STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,959

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Appeal of)

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INTRODUCTION

The petitioner has filed an administrative grievance against the Office of Child Support Enforcement (OCSE) concerning several aspects of that office's handling of her interstate child support claim. The issues are whether OCSE has met its legal obligations to the petitioner in the collection of her child support.

FINDINGS OF FACT

The petitioner has an order from a Massachusetts court stating that the absent parent of her child, a Massachusetts resident, shall pay her $251.00 a week in child support via a withholding of his wages. This order was obtained only after a lengthy URESA[(1)] action in which the absent parent had contested paternity. Since 1993, however, the petitioner has received fairly regular payments under the order.

The petitioner filed this grievance after she did not receive her payment for the week of June 24, 1994, in a timely manner. At the hearing, held on August 31, 1994, the petitioner presented three outstanding complaints against OCSE. First is that the petitioner does not feel that OCSE sends her the child support checks it receives in her behalf from Massachusetts in a timely enough manner. Second, the petitioner feels that OCSE staff does not respond to her phone calls. Third, the petitioner does not feel that OCSE has done enough to enforce the provisions of her child support decree that order the absent parent to maintain medical and dental coverage for her child. At the hearing OCSE addressed each of the petitioner's concerns.

As to the petitioner's complaint about the timeliness in which she receives her checks, OCSE explained that under federal regulations state child support collection agencies that collect child support pursuant to a URESA order (such as the Massachusetts agency in this case) are required to forward the support collected to the agency in the state where the responsible parent lives, which then (in cases like this in which the responsible parent is not receiving public assistance) forwards it to the responsible parent.[(2)] OCSE maintains that it has a "turnaround time" of 24 hours in which it receives the checks from another state (which, according to federal regulation are made payable to OCSE) and then issues a check in the same amount to the recipient in Vermont. OCSE has requested of the Massachusetts agency an

accounting of all its collections to date and will forward this to the petitioner as soon as it is received. Hopefully, this will satisfy the petitioner that Massachusetts has forwarded to Vermont all the support it has received in the petitioner's behalf.

Regarding the petitioner's second complaint, OCSE submitted the "action log" in this case detailing all its communications with the petitioner since 1992. These records show phone calls from the petitioner to OCSE, and from OCSE to the petitioner in about equal numbers, on a better than biweekly basis. OCSE admitted that it has come to consider the petitioner's calls burdensome because she bypasses her regular caseworker and attempts to communicate directly with the director of the agency and other state personnel who have no day to day involvement in her case. OCSE has advised the petitioner to make her contacts with the agency in writing and that the director of that agency will not accept and return her phone calls.

Regarding the petitioner's third complaint, OCSE indicated that it filed a URESA contempt action in the petitioner's behalf in August, 1993, to enforce the insurance provisions of the petitioner's divorce decree. Unfortunately, however, the action must be handled by the Massachusetts agency in that state's courts. OCSE acknowledges and regrets that the wheels of justice have apparently turned slowly in Massachusetts, but that other than contacting the Massachusetts agency and urging prompt action--something it says it has done repeatedly--OCSE maintains it can do little more for the petitioner at this point.

Although the hearing officer understands and sympathizes with the importance the petitioner places on receiving timely child support payments and on seeing that all the provisions of her divorce decree are enforced, her demeanor at the hearing supports the Agency's position that her contacts with OCSE are inappropriately repetitive, confrontational, demanding, and disruptive. From the agency's candid and painstaking presentation at the hearing it must be concluded that OCSE has been more than forthcoming, timely, and cooperative in its efforts in the petitioner's behalf. Unfortunately, but understandably, interstate child support collection via the URESA system is more cumbersome and time consuming than in-state collections. It also makes it more difficult for a custodial parent in another state to obtain prompt responses to inquiries and timely accountings of the status of collections. However, OCSE appears to be doing all that can reasonably be expected in trying to expedite this process to the petitioner's benefit.

ORDER

It is declared that OCSE has handled all aspects

of the petitioner's child support case in a timely and legal manner.

REASONS

The hearing officer has reviewed the "Standards for Program Operations" that are contained in the federal regulations at 45 C.F.R., Chapter III, Part 303, in light of the grievances presented by the petitioner at the hearing in this matter. Nothing in the complaints presented by the petitioner indicates that OCSE is in violation of any of those provisions. Considering the obvious difficulty and delays the petitioner has experienced over the years in collecting the child support to which she is legally entitled,

her frustration with "the system" is understandable. However, it cannot be concluded that OCSE is either responsible for or in a position to cure the problems she continues to encounter. The hearing officer and the Board trust that OCSE will continue its good faith efforts in the petitioner's behalf. It cannot be found at this time, however, that the petitioner's grievances give rise to any action the board could or should take regarding that agency's handling of the petitioner's case.

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1. Uniform Reciprocal Enforcement of Support Act; see 15 V.S.A., Chapter 19.

2. See 45 C.F.R. § 303.100(g).