

**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

**RECOMMENDATION 61**

**Rule 1910.16-5. Support Guidelines. Deviation.**

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

(1) unusual needs and unusual fixed obligations;

(2) other support obligations of the parties;

(3) other income in the household;

(4) ages of the children;

(5) assets of the parties;

(6) medical expenses not covered by insurance;

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

(8) in a spousal support or alimony pendente lite case, the period of time during which the parties lived together from the date of marriage to the date of final separation; and

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

(c) In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.

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**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.**

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(c) **Unreimbursed Medical Expenses.** Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. **[and] The court may direct that obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.**

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person **[which are recurring and can be reasonably predicted by the court at the time of establishment or modification of the support order]**. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical services do not include cosmetic, chiropractic, psychiatric or psychological services unless specifically directed in the order of court.

**[(2) If there are annual medical expenses in excess of \$250 per person which are unpredictable or non-recurring, the court may order that such expenses, if incurred, be allocated in proportion to the parties' net incomes. The court may direct obligor to pay his or her share either to the obligee or directly to the health care provider.]**

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

**[(4) (3)** Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, the \$250 threshold shall be pro-rated.

**Note**

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