

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

PUBLICATION REPORT

RECOMMENDATION 159

The Committee is proposing the amendment to Pa.R.C.P. No. 1910.16-1, Amount of Support. Support Guidelines, as the rule relates to the procedure for calculating support when an individual third party, i.e., not a public body or private agency, is seeking child support from the child's parent(s).

Pursuant to Pa.R.C.P. No. 1910.3(a), a person having custody of a child or caring for a child may initiate a support action against the child's parent(s). The current rule addresses the issue when a public body or private agency has custody, but is silent with regard to an individual third party, e.g., grandparent. Without specific guidance by the rules, domestic relations sections use various methodologies in awarding support.

To bring uniformity to the practice, the Committee proposes amending Pa.R.C.P. No. 1910.16-1 by adding a new subdivision (a)(2) and renumbering the current (a)(2) regarding calculating support for a public body or private agency to (a)(3). In addition, an example illustrating the new (a)(2) calculation is proposed, as well.

The proposed (a)(2) excludes the income of the third party, as that person does not have a duty of support to the child, but uses the combined monthly net income of the parents to determine the basic child support amount, which is then apportioned between the parents consistent with their respective percent of the combined monthly net income in much the same manner as a parent vs. parent support action. However, each parent would be an obligor and pay the obligee their proportionate share under a separate support order.

The proposed amendment correlates to subdivision (a)(1) with the exception that the third party's income is not part of the calculation. Unlike a public body or private agency, an individual third party may incur additional expenses, such as child care and unreimbursed medical expenses, which would also be apportioned accordingly to the parents. As such, the Committee opted not to use the method of calculating support owed a public body or private agency, which treats these types of actions as two separate actions, one against each parent as separate obligors.