

## PROPOSED RULES

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### AMENDMENTS TO THE RULES OF CIVIL PROCEDURE RELATING TO DOMESTIC RELATIONS MATTERS

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

#### RECOMMENDATION 109

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than **Monday May 23, 2011** directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P.O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

Deleted material is **bold** and **[bracketed]**. New material is **bold** and underlined.

*By the Domestic Relations Procedural Rules Committee*

Carol A. Behers, Esquire  
*Chair*

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

**RECOMMENDATION 109**

**Rule 1910.16-2. Support Guidelines. Calculation of Net Income.**

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

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(b) *Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

(1) **Public Assistance and SSI Benefits.** Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) **Social Security Payments for a Child.** If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement, death or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4. **This calculation presumes that the primary custodial parent is receiving the child's benefits. In cases in which the parties share custody equally and the obligor is receiving the child's benefits, the amount of the child's benefit shall be added to the obligor's income and support shall be calculated as in any other case without deduction of the amount of the benefit from the presumptive amount of support set forth in the basic support schedule.** For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

(3) **Foster Care Payments.** If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

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

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

*PART I. BASIC CHILD SUPPORT*

		OBLIGOR	OBLIGEE
1.	Total Gross Income Per Pay Period	_____	_____
2.	Less Deductions	( _____ )	( _____ )
3.	Net Income	_____	_____
4.	Conversion to Monthly Amount (if pay period is other than monthly) <b><u>Include in the obligor's income the child's monthly Social Security retirement or disability benefit if the parties share custody equally and the obligor is receiving the child's benefit. (See Rule 1910.16-2(b)(2))</u></b>	_____	_____
5.	Combined Total Monthly Net Income		_____
6.	Plus Child's Monthly Social Security, Death, Retirement or Disability Derivative Benefit, if any. <b><u>Do not add child's benefit if included in the obligor's income in line 4.</u></b> (See Rule 1910.16-2(b)(2))	+ _____	
7.	Adjusted Combined Monthly Net Income		_____

8. PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 7 adjusted combined monthly net income) \_\_\_\_\_
9. Less Child's Monthly Social Security Derivative Benefit **(Do not deduct the child's benefit if the parties share custody equally and the obligor is receiving the child's benefit.)** \_\_\_\_\_
10. BASIC CHILD SUPPORT OBLIGATION \_\_\_\_\_
11. Net Income Expressed as a Percentage Share of Income (divide line 4 by line 5 and multiply by 100) \_\_\_\_\_% \_\_\_\_\_%
12. Each Parent's Monthly Share of the Basic Child Support Obligation (multiply line 10 and 11) \_\_\_\_\_

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