

and concluded that the Vermont OCS had no authority to modify the amount of the arrearage or current support and referred the petitioner to the Florida court that issued the support order.

4. The petitioner appealed that order to the Human Services Board. In addition to the above arguments, the petitioner claims that OCS should no longer be attempting to collect support payments from him because the obligee does not want them involved and the child is now in Connecticut. He says that the obligee has already notified the Florida OCS that she does not want their help and has also notified the State of Vermont of the same. The petitioner offered no testimony or affidavit from the obligee that she wanted the case closed in Vermont.

5. The petitioner believes that a request by the obligee to stop receiving OCS services in the various states in which she has lived extinguishes the support obligation.

ORDER

The decision of OCS that it lacks subject matter jurisdiction to modify the court-ordered support payments is upheld. The decision of OCS that it cannot terminate its

collection services without the request of the client-obligee is also upheld.

REASONS

It is well-settled law that only the court that made the child-support order has the authority to modify the amount of the current support order and to order payment on arrearages. See e.g. 33 V.S.A. § 4108(d), Fair Hearing No. 16,055.

While the petitioner may have good cause for requesting this modification, OCS is correct that he has chosen the wrong forum by seeking such relief from OCS and the Human Services Board. The Board itself is limited to hearing only general grievances with regard to actions taken by OCS to collect court-ordered payments. See 3 V.S.A. § 3091(a), Fair Hearing No. 16,055.

As stated above, the Board does have the jurisdiction to hear grievances of OCS' clients with regard to services offered to them by OCS. See 3 V.S.A. § 3091(a). However, the petitioner is not a client of OCS and therefore has no standing to bring such an appeal before the Board. The person who has standing, or a right to complain as the affected party, is the obligee to whom the support is owed. If the obligee herself wishes to withdraw from the services

of the Vermont OCS, she is the one who must make the request and file for a review and appeal if necessary.

The petitioner should understand that even if the obligee terminates the collection services of both the Florida and Vermont OCS agencies, the child support will continue in effect and arrearages will accrue unless and until those amounts are modified by the court which made the original order. The petitioner is urged to contact that court to get information on how he can go about having that order changed. As there is no relief which the Board can offer to a petitioner who has no standing, the matter must be dismissed. 3 V.S.A. § 3091(a).

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