

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

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(c) Substantial or Shared Physical Custody.

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. This rebuttable presumption also applies in high income cases decided pursuant to Rule 1910.16-3.1. Except as provided in subsection[s] (2) **[and (3)]** below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

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

(a) When the total of the obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of \$~~1,141~~ **1,140** (~~\$593~~ **584** for the first child and ~~\$548~~ **556** for the second child) is less than half of the obligor's monthly net income.

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Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. Priority of Distribution of Payments.

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(d) The priorities for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) **monthly** current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) monthly ordered amount toward child support arrears.

- (4) **monthly** current spousal support or alimony pendente lite.
- (5) remaining child support arrears.
- (6) monthly ordered amount toward spousal support or alimony pendente lite arrears.
- (7) remaining spousal support or alimony pendente lite arrears.
- (8) court costs and fees.

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Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.

(a) The complaint in an action for support shall be substantially in the following form:

(Caption)
COMPLAINT FOR SUPPORT

* * *

WHEREFORE, Plaintiff requests that an order be entered on behalf of the aforementioned child(ren) and/or spouse for reasonable support and medical coverage.

<u>Date</u>	<u>Plaintiff or Attorney for Plaintiff</u>
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I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

<u>Date</u>	Plaintiff
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(h) A petition for recovery of a support overpayment when a support order remains in effect shall be in substantially the following form:

(Caption)
Petition for Recovery of Support Overpayment in Active Case.

1. Obligor and Obligee are parties in a support action at the docket number captioned above.
2. There is an overpayment owing to Obligor in an amount in excess of two months of the monthly support obligation.

Wherefore, Obligor requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(1), the charging order be reduced by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated.

Date

Petitioner or Attorney for Petitioner

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

(date)

(**[Obligor]** **Petitioner** signature)

(i) A petition for recovery of a support overpayment when a support order has been terminated shall be in substantially the following form:

(Caption)
Petition for Recovery of Support Overpayment in Closed Case.

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Wherefore, the plaintiff requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(2), an order be entered against the defendant and in favor of the plaintiff in the amount of the overpayment.

Date

Petitioner or Attorney for Petitioner

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

(date)

([plaintiff] Petitioner signature)

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