

## PROPOSED RULES

---

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

---

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

#### RECOMMENDATION 110

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 110**

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

\* \* \*

(d) *Divided or Split Physical Custody.* **Varied Custodial Schedules**

(1) When calculating a child support obligation, and one or more of the children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$2,500 and \$1,250 respectively, Father's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,190. As Father's income is 67% of the parties' combined net monthly income, Father's support obligation for the two children living with Mother is \$797. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is \$273. Subtracting \$273 from \$797 produces a net basic support amount of \$524 payable to Mother as child support.

(2) When calculating a combined child support and spousal or alimony pendente lite obligation, and one or more children reside with each party, the court shall, except as set forth in subdivision (3) below, offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support.

(3) When one or more of the children resides with each party and the obligee's net income is 10% or less of the parties' combined net monthly income, then, in calculating the spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

**(4) When the parties have more than one child and each child spends different amounts of time with the parties, add the percentage of time each child spends with a party and divide by the number of children to determine each party's percentage of custodial time. For example, if the parties have two**

**children and one child spends 50% of the time with the obligor and another spends 20% of the time with the obligor, add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% of the time with the obligor). If the average percentage of time the children spend with the obligor is 40% or more, the provisions of subdivision (c) above apply.**

**Note: In cases with more than one child and varied custodial schedules, it is not appropriate to do a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.**