

**SUPREME COURT OF PENNSYLVANIA  
DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE  
RECOMMENDATION 159**

**Rule 1910.16-1. Amount of Support. Support Guidelines.**

(a) Applicability of the Support Guidelines.

(1) Except as **[set forth]provided** in **[subdivision]subdivisions** (2)**[below]and (3)**, the support guidelines **[set forth]determine** the amount of support which a spouse or parent should pay **based** on the **[basis of both]** parties' **combined** net monthly incomes as defined in **[Rule]Pa.R.C.P. No.** 1910.16-2 and the number of persons being supported.

**(2) If a person caring for or having custody of a minor child, who does not have a duty of support to the minor child, initiates a child support action as provided in Pa.R.C.P. No. 1910.3:**

**(i) the complaint shall identify the parent(s) as defendant(s).**

**(ii) in determining the basic child support amount, the monthly net income for the individual initiating the action shall be not be considered in the support calculation by the trier of fact.**

**(iii) the parents' monthly net incomes shall be combined and apportioned based on their respective net incomes consistent with Pa.R.C.P. No. 1910.16-4, and each parent shall pay the obligee their proportionate share of the Basic Child Support Schedule amount as a separate obligor.**

**(iv) as with other support actions, the trier of fact may make adjustments or deviations consistent with the support guidelines based on the evidence presented by the parties.**

**Example 1. The parties have one child, who is in the custody of the maternal grandmother. Mother's monthly net income is \$3,000 and Father's monthly net income is \$2,000 for a combined net monthly income of \$5,000. For purposes of the child support calculation, maternal grandmother's income is irrelevant and not part of the calculation. The Basic Child Support Obligation for one child and a combined net monthly income of \$5,000 is \$960 per month. Mother's percentage share of the combined monthly net income is 60%**

**(\$3,000/\$5,000) and Father's percentage share of the combined monthly net income is 40% (\$2,000/\$5,000). Mother's preliminary monthly share of the child support obligation is \$576 (\$960 x 60%) and Father's preliminary monthly share of the child support obligation is \$384 (\$960 x 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing \$576 and \$384 respectively to the maternal grandmother.**

**[(2)](3)** In actions in which the plaintiff is a public body or private agency pursuant to **[Rule]Pa.R.C.P. No. 1910.3**, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in **[Rule]Pa.R.C.P. No. 1910.16-2**, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

*Example [1]2.* Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net income of \$2,000 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule **[at Rule]in Pa.R.C.P. No. 1910.16-3**, the basic child support amount for the two children with Mother is \$1,369. As Father's income is 60% of the parties' combined monthly net income, his basic support obligation to Mother is \$821 per month. The guidelines assume that Mother will provide \$548 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$2,179 for purposes of this calculation (\$3,000 net less \$821 in support for the children with Mother). **[Because]As** the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$2,179 income level, or \$520 per month. Mother/obligor's income will be \$1,452 for purposes of this calculation (\$2,000 **[net]** less \$548 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$348 per month.

*Example [2]3.* Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as **[above]in Example 2**, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$848 per month (100% of the

schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$685 for the children in placement (100% of the schedule amount for two children at the \$2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

*Example [3]4.* Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$3,000. The basic support amount for the two children in the home is \$1,628, according to the schedule **[at Rule]in Pa.R.C.P. No.** 1910.16-3. As Mother's income is 57% of the parties' combined net monthly incomes, her share would be \$928, and Father's 43% share would be \$700. Mother's income for purposes of calculating support for the two children in placement would be \$3,072 (\$4,000 less \$928). She would pay 100% of the basic child support at that income level, or \$1,032, for the children in placement. Father's income would be \$2,300 (\$3,000 less \$700) and his obligation to the children in placement would be \$782.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate **the support amount downward** to reduce each parent's obligation in proportion to his or her share of the combined obligation.

**[(3)](4)** The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

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