

SUPPORT LAW IN THE COMMONWEALTH OF PENNSYLVANIA

By Barbara A. Froman, Support Professional

Reviewed by David C. Schanbacher, Esquire

The Commonwealth of Pennsylvania recognizes and enforces several different kinds of support.

Child Support. Any person who cares for a child has standing to pursue support of that child, regardless of whether there is a court order granting that person custody of the child or not. Support for a child, once entered by the Domestic Relations Section of the court, will continue until the child turns eighteen years or age, or graduates from high school, whichever occurs last. In some rare cases, child support will continue past these two milestones if extenuating circumstances warrant it, such as permanent medical conditions which prevent the child from being emancipated, or delayed graduation due to inability to meet the requirements of the school district. Child support is always modifiable if there are changes to the parties' incomes, custody of the child, and other factors.

Spousal support. This is support awarded to one spouse, by the other spouse, for care, maintenance and financial assistance. There is no requirement for a divorce action to have been initiated when a request for spousal support is made.

Alimony pendente lite. Alimony pendente lite is temporary support granted to one spouse during the pendency of a divorce or annulment proceeding. This type of support requires divorce action to have been commenced and will terminate once a divorce decree is entered.

Alimony. This is an order for support from one spouse to another granted by the Commonwealth of Pennsylvania in conjunction with a final decree of divorce. Alimony pendente lite or spousal support are sometimes converted to alimony at the end of a divorce action for a period of time.

Calculation of a support obligation is made pursuant to a set of guidelines and formulas contained in the Pennsylvania Rules of Civil Procedure, sections 1910.1 through 1910.50. All support obligations are calculated based on incomes of the parties, and the support awarded may include additional amounts for mortgages (including taxes and homeowner's insurance), daycare expenses, private school tuition or camps, and health insurance. Expenses of the parties are not considered, except in those cases where the combined monthly net incomes of the parties (that is, the incomes after taxes are deducted) exceed \$20,000 (high income cases). In these cases, the expenses of the children are considered

When a support conference has been scheduled before the York County Domestic Relations section of the Court, both parties are expected to provide documentation and information regarding their incomes. This documentation would include most recent pay stubs, most recent W-2 and federal tax return filed, proof of health insurance, daycare costs, psychological, chiropractic, orthodontic or other unusual medical expenses, and mortgage information. For parties who are typical wage-earners, the Conference Officer will simply calculate their monthly earnings, deduct the appropriate taxes and other out of pocket costs for health insurance, and "plug" the numbers into the formulas as provided by the rules to determine the appropriate amount of support. For those persons who are self-employed, or have income other than the typical wages, additional calculations may be required. If there are issues of split custody, or one party owing spousal support to the other, but on the receiving end of child support, further calculations are required. Once the order is entered, either party may appeal the decision to a judge.

Support is always modifiable. Both parties are required under the law to inform Domestic Relations of changes in their income, employment, or address. Non-compliance by either party may result in sanctions including a fine, probation, or jail.