

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

AHMED SAIDU KAMARA,

Appellant

v.

JACQUELINE STANBACK,

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1731 EDA 2012

Appeal from the Order of May 21, 2012,
in the Court of Common Pleas of Delaware County,
Domestic Relations at No. 2010-05776 & Pacses 304102488

BEFORE: OLSON, WECHT and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: February 1, 2013

Appellant Father appeals *pro se* from the order directing that the entirety of settlement proceeds to be received by Father be applied to his outstanding child support arrears. We affirm.

The relevant facts are as follows. On July 20, 2000, Father was ordered to pay \$170.92 per month for the support of his minor child, N.K. On July 27, 2010, the support action was transferred from Philadelphia County to Delaware County, where Appellee Mother currently resides. As of the date of the transfer, Father had already accumulated arrears in the amount of \$2,996.14, which the court ordered to be paid at a rate of \$60.83 per month.

*Retired Senior Judge assigned to the Superior Court.

In 2010, Father was involved in a personal injury suit which settled in 2012. After medical liens, costs and attorneys' fees were satisfied, Appellant was set to receive settlement proceeds totaling \$2,625.00. The trial court held a distribution hearing on May 21, 2012. At the time of the hearing, Father's support arrears totaled approximately \$7,224.00. Following the hearing, the trial court issued an order distributing Father's settlement proceeds to the outstanding arrears. Father filed a petition for reconsideration of the trial court's order, which the trial court denied. Father's timely appeal followed.¹

Father raises the following issues on appeal: (1) whether the trial court erred in not applying 23 Pa.C.S.A. § 4308.1, concerning collection of overdue support from monetary awards, to this case; (2) whether the trial court erred by failing to consider Father's student loan debt; (3) whether the trial court erred in applying the entire settlement proceeds to arrears when

¹ Our standard of review of child support orders is as follows:

When evaluating a support order, this Court may only reverse the trial court's determination where the order cannot be sustained on any valid ground. We will not interfere with the broad discretion afforded the trial court absent an abuse of the discretion or insufficient evidence to sustain the support order. An abuse of discretion is not merely an error of judgment; if, in reaching a conclusion, the court overrides or misapplies the law, or the judgment exercised is shown by the record to be either manifestly unreasonable or the product of partiality, prejudice, bias or ill will, discretion has been abused. In addition, we note that the duty to support one's child is absolute, and the purpose of child support is to promote the child's best interests.

Kimock v. Jones, 47 A.3d 850, 854 (Pa. Super. 2012).

N.K. is not Father's biological child; (4) whether the trial court erred because Father is not permitted to see N.K.; and (5) whether the trial court erred in failing to consider Mother's income as compared to Father's income.

At the hearing, however, Father failed to raise any of these issues to the trial court. There, Father argued only that the settlement proceeds should not be applied to his arrears because he has fathered two additional children since his accident. Father did not present any of the issues he now raises on appeal to the trial court. Thus, we find Father's issues on appeal to be waived. **See** Pa.R.A.P. 302(a) (stating "[i]ssues not raised in the lower court are waived and cannot be raised for the first time on appeal.").²

Order affirmed.

² Father argues that he raised some of his issues to the trial court by including them in his petition for reconsideration of the trial court's order. However, this was not sufficient to preserve Father's issues for review where these issues were never raised to the trial court at the hearing. **See Keffer v. Bob Nolan's Auto Service, Inc.**, 2012 Pa. Lexis 4080, *19 (Pa. filed November 26, 2012) (stating "[o]ne 'may not, at the post-trial motion stage, raise a new theory which was not raised during trial.'"). The trial court did not consider any of the issues raised in Father's petition for reconsideration.