

The defendant's mental illness, as diagnosed at the time of the death of the child was stated by both physicians as post partum depression. Dr. Mozley stated the condition was due to the psycho-physiologic cessation of the production of gonadal hormones, epinephrine, cortisol, thyroxin and other psycho active compounds. He spoke of evidence of an obsessive-compulsive personality and an incompletely formed gender identity, all of this combined during the post partum period with a pre-existing obsessive-compulsive personality and poor gender identity, led to a severe agitated psychotic depression. This depression led to a flat affect psychomotor retardation and impaired cerebration. The doctor said that her intrapsychic turmoil was so painful that drastic, frantic action was her last resort, leading to his conclusion that at the time of the infanticide she did not know right from wrong.

Dr. Strite found her to be a 21 year-old perfectionist woman with strong super ego, well prepared for pregnancy but not caring for a new born infant. The gradual build up of frustration, anxiety, tension, and hostility culminated in a violent homicidal and suicidal outburst with complete loss of inhibitions, reason and judgment.

Despite the psychiatric evidence, if any evidence was available to the Commonwealth from any source indicating that at the time of these events, which generally is conduct immediately after the events, that the defendant was sane, the District Attorney would present such evidence. Here the only evidences is of her being found on a couch having inflicted herself with knife wounds, transportation to and a stay in the hospital. None of this evidence the District Attorney states, would be sufficient to go to a jury to establish her sanity at the time of the events.

It is the District Attorney's contention, and we agree, that given the facts in this case, the Commonwealth would not be able to prove the defendant's sanity beyond a reasonable doubt. It is the proper thing to do to grant the District Attorney's application for leave to Nolle Prosequi the case, and we will do so.

GROVE V. GROVE, C.P., Franklin County Branch, No. F.R. 1979 330 S

Support - Joint Custody - Use of Chart

1. The proper use of a support chart where the parties share custody is to calculate what the husband would have to pay the wife if she had custody of all of the children, then calculate what the wife would pay if husband had custody of all the children with the difference between these two figures divided in proportion to the time each parent has shared custody.

William C. Cramer, Esquire

Barbara Townsend, Esquire

Domestic Relations

OPINION AND ORDER

EPPINGER, P.J., December 9, 1982:

Deborah and John Grove are the parents of three children. Each parent has custody of one child and the custody of the third is shared jointly with the two parents. Deborah brought this action for support against John. In Franklin County, for many years in calculating support obligations, the Court has employed a chart which has generally been accepted by all parties in these proceedings.

This matter was first heard by the Support Hearing Officer. He awarded the plaintiff \$160 bi-weekly to be paid by the defendant. He found that the average weekly income was \$375 and his weekly expenses were \$355.23. He found that plaintiff's weekly income was \$170. The defendant asked for a hearing before the Court.

There was no serious argument made by either side that the chart should not be employed in reaching the decision in this case. The problem arose in the application thereof. We have determined that the proper use of the chart in situations where the parents share custody is to calculate what the husband would have to pay the wife if she had custody of all the children and then calculate what the wife would have to pay to the husband if he had all of the children. The difference in these figures is then to be divided in proportion to the time each parent has shared custody. In this case, that is exactly one-half. The mother has custody of one child full-time and another one-half time. The father has custody of one child full-time and the other, one-half time. That is exactly the same as though each of them had all three children one-half of the time.

This formula is appropriate because the chart is weighed in favor of the persons exercising custody. It takes into consideration the need to maintain a home whether the child is there full-time or not and the special problems that come with providing sitters, etc.

If the mother, whose income is \$170 had had all three children full-time, she would be entitled to receive \$159 from her husband whose income is \$375 weekly. If on the other hand he had the children full-time, he would be entitled to receive \$47 weekly from her. The difference is \$112. The appropriate amount for the defendant to pay to the plaintiff, remembering that he has custody of one child full-time and another half-time is \$56 per week.

ORDER OF COURT

December 7, 1982, the matter having come before the court de novo after the Support Hearing Officer filed an order, later approved by the Court, requiring the defendant to pay \$160 bi-weekly to the plaintiff for the support of Angela and Michael Grove, the latter being in plaintiff's custody for six months each year and in the defendant's custody for six months, and

The Court having considered the evidence and finding as the Support Hearing Officer found that the plaintiff has a weekly income of \$170 and the defendant a weekly income of \$375, though he is paid on a bi-weekly basis, and that the defendant has full custody of a third child, Mark Grove,

IT IS ORDERED that John R. Grove shall pay to Deborah J. Grove the uniform bi-weekly sum of \$112 plus 50¢ service charge beginning Monday, June 21, 1982 and a like sum each second Monday thereafter for the support of Angela Grove full-time and Michael Grove for six months. This order, as indicated, takes into consideration that the defendant has Mark in his custody full-time and recognizes and sets off the plaintiff's responsibility to assist in the support of Mark.

The defendant shall enter into his own bond in the sum of \$3,000 to guarantee faithful compliance with this order and shall pay the costs of these proceedings.

The defendant is further ordered to advise the Domestic Relations Section at the Court House Annex, 100 Lincoln Way East, Chambersburg, Pennsylvania 17201 of every change of

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Chambersburg. In order to determine sufficiency of interest warranting local scheduling, please indicate which programs you and/or members of your firm would attend if scheduled in Chambersburg. Your reply must be received by Friday, March 25, 1983.

Program	Tuition	Length
Municipal Law	\$ 35.00	Full day
School Law	55.00	Full day
Unemployment Compensation	45.00	Half day
Secured Transactions under Revised UCC, Article 9	65.00	Full day
Filling Out Fiduciary Income Tax Return	N/A	2-3 hrs.
Subchapter S	50.00	Half day
Bankruptcy of Small/Medium Business	65.00	Full day
Drafting Marital Settlement Agreements	55.00	Half day
Commercial Leases	55.00	Half day
Divorce Update: Equitable Distribution and Procedural Rules Governing Divorce Actions	55.00	Half day
Social Security Disability Claims	55.00	Half day

BAR NEWS ITEM AND NOTICE

Most of you are probably already aware that our President Judge has been hospitalized for surgery. We are certainly all hopeful that he will soon be able to return to the Bench and display the vigor characteristic of him in the past. While it is probably best that we do not deluge him with visits at this time, I am sure he will appreciate our expressions of good wishes. The address is: Judge George C. Eppinger, Washington Adventist Hospital, 7600 Carroll Avenue, Takoma, MD 20912.

As a result of this development, of course, our remaining Judge, Judge Keller, is going to have a temporary increase in workload. Thus, the Court Administrator has announced that, until further notice, motions and petitions will be accepted only in Open Court, at 9:30 A.M. and 1:30 P.M., or after review by Judge Keller's Law Clerk, Carol Van Horn. It should also be noted, the Court Administrator's office should be checked for Open Court dates.

address or employment, including the name and address of a new employer.

BOROUGH OF MONT ALTO V. UNIVERSITY HILL IMPROVEMENT COMPANY, INC., C.P., Franklin County Branch, Volume 7, Page 302

Equity - Supply of Water - Order to Replace Line - PUC Jurisdiction - Consideration

1. The reasonableness, adequacy and sufficiency of the service provided by a public utility are all matters within the jurisdiction of the Public Utility Commission.
2. The PUC is not empowered to decide private contractual disputes between a citizen and a utility.
3. Where a supplier sues to require replacement of a water line under the terms of a contract, a Court of Common Pleas is empowered to act.
4. A contract has sufficient consideration where there is a binding promise to supply water and the supplier would suffer financially if defendant breached his promise.

E. Franklin Martin, Esquire

Timothy W. Misner, Esquire

OPINION AND ORDER

EPPINGER, P.J., December 10, 1982:

The Borough of Mont Alto entered into a contract in August of 1971, with John S. Yohe and Kathleen Corbett, developers of a tract located outside the Borough limits for the sale of water by the Borough to be metered at the Borough limits. From that point, defendants were to accept the water and distribute it to their customers through a line provided for the development. Yohe and Corbett were to be solely responsible for maintenance, repair and replacement of the line, as these became necessary due to deterioration. The Borough had the right under the contract to require replacement of the line when it determined replacement to be necessary.