587	1746	1898
3950	848	1222	1430	1597	1757	1910
4000	854	1231	1439	1608	1769	1922
4050	860	1239	1449	1618	1780	1935
4100	866	1247	1458	1629	1791	1947
4150	872	1255	1467	1639	1803	1960
4200	878	1264	1477	1649	1814	1972
4250	884	1272	1486	1660	1826	1984
4300	890	1280	1495	1670	1837	1997
4350	895	1286	1502	1677	1845	2006

4400	898	1291	1506	1682	1850	2011
4450	902	1295	1510	1686	1855	2016
4500	905	1299	1513	1691	1860	2021
4550	909	1303	1517	1695	1864	2027
4600	912	1307	1521	1699	1869	2032
4650	916	1312	1525	1704	1874	2037

Mother and  
father  
combined  
incomes

	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
4700	919	1316	1529	1708	1879	2042
4750	923	1320	1533	1712	1884	2047
4800	926	1325	1538	1718	1890	2054
4850	931	1331	1545	1726	1989	2064
4900	935	1337	1552	1734	1907	2073
4950	940	1343	1559	1742	1916	2082
5000	944	1350	1566	1749	1924	2092
5050	949	1356	1573	1757	1933	2101
5100	953	1362	1580	1765	1942	2111
5150	957	1368	1587	1773	1950	2120
5200	962	1374	1594	1781	1959	2129
5250	966	1380	1601	1789	1968	2139
5300	971	1387	1608	1797	1976	2148
5350	975	1393	1615	1804	1985	2157
5400	980	1399	1622	1812	1993	2167
5450	984	1405	1629	1820	2002	2176
5500	989	1412	1637	1829	2011	2186
5550	994	1419	1645	1837	2021	2197
5600	1000	1426	1653	1846	2031	2207
5650	1005	1433	1660	1855	2040	2218
5700	1010	1440	1668	1864	2050	2228
5750	1015	1447	1676	1872	2059	2239
5800	1020	1454	1684	1881	2069	2249
5850	1025	1461	1692	1890	2079	2260
5900	1031	1469	1700	1899	2088	2270
5950	1036	1476	1707	1907	2098	2281
6000	1041	1483	1715	1916	2108	2291
6050	1046	1490	1723	1925	2117	2301
6100	1051	1497	1731	1933	2127	2312
6150	1056	1504	1739	1942	2136	2322
6200	1061	1511	1747	1951	2147	2333
6250	1066	1518	1755	1961	2157	2344
6300	1071	1525	1763	1970	2167	2355
6350	1076	1532	1772	1979	2177	2366
6400	1081	1539	1780	1988	2187	2377
6450	1086	1546	1788	1997	2197	2388
6500	1091	1553	1769	2006	2207	2399
6550	1096	1560	1804	2015	2217	2410

Mother and  
father  
combined  
incomes

	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
6600	1101	1567	1812	2024	2227	2421
6650	1106	1574	1821	2034	2237	2432
6700	1111	1581	1829	2043	2247	2442
6750	1116	1588	1837	2052	2257	2453
6800	1121	1595	1845	2061	2267	2464
6850	1126	1602	1853	2070	2277	2475

6900	1131	1609	1861	2078	2286	2485
6950	1135	1616	1868	2087	2295	2495
7000	1140	1622	1876	2095	2304	2505
7050	1145	1629	1883	2103	2314	2515
7100	1150	1636	1891	2112	2323	2525
7150	1155	1643	1898	2120	2332	2535
7200	1160	1649	1906	2128	2341	2545
7250	1165	1656	1913	2137	2351	2555
7300	1170	1663	1921	2145	2360	2565
7350	1174	1670	1928	2154	2369	2575
7400	1179	1676	1936	2162	2378	2585
7450	1184	1683	1943	2170	2387	2595
7500	1189	1690	1951	2179	2394	2605
7550	1194	1696	1958	2187	2406	2615
7600	1199	1703	1633	2196	2415	2625
7650	1204	1710	1973	2204	2424	2635
7700	1209	1717	1981	2212	2434	2645
7750	1214	1726	1988	2221	2443	2656
7800	1218	1731	1997	2230	2453	2667
7850	1223	1738	2005	2240	2464	2678
7900	1228	1745	2014	2249	2474	2689
7950	1233	1752	2022	2259	2485	2701
8000	1238	1759	2031	2268	2495	2712
8050	1243	1766	2039	2278	2505	2723
8100	1248	1774	2048	2287	2516	2735
8150	1253	1781	2056	2297	2526	2746
8200	1258	1788	2064	2306	2537	2757
8250	1263	1795	2073	2316	2547	2769
8300	1268	1802	2081	2325	2557	2780
8350	1273	1809	2090	2334	2568	2791
8400	1278	1816	2098	2344	2578	2803
8450	1283	1824	2107	2353	2589	2814
Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
8500	1288	1831	2115	2363	2599	2825
8550	1293	1838	2124	2372	2609	2837
8600	1297	1845	2132	2382	2620	2848
8650	1302	1852	2141	2391	2630	2859
8700	1305	1856	2145	2396	2635	2864
8750	1307	1859	2149	2400	2640	2870
8800	1310	1863	2153	2404	2645	2875
8850	1313	1866	2156	2409	2650	2880
8900	1315	1870	2160	2413	2654	2885
8950	1318	1873	2164	2417	2659	2890
9000	1320	1877	2168	2422	2664	2896
9050	1323	1880	2172	2426	2669	2901
9100	1325	1884	2176	2430	2673	2906
9150	1328	1887	2180	2435	2678	2911
9200	1330	1891	2184	2439	2683	2916
9250	1333	1894	2188	2443	2688	2922
9300	1335	1898	2191	2448	2693	2927
9350	1338	1901	2195	2452	2697	2932
9400	1340	1905	2199	2457	2702	2937
9450	1343	1908	2203	2461	2707	2942
9500	1345	1912	2207	2465	2712	2948

9550	1348	1915	2211	2470	2716	2953
9600	1351	1920	2217	2476	2723	2960
9650	1356	1926	2223	2483	2791	2969
9700	1360	1932	2229	2490	2739	2977
9750	1364	1937	2235	2494	2746	2985
9800	1368	1943	2241	2504	2754	2994
9850	1372	1948	2248	2511	2762	3002
9900	1376	1954	2254	2518	2769	3010
9950	1381	1690	2260	2525	2777	2019
10000	1385	1965	2266	2532	2785	3027
10050	1389	1971	2273	2538	2792	3035
10100	1393	1977	2279	2545	2800	3044
10150	1397	1982	2285	2552	2808	3052
10200	1402	1988	2291	2559	2815	3060
10250	1406	1994	2297	2566	2823	3069
10300	1410	1999	2304	2573	2831	3077
10350	1414	2005	2310	2580	2838	3085
10400	1418	2010	2316	2587	2846	3093
Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
10450	1422	2016	2322	2594	2854	3102
10500	1427	2022	2329	2601	2861	3110
10550	1431	2027	2335	2608	2869	3118
10600	1435	2033	2341	2615	2876	3127
10650	1439	2039	2347	2622	2884	3135
10700	1443	2044	2354	2629	2892	3143
10750	1488	2051	2361	2637	2901	3153
10800	1452	2057	2369	2646	2910	3164
10850	1457	2064	2376	2654	2920	3174
10900	1462	2070	2384	2663	2929	3184
10950	1466	2077	2391	2671	2938	3194
11000	1471	2083	2399	2679	2947	3204
11050	1475	2090	2406	2688	2957	3214
11100	1480	2097	2414	2696	2966	3224
11150	1485	2103	2421	2705	2975	3234
11200	1489	2110	2429	2719	2985	3244
11250	1494	2116	2437	2722	2994	3254
11300	1499	2123	2444	2790	3003	3264
11350	1503	2129	2454	2739	3012	3274
11400	1508	2136	2459	2747	3022	3285
11450	1512	2142	2467	2755	3031	3295
11500	1517	2149	2474	2764	3040	3305
11550	1522	2156	2482	2772	3049	3315
11600	1526	6162	2489	2781	3059	3325
11650	1531	2169	2497	2789	3068	3335
11700	1535	2175	2504	2798	3077	3345
11750	1540	2182	2512	2806	3087	3355
11800	1545	2188	2520	2814	3096	3365
11850	1549	2195	2527	2823	3105	3375
11900	1554	2201	2535	2831	3114	3385
11950	1558	2208	2542	2810	3124	3395
12000	1563	2214	2550	2848	3133	3405
12050	1568	2221	2557	2857	3142	3416
12100	1572	2228	2565	2865	3151	3426
12150	1577	2234	2572	2873	3161	3436

12200	1581	2241	2580	2882	3170	3446
12250	1586	2247	2588	2890	3179	3456

Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
12300	1591	2254	2595	2899	3189	3466
12350	1595	2260	2603	2907	3198	3476
12400	1600	2267	2610	2916	3207	3486
12450	1605	2273	2618	2924	3216	3496
12500	1609	2280	2625	2932	3226	3506
12550	1613	2285	2632	2939	3233	3515
12600	1617	2290	2637	2945	3240	3522
12650	1620	2295	2642	2951	3246	3529
12700	1623	2300	2648	2957	3253	3536
12750	1627	2305	2653	2963	3260	3543
12800	1630	2309	2658	2969	3266	3550
12850	1634	2314	2664	2975	3273	3557
12900	1637	2319	2669	2981	3279	3565
12950	1641	2324	2674	2987	3286	3572
13000	1644	2328	2680	2993	3292	3579
13050	1648	2333	2685	2999	3299	3586
13100	1651	2338	2690	3005	3305	3593
13150	1654	2343	2695	3011	3312	3600
13200	1658	2347	2701	3017	3319	3607
13250	1661	2352	2706	3023	3325	3614
13300	1665	2357	2711	3029	3332	3621
13350	1668	2362	2717	3035	3338	3629
13400	1672	2366	2722	3041	3345	3636
13450	1675	2371	2727	3047	3351	3643
13500	1679	2379	2733	3053	3358	3650
13550	1682	2381	2738	2059	3364	3657
13600	1686	2385	2743	3064	3371	3664
13650	1689	290	2749	3070	3377	3671
13700	1692	2395	2754	3076	3384	3678
13750	1696	2400	2759	3082	3391	3686
13800	1699	2404	2765	3088	3397	3693
13850	1703	2409	2770	3094	3404	3700
13900	1706	2414	2775	3100	3410	3707
13950	1710	2419	2781	3106	2417	3714

Mother and father combined incomes	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
14000	1713	2423	2786	3112	3423	3721
14050	1717	2428	2791	3118	3430	3728
14100	1720	2433	2997	2124	3436	3735
14150	1723	2438	2802	3130	3443	3724
14200	1727	2442	2804	3136	3449	3750
14250	1730	2447	2813	3142	3456	3757
14300	1734	2452	2818	3148	3463	2764
14350	1737	2457	2823	3154	2469	3771
14400	1741	2461	2829	3160	3476	3778

14450	1744	2466	2834	3166	3482	3785
14500	1748	2471	2839	3172	3489	3792
14550	1751	2476	2845	3178	3495	3799
14600	1754	2481	2850	3184	3502	3807
14650	1758	2485	2855	3189	3508	3814
14700	1761	2490	2861	3195	3515	3821
14750	1765	2495	2866	3201	3522	3828
14800	1768	2500	2871	3207	3528	3835
14850	1772	2504	2877	3213	3535	3842
14900	1775	2509	2882	3219	3541	3849
14950	1779	2514	2887	3225	3548	3856
15000	1782	2519	2893	3231	3554	3863

**Please note:** The *Guideline Chart* continues to \$30,000. If the *parties'* combined monthly *net incomes* exceed \$15,000 but are less than \$30,001, the applicable *Guideline Chart* can be found at Pa. R.C.P 1910.16-3 and which is published at [www.supportguidelines.com/main.html](http://www.supportguidelines.com/main.html) .

### **COMBINED MONTHLY NET INCOMES IN EXCESS OF \$30,000**

When the parties combined net income exceeds \$30,000 per month, calculation of child support, spousal support, and APL is computed pursuant to Pa R.C.P. 1910.16 -3.1 which is published at [www.supportguidelines.com/main.html](http://www.supportguidelines.com/main.html)

### **GENERAL ADVICE FOR A DOMESTIC RELATIONS CONFERENCE**

1. Make sure you know exactly where you are to appear and arrive on time. The *conference* will proceed without you if you are late or fail to appear.
2. If an interpreter is needed, please contact our office at least two weeks prior to your conference.
3. Unless the *conference* is for *paternity* DNA testing, please do not bring any children with you.
4. Dress respectfully and appropriately: No shorts, tee shirts, or sloppy, dirty clothing.
5. Bring whatever paperwork you have received from the Domestic Relations Office.
6. Always be honest. Failing to tell the truth is a crime, and could cause the Domestic Relations staff to doubt your truthfulness.
7. Bring all information to document your support case (receipts, bills, income information, medical information, pay stubs, tax returns, daycare receipts, etc.).
8. Make two (2) copies of all your documents relating to your support case. One copy will be for the Domestic Relations files and one copy for the other party. Keep the original for your records.
9. Do not bring food or drinks with you.
10. Parking is not provided, so make plans or arrangements for parking (location of public parking garages, parking meters, bus schedules, etc).
11. Be mature, courteous, and respectful.
12. All defendants are expected to make their first support payment at the conference, so bring along cash, money order, or cashier's check.

Although these matters may be very upsetting to you, focus your attention on the purpose of the *conference* or *hearing* to assist the Conference Officer in establishing an appropriate support order under the law. Present the facts as you know them. Remember, Domestic Relations *Conference Officers*, *Enforcement Officers*, and Client Service Representatives are here to serve both *parties* and do what is appropriate under the Pa. Support Guidelines and the law.

### **UPDATING PERSONAL INFORMATION**

*Parties* must inform the Domestic Relations Office and the other *party*, in writing, of any material change in circumstances relevant to the level of support or the administration of the support order, within (7) seven days, including, but not limited to the following:

- loss or change of income or employment



- change of address
- change of custody of the child(ren)
- divorce (*alimony*)
- separation of married *parties* (*spousal support/APL*)
- change of medical insurance coverage

A party who willfully fails to report a material change in circumstances may be held in contempt of court.

NOTE: Any party with a current family violence issue, need not notify the other party.

### **PATERNITY CASES**

If *paternity* is at issue, *paternity* must be established before a child support order can be entered. If the child(ren) was born while the *parties* were married, the husband is legally presumed to be the father of the child(ren). However, if the child(ren) was born to unmarried parents, the *defendant* is not presumed to be the father of the child.

*Paternity* may be established if the *defendant* signed an Acknowledgement of Paternity form at the hospital. This Acknowledgement of Paternity, however, may be rescinded (voided) if either party cancels the acknowledgement within sixty (60) days or before any legal proceeding relating to the child is held, whichever occurs first (including a Domestic Relations support proceeding). To rescind the Acknowledgement of Paternity, send your written statement to: DPW Paternity Coordinator, P.O. Box 8018, Harrisburg, PA 17105-8018.

If a *plaintiff* files an action for support against a *defendant* and if the *defendant* is properly served with notice and fails to appear, he is automatically deemed to be the father of the child(ren) (see 23 Pa. C.S.A. § 4342(e)).

If a *defendant* denies *paternity* of the child (believes that he is not the father of the child), a support order cannot be entered until *paternity* is established. *Genetic testing* of the *parties* and child(ren) will automatically be scheduled (unless the child was born while the parents were married, the husband is legally presumed to be the father of the child, or the father signs an Acknowledgement of Paternity at the hospital or at the Domestic Relations Office). A trained buccal swab collector at the Domestic Relations Office will obtain DNA samples from both *parties* and the child.

A laboratory will test the DNA samples of the parents and child(ren) to determine the likelihood the *defendant* is the child(ren)'s biological father. After reviewing the test results, if the *defendant* admits that he is the father of the child(ren), he signs an Acknowledgement of Paternity document. If the *defendant* continues to deny *paternity* after receiving the genetic test results, the case will be scheduled for trial before a Judge. If the genetic test results indicate that the alleged father is excluded as the biological father, the *complaint* for support against that *defendant* will be dismissed, unless the *plaintiff* timely contests the genetic test results. A Rule to Show Cause will direct the *plaintiff* to file an answer within twenty (20) days of service to challenge the *paternity* exclusion on why he should/should not be found by the Court to be the father of the child.

The defendant can hire an attorney or acquire an attorney for paternity issues. Legal counsel for the Domestic Relations Office represents the *plaintiff*. If the defendant is determined to be the father by the Court, the Court will usually order him to pay the genetic test costs and court costs.

After *paternity* is resolved, a support *conference* will be scheduled for all *parties* to establish a child support order.

### **FAILURE OF A PARTY TO APPEAR FOR A CONFERENCE**

Both *parties* will be mailed a notice to appear for a *conference* at the Domestic Relations Office at their last known address.

If a *plaintiff* files an action for support against a *defendant* and if the *defendant* is properly served with notice and fails to appear, he is automatically deemed to be the father of the child(ren) (see 23 Pa. C.S.A. § 4342(e)).

If a *plaintiff* fails to appear for a scheduled support *conference*, the case may be dismissed. However, if the *plaintiff* is on public assistance (*TANF*) or *general assistance*, the case will continue in his/her absence. DPW will be notified that the *plaintiff* has failed to cooperate and may be sanctioned and/or removed from public assistance.

If the Domestic Relations Office was given the *defendant's* employer's name and address before the *conference*, income information will be requested from that employer. The *Conference Officer* can compute the support order without the *defendant's* personal appearance.

The law requires proof that the *defendant* has been given notice of the support action and the date and time of the *conference*. Even if the *defendant* fails to appear, a support order may be entered if it is established that the *defendant* was properly served with notice. Otherwise, the *conference* must be rescheduled and a new conference notice must be sent to each party.

## ENTRY OF A SUPPORT ORDER

During a *conference*, a Domestic Relations *Conference Officer*, based on the Pa. Support Guidelines, computes a recommended support order. This order is signed by a Judge and mailed to the *parties* at their last known address. This order becomes a final order if not timely appealed by either party within twenty (20) days.

### DISABLED DEFENDANTS OR PLAINTIFFS

A disabled plaintiff or defendant may be held to their earning capacity as they may be able to work part-time. For more information, go to the U.S. Social Security Office, 555 Walnut Street, Harrisburg and ask for Working While Disabled – How We Can Help (publication no. 05-11017) or go to [www.socialsecurity.gov](http://www.socialsecurity.gov). Also, contact Works for Me at 877-268-9894 or online at [www.worksforme-pa.org](http://www.worksforme-pa.org).

### UNREIMBURSED MEDICAL EXPENSES

Responsibility to pay the *plaintiff's* unreimbursed medical expenses (for *spousal support* or *APL*) and/or the child(ren) is allocated between the *parties* in proportion to their respective *net incomes*.

Standard support orders provide that the *defendant* is responsible for unreimbursed medical expenses in excess of \$250 per person per year. In the year in which the initial support order is entered, the \$250 threshold is prorated. After the first year, the expenses are calculated on a calendar year basis. 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, orthodontic, optic, psychiatric, psychological or mental health counseling if court ordered. Medical expenses do not include cosmetic or chiropractic services unless specifically directed in the court order.

*Plaintiffs* must pay the medical expenses in full and process all insurance claims before submitting these expenses to the *defendant* for reimbursement no later than March 31 of the year following the calendar year in which the party received the final bill. Enforcement of unreimbursed medical expenses not timely provided by the party seeking payment shall be within the discretion of the court. The *plaintiff* is responsible for providing the *defendant* with copies of all unreimbursed medical expenses and copies of the insurance company's determination on reimbursement. *Plaintiffs* are encouraged to send medical reimbursement requests to *defendants* on a monthly basis (after expenses exceed \$250 per person), obtain a certificate of mailing from the U.S. Postal Service, and keep copies of all receipts sent to the *defendant*. Failure of the *defendant* to directly reimburse the *plaintiff* for these expenses, within 30 days of receipt, will subject the *defendant* to enforcement and contempt proceedings.

### MODIFYING (CHANGING) A SUPPORT ORDER

*Parties* must within seven (7) days file a Petition for Modification or Termination of an existing order at the Domestic Relations Office, including a detailed description of any material and substantial changes in circumstances relevant to the support order if the following occurs:

- loss or change of income or employment
- change of address
- change of custody of the child(ren)
- divorce (*alimony*)
- separation of married *parties* (*spousal support/APL*)
- change of medical insurance coverage

A party who willfully fails to report a material change in circumstances may be held in contempt of court. Either party may file a Petition to Modify a support order. This Petition must include the reasons for a modification is warranted and appropriate under the law. A filing fee of \$15 must be paid at the time of filing.

Some reasons why a support order may be modified include the following:

1. The *parties* have reconciled and live together.
2. The *parties* have reached an agreement to modify the amount of the support order and the *plaintiff* is not receiving cash assistance (DPW).
3. The income of one or both *parties* has increased or decreased.
4. There are extraordinary (unusual) and ongoing medical expenses that were not present at the time the last order was established.
5. A child on the support order is more than eighteen years old, has graduated or is no longer attending high school.
6. *APL* and *spousal support* terminate when a final decree in divorce has been issued.
7. Primary physical child custody change or is otherwise emancipated.

Modifications of support orders, absent fraud, are effective the date that the modification petition was filed unless otherwise agreed upon by the *parties*. Therefore, *parties* should file a Petition to Modify as soon as possible after a relevant change in circumstances.

### **SUSPENSION/TERMINATION OF A SUPPORT ORDER**

To terminate or suspend a support order, a party must file a petition at the Domestic Relations Office and pay a \$15 filing fee. Child support orders may be terminated if a child has graduated from high school, is emancipated, or is living with another person. *Parties* may also terminate a support order if they both agree, as long as the child(ren) is not receiving cash assistance (*TANF*) welfare. *APL* or *spousal support* orders are terminated upon divorce of the *parties*.

If a petition is filed to terminate support, a *conference* will be scheduled.

If a *plaintiff* files a suspension petition, photo identification is required. The support order will be suspended when the order is signed by a Judge.

If any *arrears* are owed at the time of suspension, the *defendant* generally will be ordered to pay arrears at the same monthly amount as the prior charging support order.

### **THREE-YEAR REVIEW**

According to federal law, *parties* have a right to a review of their support case once every three years. A notice will be automatically mailed to the *plaintiff* and *defendant* to inform them that a three-year review is warranted. If either party elects to have the three-year review, they must file a petition, within sixty (60) days of the notice.

### **ADMINISTRATIVE MODIFICATION/TERMINATION**

If no payments are being made and all enforcement efforts have been unable to locate the defendant or any monies, the Domestic Relations Office will evaluate the case and search for assets that can be attached for support. If all income verification and enforcement tools have been exhausted, under the law (Pa. R.C.P. 1910.19 (f)) the support case may be modified/terminated and all arrears removed without prejudice.

The Court may administratively modify or terminate a support order when it appears that:

- The support order is no longer able to be collected; or
- The defendant is unable to pay support, because of lack of known income or assets, and there is no reasonable prospect that the defendant will be able to pay in the foreseeable future; and/or
- The support case meets Federal case closure criteria under 45 CFR 303.11.

If income or assets are discovered, the order and/or arrears may be added back onto the case.

The plaintiff will receive written notification and given an opportunity to contest this action by completing information on the notice to the Domestic Relations Office. If the plaintiff files an objection, the case will be scheduled for a conference. If the plaintiff does not file an objection, the court may administratively modify/terminate the case and the remit arrears.

Note: Defendant's incarceration for failure to pay support does not qualify a case for administrative modification, termination and/or case closure under Pa. R.C.P. 1910.19(f).

### **FILING AN APPEAL**

If a support order is entered, following a conference, either party may file an *appeal* from the temporary order. The Notice of Right to Hearing informs both *parties* that any *appeal* must be filed within twenty (20) days from the date the order is mailed. If an *appeal* is not filed by that date (received by the Domestic Relations Office), along with the \$15 filing fee, the temporary order becomes a final order of

the court. If an *appeal* is timely filed, a *de novo hearing* will be scheduled before a Judge. The temporary support order remains in effect. The *defendant* is required to pay the temporary order while the *appeal* is pending before the Court.

The *parties* or their attorneys may file legal briefs regarding their *appeal* with the Judge. On the date of *appeals court*, attorneys present their *clients'* position, or a *plaintiff* or *defendant* may argue *pro se*, present relevant exhibits, and witnesses. The Judge will issue a final support order.

In addition, after the Judge hears the case, the Judge may order the *plaintiff* and *defendant* to attend Seminar for Separated Families in their county. The Seminar in Dauphin County is presented by experienced professionals of Interworks (see page 49).

The Seminar provides parents and any new partner or caregiver education and information about the harm to children from the breakdown of their parent's relationship. Based upon research, the Seminar's goals are to maximize parental compassion for children and define parenting skills during high stress transitions and assist parents in recognizing how children communicate stress and discussing high stress transitions with their children.

Please do not write or telephone a Judge concerning your case. Such communications are inappropriate and will not positively influence the Judge's decision.

**DEFENDANTS:**

**PAYING YOUR SUPPORT**

Any payments made directly to the *plaintiff* may be considered "gifts."

**1) MAILING PAYMENTS**

*Defendants:* To ensure your support payments are processed and applied to the proper case, include your *PACSES* member number and *case number* on all checks or money orders along with your payment coupon. If you have more than one support case, you will receive only one combined bill each month. Send one payment for all of your support cases. *PACSES* will divide the payment between the cases under federal law. Please also include **your name and Social Security number on the check or money order.** Otherwise, your payment cannot be processed or applied to your account.

When mailing your payments to PA SCDU do not pay your support in cash. You may pay your support payment with a check or money order payable to:

PA SCDU  
P.O. BOX 69110  
HARRISBURG, PA 17106-9110

If you do not have your payment coupon, send your payment including your *PACSES case number*, Social Security number, or member identification number on your check or money order payable to *PA SCDU*. Also, contact the Domestic Relations Office to request payment coupons.

If the Domestic Relations Office does not have a *wage attachment* order with the *defendant's* employer, the *defendant* will receive a billing statement and a payment coupon each month.

**2) WAGE ATTACHMENT**

Until a *defendant's wage attachment* is activated by the employer, the *defendant* must make all support payments directly to *PA SCDU*. The Court routinely issues orders attaching *defendant's* wages at their employer. The employer is responsible for sending the support payments to *PA SCDU*. If the total amount of support order is not being deducted by the employer, the *defendant* is responsible to pay the difference directly to *PA SCDU* each month.

The defendant must contact the Domestic Relations Office any time employment status changes. In order to attach wages, the Domestic Relations Office must be provided the name, address, and telephone number of the *defendant's* employer's payroll department.

### 3) **ELECTRONIC SUPPORT PAYMENTS**

#### a) **Bank Account - Recurring Automatic Withdrawal (RAW)**

*Defendants* may arrange to pay their support order through a Recurring Automatic Withdrawal (RAW) to have funds electronically transferred on a weekly or monthly basis to *PA SCDU* from a bank account.

*Defendants* may also use Pay-by-Phone to have funds electronically transferred to *PA SCDU* from a bank account at the *defendant's* direction.

The Court frequently orders *defendants* to establish such an account in cases where the *defendant* changes employers frequently or is self-employed. *Defendants* should establish this method by contacting the *PA SCDU* Customer Service Unit at 1-877-727-7238 to use either of the above methods.

#### b) **Credit Card:**

*Defendants* may make payments by credit card (Visa and MasterCard) by calling 1-800-955-2305. A fee may be assessed for this service.

#### c) **Internet:**

*Defendants* may make support payments via the internet using their credit card at [www.e-childspay.com](http://www.e-childspay.com). A fee may be assessed for this service.

### **PLAINTIFFS:**

### **RECEIVING SUPPORT PAYMENTS**

*Plaintiffs* have two options to receive their support payments:

- 1) Direct deposit into their bank account
- 2) Pennsylvania EPPICard™ Debit MasterCard

These methods do not apply to plaintiff's receiving DPW cash assistance.

### **BANK ACCOUNT DIRECT DEPOSIT**

*Plaintiffs* may have support payments deposited directly into their bank account. The direct deposit form is available at the Domestic Relations Office or online at [www.childsupport.state.pa.us](http://www.childsupport.state.pa.us).

### **PA EPPICard™**

*Plaintiffs* may have their support payments credited to them on a PA EPPICard™. The plaintiff then may access support monies paid by utilizing the card.

If you have a question about your card or need a replacement card, you must contact PA EPPICard™ at 1-800-304-1669 or online at [www.eppicard.com](http://www.eppicard.com). The Domestic Relations Office cannot issue replacement cards. There may be a fee for replacement cards.

### **OBTAINING INFORMATION ABOUT SUPPORT PAYMENTS**

*PA SCDU* has a computerized (automated) answering service. For questions about your support payments, call the *PA SCDU* Customer Service Unit at 1-877-PAS-SCDU (1-877-727-7238). Payment information is available 24 hours a day, 7 days a week. To speak to a *PA SCDU* customer service representative, call Monday through Friday between 8 a.m. and 5 p.m.

Your child support information may also be obtained at [www.childsupport.state.pa.us](http://www.childsupport.state.pa.us) You must first set up a Personal Identification Number (PIN) to access your private information.

If you do not have internet access, you may go to your local public library. You also may use the Domestic Relations Office Interactive Voice Response System (IVR) (717) 255-2796. You must have touch tone telephone service.

### **ENFORCEMENT CONFERENCE**

Notice of a scheduled enforcement conference is mailed by the Domestic Relations Office to *defendants* who have been non compliant with his/her support order (payments are not being made despite *wage attachment* or if the *defendant* is not abiding by the court order). This notice reminds the *defendants* of their duty to pay support and the legal consequences for failure to pay the court ordered support. Enforcement *conferences* are at the Domestic Relations Office.

*Defendants* can purge themselves of their contempt order and avoid incarceration by paying a lump sum purge payment. The purge amount is generally calculated based upon the last six months of unpaid support, any unpaid health insurance premiums, and/or any unpaid medical expenses, etc.

At the enforcement conference, the defendant should appear with a payment. The defendant is ordered to bring his/her recreational licenses with them (hunting, trapping, boating, and fishing).

If the *defendant* is unable to work due to a mental or physical disability, medical proof (written letter from a doctor) must be provided to the Domestic Relations Office. Most people with disabilities are still able to work part-time. For more information, go to the U.S. Social Security Office, 555 Walnut Street, Harrisburg and ask for Working While Disabled – How We Can Help (publication no. 05-11017) or go to [www.socialsecurity.gov](http://www.socialsecurity.gov) . Also contact Works for Me at 877-268-9894 or online at [www.worksforme-pa.org](http://www.worksforme-pa.org) .

If the *defendant* does not comply with the *Enforcement Officer's* instructions, a contempt proceeding before the Court will be scheduled. If an employer deducts support payments but does not remit them, the employer is subject to contempt proceedings.

### **ENFORCEMENT AND COLLECTION OF SUPPORT ORDERS**

There are many enforcement actions which the Domestic Relations Office may use to enforce support orders:

1. *Wage attachments*
2. Tax refund intercept
3. Passport denial
4. Financial institution account seizure
5. *Credit bureau reporting*
6. *Lien and Judgment*
7. Driver's license suspension
8. Recreational license suspension
9. Professional licenses suspension
10. Incarceration at Dauphin County Prison or Work Release Center

### **WAGE ATTACHMENTS**

All cases automatically require a *wage attachment* order if the *defendant* has wage attachable employment. A *wage attachment* is a court order which directs the *defendant's* employer to deduct the support from the *defendant's* paycheck and send it to PA SCDU. *Wage attachments* also can be issued against Unemployment Compensation, *Social Security Disability*, Workers' Compensation, and some pension benefits under Pa. R.C.P 1910.21(a)

### **TAX REFUND INTERCEPT**

Under the law, *the defendant's* federal (IRS) and state tax refunds are automatically intercepted and applied to support arrears in qualifying cases. Federal tax: 45 CFR§303.72 - State tax: 23 Pa. C.S. §4307. All jointly filed IRS tax refunds are held for a period of six months prior to disbursement to allow the *defendant's* spouse to file a claim for their share of the tax refund.

If you have any questions about the tax refund intercept program, contact:

DOMESTIC RELATIONS OFFICE  
Attn: Tax Refund Offset Coordinator  
P.O. Box 1295  
Harrisburg, PA 17108  
(717) 255-2796

## **PASSPORT DENIAL, REVOCATION, OR RESTRICTION**

Federal law authorizes the denial, revocation, or restriction of delinquent *defendant's* passports. Currently, the U.S. State Department is denying passports to any *defendant* with child support arrearages exceeding \$2,500. 42 U.S.C. 652(k)

### **FINANCIAL INSTITUTION ACCOUNTS**

*The defendant's* funds in any financial institution (banks, credit unions, brokerage accounts) may be seized for support arrears. Written notification of the seizure is sent to the *defendant*. The *defendant* and any joint owner of the account may file an objection to the seizure within thirty (30) days for the following reasons only under Pa. R.C.P. 1910.23:

- No overdue support exists or there is a mistake in the certified amount of overdue support
- There is a mistake in the identity of the *defendant*
- The account is not subject to the seizure under the law

### **CREDIT BUREAU REPORT**

If a *defendant* is more than sixty (60) days in *arrears* of the support order, the delinquency will be reported to the major credit bureaus. This will affect the *defendant's* credit rating. The *defendant* has the right to contest the report within twenty (20) days of the date of the notice. To contest the reported delinquency, the *defendant* must, in writing or in person, state the basis of the objection. The only facts that can be contested are: Name, Social Security Number, address, or the amount of support arrearage due. The objection must be received by the Domestic Relations Office within the twenty (20) day period. 23 Pa.C.S. §4303.

### **LIENS AND JUDGMENTS AGAINST PROPERTY**

Under the law, any overdue support (greater than one month's support obligation) becomes a *judgment* against the *defendant* under Pa. R.C.P. 1910.24. The *judgment* may be enforced against the *defendant's* real property and/or personal property (cars, boats, checking accounts, bonds, personal injury settlements, etc.). This *judgment* has the full force and effect as any other legal *judgment* and is enforceable in Pa. or may be enforceable in any other state.

Executing on a *defendant's* property is a legal proceeding. *Plaintiffs* should consult an attorney. Attorneys should check the following website for *lien* searches: [www.childsupport.state.pa.us](http://www.childsupport.state.pa.us) ; (under *lien* search).

### **DRIVER'S LICENSE SUSPENSION**

Under the law, the Pa. Department of Transportation may suspend the driver's licenses of *defendants* who have overdue support arrearages in excess of three months and whose paycheck is not currently wage attached under 23 Pa.C.S. §4355(d.1). This also applies to commercial driver's license. *Defendants* are provided advanced notice that their license will be suspended, unless within thirty (30) days, they file an objection, for the following reasons only: mistakes of fact, errors in amount of overdue support owed and/or mistaken identity.

### **RECREATIONAL LICENSE SUSPENSION**

Federal and state law authorizes denial, for renewal or issuance of recreational licenses of *defendants* with overdue support arrears (in excess of three months) and their paycheck is not currently wage attached under 23 Pa.C.S. §4355(d.2)(d.3).

### **PROFESSIONAL LICENSE OR PERMIT SUSPENSION**

Federal and state law authorizes suspension or denial of any license, certificate, permit, or other authorization to engage in a profession, trade, or business for a *defendant* with overdue support *arrears* (in excess of three months). *Defendants* are provided advanced notice that their licenses will be suspended, unless within thirty (30) days they file an objection, for the following reasons only: mistakes of fact, errors in the amount of *arrears* due and/or mistaken identity. 23 Pa.C.S. §4355(a)(b)(iii)

### **CONTEMPT**

A *defendant* is in contempt of a court order for willfully failing to make child or *spousal support/APL payments* or for failing to follow any other directive in a court order.

A party who willfully fails to report a material change in circumstances may also be held in contempt of court. Pa.R.C.P. 1910.25

## **CONTEMPT COURT – INCARCERATION**

*Defendants* who have failed to comply with their support orders and have failed to comply with the *Enforcement Officer's* instructions following the enforcement *conference* may be scheduled for *Contempt Court*. If the *defendant* was unable to work due to a mental or physical disability, medical proof (written letter from a doctor) is required. Generally, the *defendant* is required to pay the amount of court ordered support not paid within a six (6) month period.

The *defendant* is subject up to six (6) months incarceration per support case, fines up to \$500, court costs and \$120 sheriff's costs. *Defendants* can purge themselves of contempt and avoid incarceration by paying their purge Pa.R.C.P. 1910.25-5.

## **CAPIAS COURT**

If the *defendant* fails to appear for *Contempt Court* or fails to comply with a previous *Contempt Court* order, a *capias* (arrest warrant) will be issued. When the *capias* is served, the *defendant* is placed in Dauphin County Prison. If the *defendant* failed to appear for contempt court he/she will be presented for *Capias Court* before a Judge, within 72 hours. The *defendant* is subject up to six (6) months incarceration per support case, fines up to \$500, court costs and \$120 sheriff's costs.

Most *defendants* with employment are eligible to serve their sentence at the Dauphin County Work Release Center (WR). If they are directed to present themselves to the WR Center on a future date, the *defendant* must have a tuberculosis (TB) test. They are eligible for release from the Prison or the WR Center if they pay their purge amount, \$120 sheriff's costs, if applicable and work release fees/costs, if applicable.

Most *defendants* are required to maintain at least full-time wage attachable employment. *Defendants* may also be ordered to obtain, in addition to full-time employment, drug and alcohol evaluation and treatment, attend a parenting class, sexually transmitted disease (STD) class, Seminar for Separated Families, job skills training, community service, and any other program deemed necessary for the *defendant* to be a good parent in addition to paying support.

## **GENERAL ADVICE FOR A DOMESTIC RELATIONS CONFERENCE**

1. Make sure you know exactly where you are to appear; **arrive on time**. The *conference* will proceed without you if you are late or fail to appear.
2. Unless the *conference* is for *paternity* DNA testing, please do not bring children with you.
3. Dress respectfully and appropriately: No shorts, tee shirts, or sloppy, dirty clothing.
4. Bring whatever paperwork you have received from the Domestic Relations Office.
5. Always be honest. Failing to tell the truth is a crime, and could cause the Domestic Relations staff to doubt your truthfulness.
6. Bring all information to document your support case (receipts, bills, income information, medical information, pay stubs, tax returns, daycare receipts, etc.).
7. Make two (2) copies of all your documents relating to your support case. One copy will be for the Domestic Relations files and one copy for the other party. Keep the original for your records.
8. Do not bring food or drinks with you.
9. Parking is not provided, so make plans or arrangements for parking (location of public parking garages, parking meters, bus schedules, etc).
10. Be mature, courteous, and respectful.

Although these matters may be very upsetting to you, focus your attention on the purpose of the *conference* or *hearing*. Present the facts as you know them. Remember, Domestic Relations *Conference Officers*, *Enforcement Officers*, and Client Service Representatives are here to serve both *parties* and to do what is appropriate under the Pa. Support Guidelines and the law.

## **SEMINAR FOR SEPARATED FAMILIES**

This is a seminar for parents, paramours, grandparents, and any other adult that is caring for children whose parents do not reside together. The Seminar is presented by the staff of Interworks, a consortium of educators, counselors, and psychotherapy practitioners. Research shows that children can be irreparably harmed when they are in the center of conflict. The purpose of the Seminar is to increase the understanding of the adults of the unfortunate, yet predictable, emotional turmoil that often occurs when parenting from separate households. Special focus is placed on the important needs of children during this emotional turmoil and conflict and how to best manage this conflict in the best interest of the children. The Seminar assists parents in keeping their children's best interests separate from parental conflict and how to create for their children a "conflict-free zone." In addition to parents, other interested third *parties* such as live in paramours, step-parents, and grandparents are encouraged to attend.



The Seminars are given one Saturday morning each month at the Dauphin County Courthouse. The cost is \$35 per person. Call (717) 236-6630 for the dates and times. If you reside in another county, you may attend a similar Seminar in that county.

**PUBLIC TRANSPORTATION SERVICES**

If transportation services are necessary to appear at a support *conference* or *hearing*, a *plaintiff* or *defendant* may access public transportation information via the internet at <http://www.pacommuterservices.com> . This service includes information for York, Lebanon, Lancaster, and Dauphin Counties.

**CUSTODY AND VISITATION**

The Domestic Relations Office does not resolve custody or visitation disputes between the *parties*. *Parties* are encouraged to enter into a written custody and parenting agreement. A standard form parenting agreement and custody order can be obtained from the Domestic Relations Office or go to [www.dauphincounty.org](http://www.dauphincounty.org) , under “Courts,” then go to “Judge Jeannine Turgeon,” then go to “Practices and Preferences.”

**SELF HELP CENTER**

If you are looking for information on any of the topics listed below, please go to the Self Help Center, located in the Law Library on the fourth floor of the Dauphin County Courthouse, Front & Market Streets, Harrisburg, PA. At the Self Help Center, you will be able to purchase a packet that may contain the information and forms you need.

The Self Help Center is open Monday through Friday 8:00 a.m. to 4:30 p.m. The information packets are also available 24 hours a day on the Court’s website: [www.dauphincounty.org](http://www.dauphincounty.org).

THE AVAILABLE FORMS AND COSTS ARE LISTED BELOW:

- How to file for divorce when parties have been separated for two years and no property needs to be divided (\$5)
- How to file for custody, partial custody, or visitation when there is no existing custody order. (\$5)
- How to file for modification of an existing custody order. (\$5)
- How to file for a divorce where the parties consent and no property needs to be divided. (\$5)
- How to file an in forma pauperis petition for use when you believe you cannot afford to pay the filing fees. (\$5)
- How to file a driver's license suspension appeal. (\$5)
- How to file a name change petition. (\$5)
- How to motion for declaration of ownership. (\$5)

The Self Help Center staff and the staff in any court office are unable to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may contact the Dauphin County Bar Association lawyer referral service at (717) 232-7536.

**WORK RELEASE PROGRAM**

WR is a Community Corrections facility utilized by the Courts to incarcerate sentenced defendants in order to provide an opportunity for them to maintain current employment or secured new employment.

Christian Recovery Aftercare Ministry (CRAM) provides a four week employment assistance project at the Dauphin County Work Release Center. This course is held one night a week and offers job search assistance, job readiness, one-on-one mentoring, resume preparation, and mock interviewing to work release residents.

Under the law, child support is computed utilizing the following form:

**CHILD SUPPORT COMPUTATION FORM**

	<i>Defendant</i>	<i>Plaintiff</i>
1. Number of dependents in this case	_____	_____
2. Total gross monthly income	\$ _____	\$ _____
3. Subtract monthly deductions	\$ _____	\$ _____
4. Monthly <i>net income</i> (subtract line 3 from line 2)	\$ _____	\$ _____
5. Combined total monthly		

- net income* \$ \_\_\_\_\_  
(add both totals on line 4)
6. Monthly Social Security benefits for child(ren) \$ \_\_\_\_\_  
(see Rule 1910.16-2(b)(2))
7. Adjusted combined monthly *net income* \$ \_\_\_\_\_  
(add line 5 and line 6)
8. Basic child support obligation \$ \_\_\_\_\_  
(use chart on previous pages; find number of children and combined monthly income on line 7)
9. Less monthly Social Security benefit for child(ren) \$ \_\_\_\_\_
10. Basic child support obligation \$ \_\_\_\_\_  
(subtract line 9 from line 8)
11. *Net income* as percentage of combined incomes \_\_\_\_\_% \_\_\_\_\_%  
(to determine *parties'* proportionate income, divide party's line 4 monthly net by parents' combined incomes line 5)
12. Each parent's monthly share of the basic child support obligation \$ \_\_\_\_\_ \$ \_\_\_\_\_  
(multiply line 10 and *defendant's* line 11 and then line 10 and *plaintiff's* line 11)

PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE Rule 1910.16-4(c)

- 13 a. Percentage of time spent with children (*defendant*) \_\_\_\_\_%  
(divide number of custodial overnights with *defendant* by 365 and multiply by 100)
- b. Subtract 30% \_\_\_\_\_%
- c. *Defendant's* adjusted percentage share of the basic monthly support obligation \_\_\_\_\_%  
(subtract line 13b from line 11)
- d. *Defendant's* adjusted share of the basic monthly support obligation \_\_\_\_\_  
(multiply line 13c and line 10)
- e. Further adjustment, if necessary under subdivision (c)(2) of Rule 1910.16-4 \_\_\_\_\_

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

- 14 a. *Defendant's* share of child care expenses \$ \_\_\_\_\_
- b. *Defendant's* share of health insurance premium \$ \_\_\_\_\_  
(if the *plaintiff* is paying the premium)

- c. Less *Plaintiff's* share of the health insurance premium (if the *defendant* is paying the premium) \$ \_\_\_\_\_
- d. *Defendant's* share of unreimbursed medical expenses \$ \_\_\_\_\_
- e. Other additional expenses (tuition, extracurricular activities, etc.) \$ \_\_\_\_\_
- f. Total additional expenses (add line 14 a – e) \$ \_\_\_\_\_
- 15. *Defendant's* total monthly support obligation (add *defendant's* line 12 or 13d or e (if applicable) and line 14f) \$ \_\_\_\_\_

**DEFINITION OF TERMS**

**Alimony** - court ordered support (for a former spouse) after a divorce decree is entered.

**Alimony Pendente Lite (APL)** - court ordered temporary support for a spouse when a divorce action is pending.

**Appeal** - a legal document filed with the court, seeking judicial review of the order of support entered pursuant to the recommendation of the Domestic Relations Conference Officer.

**Appeals Court** - the judicial proceeding as a result of an *appeal* of the *Conference Officer's* recommendation.

**Arrears** - unpaid support, in excess of one month support.

**Case Number** - the docket number assigned to each support case. Each case has two numbers: a Dauphin County Domestic Relations docket number (5000-DR-01) and a PACSES case number (123456789).

**Complaint** - the name of the document or pleading filed with the Domestic Relations Office or Prothonotary that seeks entry of a support order or *APL*.

**Conference** - the meeting with a Domestic Relations worker to establish, modify, enforce or terminate a support order.

**Conference Officer** - a Domestic Relations employee who conducts support *conferences* and prepares a recommended support order signed by the Judge.

**Contempt Court** - a *hearing* before a Judge at which the *defendant* must explain why he/she is not complying with the support order. A finding of contempt may result in *defendant's* incarceration up to six (6) months per case.

**Credit Bureau Reporting** - report sent to local credit bureaus concerning *defendants* who are over sixty (60) days in *arrears* of their support obligation.

**Custodial parent** - the person who has primary care, custody, and control of a minor child(ren).

**Defendant** - the person who pays support. This person is also called the *non custodial parent, obligor*, or alleged father.

**Delinquency notice** - a notice sent to *defendants* whose support payments are delinquent and are not being paid in full.

**Earning capacity** - earning potential assigned to a party that willfully fails to obtain employment, equal to their age, education, training, health, work experience, earning history, and child care responsibilities.

**Enforcement Officer** - a Domestic Relations employee who conducts enforcement *conferences* when *defendants* are not paying the support order or complying with a provision of the support order.

**Ex parte communication** - a written or oral communication such as a letter or phone call made from one *party* to the Court, without the presence of the other party.

**General Assistance** - a state funded program which provides money for persons who do not meet the requirements for *TANF*. (Example: An adult, other than a relative, who is caring for a child under the age of 13 or individuals/couples with no dependent children who have temporary or permanent disabilities that prevent their employment.)

**Genetic testing** - scientific testing used to establish *paternity*.

**Guideline Chart** - the Support *Guideline Chart* on page 27.

**Hearing** - a trial during which *parties* and witnesses present testimony under oath before a Judge.

**Intrastate** - a case in which one of the *parties* (*plaintiff/defendant*) resides in another county in Pennsylvania and that county in Pennsylvania is providing services to the *plaintiff* or *defendant*.

**Interstate** - a case in which one of the *parties* (*plaintiff/defendant*) resides in another state and that state is providing services to the *plaintiff* or *defendant*.

**IRS Intercept** - the action whereby a *defendant's* IRS tax refund is intercepted to pay support.

**Judgment** – an automatic judgment is recorded against the defendant who owes back support under the law. This *judgment* can be filed in the County's Prothonotary's office.

**Lien** - a legal vested claim on real or personal property.

**Local case** - a case in which both *parties* are under the jurisdiction of the Dauphin County Court of Common Pleas and its Domestic Relations Office.

**Mandatory deductions** - The deductions from one's gross income to compute *net income* for support computations such as federal, state, and local taxes, mandatory retirement, and mandatory union dues. *Mandatory deductions* do not include child or *spousal support*, voluntary retirement, savings or other deductions.

**Modifying an Order** - changing a support order.

**Net income** - determined to be a *parties'* income after federal, state, and local taxes, F.I.C.A. payments, non-voluntary retirement deduction, union dues, and *alimony* paid to the other party is deducted from the *parties'* gross pay.

**Non custodial parent** - is the person who does not have primary physical custody and control of a minor child(ren).

**Obligee** - The person to whom the Obligor pays support. Also called the plaintiff.

**Obligor** – The person who is obligated to pay support to the Obligee. Also called the defendant.

**Parties** - the *plaintiff* and *defendant* involved in the support case.

**Paternity** - legal determination of fatherhood.

**PACSES** - Pennsylvania Child Support Enforcement System. A statewide automated computer system which tracks cases and maintains support.

**PA SCDU** - Pennsylvania State Collection and Disbursement Unit. The statewide collection and disbursement system for all support orders in Pennsylvania.

**Plaintiff** - the person who files a *complaint* seeking child/*spousal support*. In child support cases, the *plaintiff* is usually the person with whom the child primarily resides. This person may also be called the *custodial parent* or *obligee*.

**Pro rata** - a party's percentage share of the support obligation based upon the proportion of their *net income* to the total of both *parties'* combined *net incomes*. Example: If *plaintiff's net income* is \$1,000 per month and *defendant's* is \$1,000 per month, *defendant's pro rata* share is 50%.

**Purge monies** – If a judge finds a defendant in contempt of court for failing to abide by a court order, the judge establishes how a defendant can “purge” themselves of the contempt to avoid incarceration. Usually, the purge is the amount of support not paid within six months of the contempt notice sent to the defendant.

**Retroactive Arrears** - Support that accumulated between the time the *plaintiff* filed the support action and the time the support order is entered, less any money paid.

**Social Security Disability** - payments received from the Social Security Administration during a period of a party's disability. A party's SSD payment is considered income for support calculations.

**Spousal Support** - court ordered support for a spouse if the *parties* (*defendant/plaintiff*) are married.

**T.A.N.F.** - Temporary Assistance for Needy Families, Department of Public Welfare cash grant paid for children.

**Wage Attachment Order** - a court order requiring an employer to deduct a support order amount from the *defendant's* income and send the support amount to PA SCDU.

**Mission Statement  
of the  
Domestic Relations Office  
Dauphin County Court of Common Pleas**

*Our mission is to serve the public by providing child and spousal support services as authorized by law and local rules of the court.*

*We will establish, modify, and enforce orders of support and provide support collection services for children and families in an effective and efficient manner, making prudent use of public resources.*

*We will perform our duties with honor and professionalism and treat our clients with respect and dignity.*