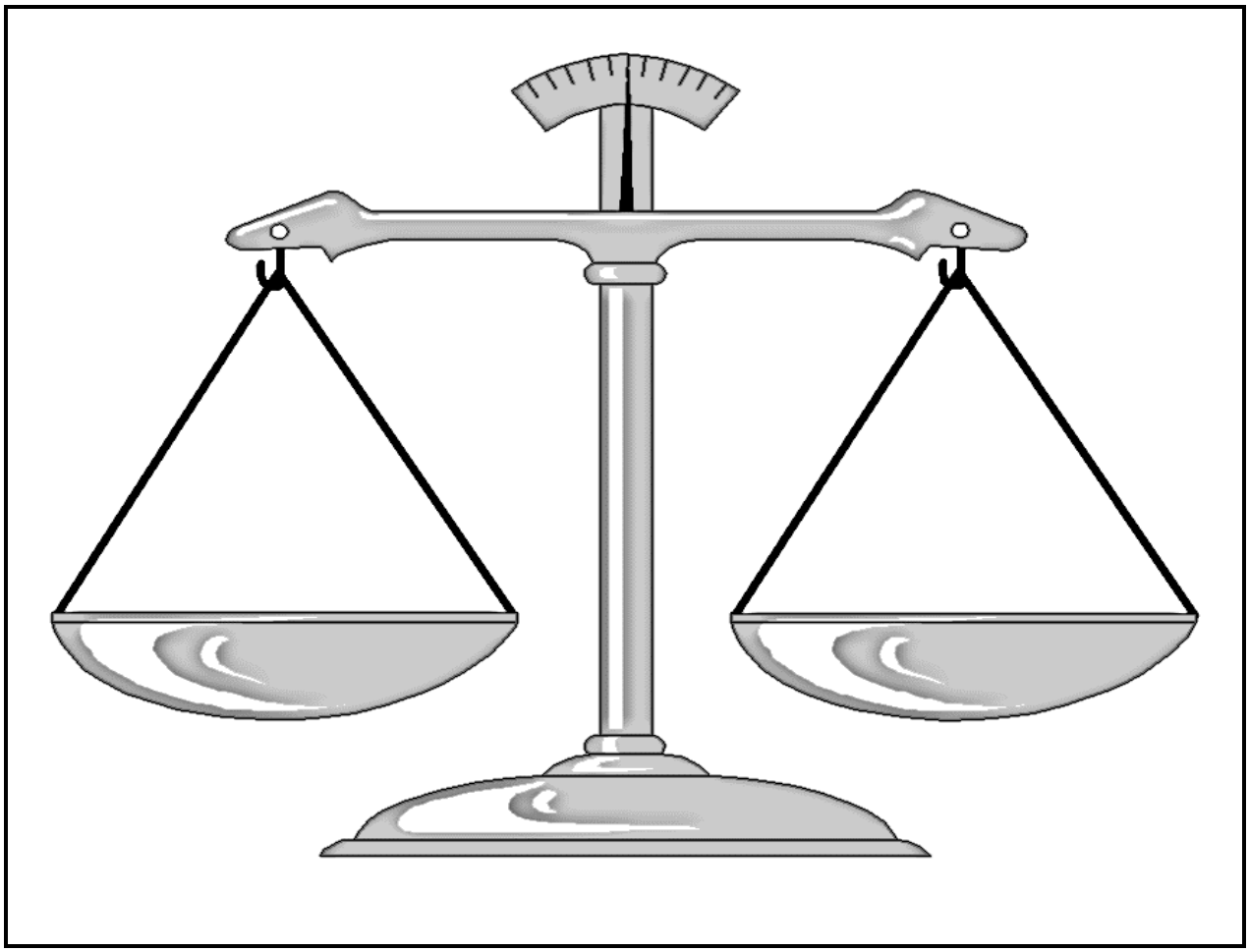

LYCOMING COUNTY
FILING EXCEPTIONS
TO A SUPPORT ORDER
SELF-HELP KIT

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.

INTRODUCTION

Filing Exceptions is the way to appeal a Support Order (child support, spousal support, alimony pendent lite) issued by a Family Court Hearing Officer. This packet will give you the forms and information you need to file Exceptions.

There is a deadline for filing Exceptions! You must file Exceptions within twenty days of the date the Family Court Order is mailed to you. That date is written in by hand on the paperwork sent to you with your Support Order. If you miss this deadline, your Exceptions will probably be dismissed.

When you file Exceptions, the case will be scheduled for an argument in front of a Judge. The Judge will give you an opportunity to explain why you think the Family Court Order is wrong. The Judge will give the other party a chance to reply to your arguments. Then the Judge will make a decision about your Exceptions.

The Judge will only listen to arguments from both parties. The Judge will not let you bring up new things or new evidence for the Judge to consider. The Judge will review the court file, the exhibits from the hearing, and the transcript, if you decide to order a transcript of the hearing.

You should **NOT** file Exceptions because:

- You think the support is just plain unfair. (Too low or too high.) Child support and spousal support are set by state guidelines and the Hearing Officer must follow the Guidelines unless there is a reason for deviation. You must have a specific reason to give the Judge about why the support is wrong.
- You want to bring up something new. The Judge will only read the Family Court Order, the exhibits from the hearing, and the transcript, if you order one. The Judge will not let you introduce new evidence or bring up something you forgot to mention at the hearing. You can file a Petition to Modify Support if things have changed since the Family Court Hearing.

You **SHOULD** file Exceptions because of a specific error such as:

- The Family Court Hearing Officer made a mathematical mistake.
- The Family Court Hearing Officer incorrectly assessed an earning capacity.
- The Family Court Hearing Officer did not consider something that was brought up at the hearing, such as the cost of medical insurance for the child or child care costs.
- The Family Court Hearing Officer should have granted an upward or downward deviation on the support due to special circumstances.
- The Family Court Hearing Officer did not let you introduce certain evidence, or allowed the other party to improperly introduce certain evidence.
- The Family Court Hearing Officer made a wrong finding of fact or conclusion of law.
- The Family Court Hearing Officer made some other type of specific mistake.

Remember: **Filing Exceptions and having an argument on the Exceptions takes time. Until and unless a Judge changes the Family Court Order, that Support Order will stay in effect.**

THE EXCEPTIONS PROCESS

There are five steps in the Exceptions process. This packet provides the forms you need and guides you through these steps.

Step One: Read the instructions in this packet and fill out the forms.

Step Two: File the forms and copies at the Domestic Relations Office.

Step Three: Request a transcript and pay for the transcript in advance if you choose to order a transcript. (Follow instructions in this kit.)

Step Four: Wait for the copies to be mailed to you with a date for the argument, or for the Domestic Relations Office to mail you a separate notice of the argument.

Step Five: Go to the argument and make your case.

FILING EXCEPTIONS
to a Support Order

PART ONE: INSTRUCTIONS

These are the instructions for filling out the forms. The forms are found in Part Two of this packet. You may want to separate the forms from the instructions now, so you can read the instructions for each form as you fill out that form.

1. FIRST FORM – MOTION COVER SHEET

Complete the caption (heading) EXACTLY THE SAME AS ON THE EXISTING SUPPORT ORDER. Your caption will never change. The same person who is listed as the Plaintiff on your Support Order must be the Plaintiff in this action. The same person listed as Defendant on your Support Order must be the Defendant in this action. You should also use the same case number that appears on your Support Order.

Write your name on line 1, and "Exceptions" on line 3. In box 4, put a check in front of "Argument." In box 6, write your name and address, and the other party's name and address. Or, if the other party is represented by an attorney, write the attorney's name. Leave the rest of the form blank—this is for the Court to fill out.

2. SECOND FORM – EXCEPTIONS

Complete the caption as on your existing Support Order. The following numbers match the numbers on the form:

1. Print your name and circle whether you are the plaintiff or the defendant.
2. Write the date of the Support Order you are filing Exceptions to.
3. Check the box stating you are attaching a copy of the Order and don't forget to attach it!
4. Describe the mistake(s) you believe the Family Court Hearing Officer made. Be short and very specific. If you believe more than three mistakes were made, or you need more room, attach another sheet.
5. Check this box if you are not requesting a transcript of the Family Court hearing.
6. Check this box if you are going to request a transcript of the Family Court hearing. Remember, you will have to pay the full cost of the transcript in advance. If you check this box, your argument date will be delayed, to allow time for the transcript to be completed. Follow the directions in this kit to order a transcript.

Finally, sign your name, write the date, write your phone number, and print your address.

3. THIRD FORM – A COPY OF THE SUPPORT ORDER

You MUST attach a copy of the Order you are filing Exceptions to. You may get a copy at the Domestic Relations Office if you do not have one. *If you do not include a copy of the Order, the forms will be returned to you and you will have to re-file them.*

COPIES

After you have completed the forms, clip them together in order, with the Motion Cover Sheet on the front. You will then need to make two copies of each form. One of the copies is for you, and the other copy is for the other party. The original will stay at court, in the Domestic Relations office. You are now ready to file all of the papers with the Domestic Relations office.

HOW TO FILE THE EXCEPTIONS

Take all of your completed forms (including the copies) to the Domestic Relations Office on the 4th floor of the Lycoming County Courthouse at 48 West Third Street, Williamsport, on any weekday (Monday through Friday) between 8:30 a.m. and 5:00 p.m. **Don't forget to include a copy of the Family Court Order you are appealing. THERE IS NO COST FOR FILING THESE DOCUMENTS.**

The Domestic Relations Office will keep all the forms and copies. The documents will be sent to the Judge for signature. The Domestic Relations Office will mail one copy to you and one copy to the other party. The original will stay in the court file.

The Judge may schedule the matter on your notice. Or, the Judge may write on the notice: "To be Scheduled by the Domestic Relations Office," and the Domestic Relations Office will send out a separate notice to you and the other party, with a date and time for your argument.

THE ARGUMENT

At the argument, be prepared to make your case about why the Family Court Order is wrong. The other party will have a chance to reply to what you have to say about the Order. The Judge may make a decision at the argument, or may make a decision later and you will receive the decision in the mail.

4. FOURTH FORM – REQUEST FOR TRANSCRIPT OR COPY (3 pages long)

Fill out this form ONLY if you want to order a transcript of the Family Court hearing. In some cases, this is important because the judge will need to read what happened at the hearing. In other cases, a transcript is not necessary. You must pay at least $2.50 per page unless you qualify to have the cost waived. You will have to pay the cost in full at the time you order the transcript.

Here are the steps to order a transcript:

1. Fill out the form called "Request for Transcript or Copy." [see instructions below]

2. Submit the completed form to Erica Trimble Gardner, Senior Court Reporter. Do this in one of the following ways. Submit it to her **no later than** the same day you file your Exceptions.
   -- Email it to her at etrimble@lyco.org.
   -- Fax it to her at (570-327-2288)
   -- Send it to her by mail at 48 W. Third St., Williamsport, PA 17701

3. Mrs. Trimble Gardner will fill out Part V of the form and return it to you. This will have the estimated cost of the transcript.

4. Take the form you receive from Mrs. Trimble Gardner to the Court Administration office on the 4th floor of the Courthouse, along with your payment of the full estimated cost of the transcript. You can pay by cashier's check, money order, or a check from an attorney's office made payable to "Court Administration, Lycoming County." **You must do this within twenty days of receiving the form from Mrs. Trimble Gardner. Otherwise, the transcript may not be ready by the hearing date and your Exceptions may be dismissed.**

If you feel you cannot afford the cost of the transcript, you may file a Petition to Proceed Without Payment of Fees and Costs when you take this transcript form to the Court Administration Office. You can get this petition from the Law Library in the basement of the Courthouse; online at www.lyco.org under the "Law Library" tab, or from North Penn Legal Services, Penn Tower, 25 West Third Street, Suite 400, Williamsport, PA 17701.

Here are directions for filling out the "Request for Transcript or Copy" form:

Part I: Case Information
Write the case caption and docket number found at the top of the Support Order.
For "Presiding Judge," write the name of the Family Court Hearing Officer who issued the order. The name can be found on the last page of the Support Order.
For "Courtroom," write "6" for Jennifer Linn and "7" for Diane Turner.
For "Date(s) of Proceeding," write the date the hearing was held. That date should be in the first paragraph of the Family Court order. If the hearing lasted longer than one day, write all the dates.
Leave "Co-defendant docket #" blank.
Leave "Court Reporter Name" blank.
Under "Type of proceeding," check "Family."
Check "No" for whether the transcript is associated with an appeal.

Part II: Requester Information
Check the box for "Self-Represented."
Skip to "Name of requester," and print your name.
Print your address, city, state, zip, email, phone, and fax (if you have one).

Part III: Transcript Items Requested
Check the box for "Entire Proceeding." Leave the rest of this part blank.

Part IV: Private Party Transcript Delivery and Cost
Check the box for Ordinary unless you want it faster and are willing to pay the extra cost.
Check whether you want electronic format or hard copy. Skip to the bottom. Sign and date the form.

Part V:
Fill out the docket number, case caption, your name, and the date of your request. Leave the rest of this part blank, for the Court Reporter to fill out and return to you.

EXCEPTIONS TO A SUPPORT ORDER

PART TWO: FORMS

LYCOMING COUNTY COURT OF COMMON PLEAS
MOTION COVER SHEET

_____,	:	Docket No:
Plaintiff	:	
	:	Case Assigned to Judge
vs.	:	□ None
	:	□ Family Court Hearing Officer
_____,	:	
Defendant	:	

1. Name of Filing Party: _____
2. Filing Party's Attorney: _____
3. Type of Filing: _____

4. The following is/are requested: _____ Argument _____ Evidentiary Hearing _____ Court Conference _____ Rule to Show Cause _____ Entry of Uncontested Order (attach supporting documentation) _____ Expedited Consideration. State the basis: _____ _____ Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8. _____ Attach this cover sheet to original motion previously filed on: _____	6. Name and addresses of all counsel of record and unrepresented parties:
5. Time Required: _____	____ Continued on a Separate Sheet.

ORDER

1. _____ An ____ argument ___ factual hearing ____ court conference is scheduled for _____

   at _____ o'clock ____. M., in courtroom No. _____, Lycoming County Courthouse, Williamsport, PA.

2. _____ Briefs are to be filed by the following dates:

   Filing Party _____.

   Responding party (ies) _____.

3. _____ A rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.

4. _____ A response to the Motion/Petition shall be filed within _____ days.

5. _____ See order attached. _____ See separate order issued this date.

6. _____ Other: _____.

7.

_____ _____
Judge Date

c: **ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICEMUST BE DESIGNATED IN "6" ABOVE. NOTICE:** The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	NO.
	:	CIVIL ACTION - LAW
_____,	:	
Defendant	:	SUPPORT

EXCEPTIONS

1. My name is _____. I am the plaintiff/defendant in this support case.
   [print your name]

2. I am filing Exceptions to the Order of the Family Court Hearing Officer dated _____ [write the date of the Order].

3. [ ] I am attaching a copy of the Family Court Order I disagree with.

4. I believe the Family Court Hearing Officer made these mistakes:

   A. _____

   _____

   _____

   B. _____

   _____

   _____

   C. _____

   _____

   _____

5. [ ] I am NOT requesting a transcript of the Family Court hearing.

6. [ ] I am requesting a transcript of the Family Court hearing. I will follow the directions in this packet for requesting a transcript. I know this will delay the scheduling of my Exceptions.

_____ _____ _____

Sign your name | Write the date | Write your phone number

_____

Print your address

Request for Transcript or Copy
Lycoming County

Fill this out ONLY if you want to order a transcript of the Family Court Hearing

Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any court proceeding. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the appropriate link at: http://www.pacourts.us/courts/courts-of-common-pleas/ If the cost of the transcript presents an economic hardship, there are reduced rates available to those who qualify. See Pa.R.J.A. 4007 (E). Copies of this request must be served in accordance with Pa.R.J.A. 4007(B). A deposit determined by local rule may be required.

I. Case Information

Case Caption	*Docket Number*
Presiding Judge	*Courtroom*
Date(s) of Proceeding	*Co-Defendant Docket # (if applicable)*

Court Reporter Name (if available):

Type of proceeding (check the appropriate box):

☐ Criminal ☐Civil ☐Family ☐Orphans' Court ☐Juvenile ☐Other (specify):

Is this transcript request associated with an appeal? ☐ Yes ☐ No Children's Fast Track ☐Yes ☐ No

II. Requestor Information

I am Counsel for: ☐Self Represented ☐Not a party to this action

Court Appointed? ☐*Yes* ☐ *No*

Does this request qualify for a reduced rate pursuant to Rule 4007(E)? ☐*Yes* ☐*No*

If Yes, please provide proof of authorization for a reduced rate or an affidavit required by Rule 4008(B)(4) requesting waiver of all or a portion of the costs:

Name of requestor/Attorney ID Number (if applicable):

Agency/Firm:

Street Address *City* *State* *Zip*

Email: *Phone:* *Fax: *

III. Transcript Items Requested	
☐Entire Proceeding ☐Jury Voir Dire ☐Opening Statements ☐Closing Arguments ☐Jury Instructions	
☐Testimony (specify each witness):	
☐Pre/Post trial hearing (specify):	
☐Other (specify):	
IV. Private Party Transcript Delivery and Cost	
For original transcript requests, please select from the following:	
Delivery Time: ☐Ordinary ☐ Expedited ☐ Daily ☐ Same Day	
Cost per page *(electronic format)* *$2.50/page* *$3.50/page* *$4.50/page* *$6.50/page*	
Manner of Delivery: ☐Electronic (PDF) format ☐ Hard copy (add $0.25 per page to page rates)	
Other (if offered, extra charges may apply): ☐Complex Litigation ☐Real Time Feed	
Special requests (if offered): ☐Minuscript/Condensed ☐ASCII ☐Include Word Index ☐Other:	
Are you requesting a copy of an existing transcript? ☐ Yes ☐ No (for photocopy rates, please see Rule 4008(D)).	

_____ _____

Requestor's Signature *Date*

Docket Number:

Case Caption:

Name of Requestor: Date of Request:

V. For Court Use Only		☐ **Hard copy requested (apply adjusted rate)**	
Cost estimate			
☐Ordinary, county paid	$	x pages	= $
☐Ordinary, private paid	$	x pages	= $
☐Expedited	$	x pages	= $
☐Daily	$	x pages	= $
☐Same Day	$	x pages	= $
☐Other:	$	x pages	= $
☐Photocopy	$	x pages	= $
	$	x pages	= $
Additional charges: ☐Complex Litigation ☐Real Time Feed			$
Are costs waived or reduced? ☐Yes ☐No		Subtotal	$
		Less deposit	- $
		Balance due	= $

Transcript to be prepared by:	Date of Deposit:	Date assigned:	Date due: