Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2008-331

FEBRUARY TERM, 2009

Daniel T. Quinn	}	APPEALED FROM:
	}	
v.	}	
	}	Washington Superior Court
State of Vermont, Agency of Human Services, Office of Child Support	}	
	}	
	}	DOCKET NO. 186-3-08 Wncv
		Trial Judge: Dennis R. Pearson

In the above-entitled cause, the Clerk will enter:

Plaintiff Daniel Quinn appeals pro se from a superior court order dismissing his complaint seeking to enjoin a child-support enforcement action by defendant Office of Child Support (OCS) on various grounds and to declare Vermont's best-interest-of-the-child standard unconstitutional under the United States and Vermont Constitutions. We affirm.

This is the latest in a series of appeals by plaintiff in connection with a child-support order entered in the State of Maryland in 1994 and subsequently registered by OCS in Vermont, where plaintiff resides, at the request of the Maryland authorities under the Uniform Interstate Family Support Act (UIFSA), 15B V.S.A. §§ 101-904. OCS petitioned to enforce the order in 1999, but ultimately withdrew the action in response to information received from Maryland that plaintiff's arrears had been paid. Plaintiff nevertheless filed a series of motions seeking discovery and sanctions against OCS, which the family court denied as moot; this Court affirmed. Trout v. Quinn, No. 2001-524 (Vt. April 17, 2002) (unreported mem.). Plaintiff continued to file motions with the family court, including a motion to seal certain documents and for contempt, which the court denied on the ground that there was no proceeding pending; this Court again affirmed. Schipper v. Quinn, No. 2002-100 (Vt. June 27, 2002) (unreported mem.).

In September 2007, OCS received another request from Maryland authorities to initiate enforcement and collection proceedings against plaintiff for accrued child-support arrearages in excess of $6000. OCS thereupon notified plaintiff of Maryland's request and its intent to initiate administrative enforcement, including a tax-refund setoff and a wage-withholding order, and of plaintiff's right to an administrative hearing. Plaintiff thereupon filed a request for injunctive relief and sanctions in the family court. Several months later, in December 2007, the family court granted OCS's motion to dismiss, finding that plaintiff had failed to exhaust administrative remedies to contest the enforcement and collection action under 32 V.S.A. § 5934(c) (debtor

may contest the validity and amount of the debt sought to be collected through setoff by applying for a hearing before the claimant agency (OCS) within 30 days), and 32 V.S.A. § 5936(b) (debtor may appeal OCS decision to family court, which "shall proceed de novo to determine the debt owed"). See also 33 V.S.A. § 4108 (providing for administrative grievance procedure of OCS decisions, "appealable de novo to the family court"). The family court denied several subsequent motions on the same basis.

In March 2008, OCS notified plaintiff that it had scheduled an administrative review of the enforcement proceeding for a hearing in April 2008. Plaintiff failed to attend. Instead, in late March 2008, plaintiff commenced this action in superior court. In his forty-page pro se complaint, plaintiff sought to enjoin OCS's collection efforts on a number of grounds, including res judicata and a violation of due process, and to invalidate the best-interests-of-the-child standard as violative of the United States and Vermont Constitutions. While the action was pending, OCS notified plaintiff that it had scheduled another administrative hearing for June 2008, to provide plaintiff an opportunity to exhaust administrative remedies, but plaintiff again failed to appear.

In late June 2008, the State moved to dismiss the superior court complaint. The following month, the court issued a written order, granting the motion. The court rejected plaintiff's claims that the enforcement action was somehow barred or res judicata based on OCS's voluntary withdrawal of its earlier enforcement action or by this Court's earlier decisions. Additionally, to the extent that plaintiff sought a ruling on the merits of OCS's collection efforts under UIFSA or statutory provisions relating to tax-refund setoffs, the court ruled that it lacked subject matter jurisdiction, which was vested exclusively in the family court (once plaintiff exhausted his administrative remedies). The court also rejected plaintiff's argument—to the extent that it was "able to decipher" it—that it had jurisdiction under 3 V.S.A. § 807 to issue a declaratory judgment determining the "validity or applicability" of certain unspecified OCS rules; the court observed that there were no particular agency rules at issue in the case. Finally, as to his constitutional claims, the court found that the best-interests standard was not implicated in any aspect of OCS's enforcement action, and that plaintiff's general due-process allegations failed to state a claim even under the most liberal standard for evaluating complaints. Accordingly, the court entered a final judgment dismissing the complaint with prejudice. This appeal followed.

To the extent that we are able to understand plaintiff's briefing, he appears to have essentially renewed on appeal the basic claims addressed by the court below. To that extent, we discern no error. The trial court correctly determined that jurisdiction over matters relating to the enforcement of child support under UIFSA is vested exclusively in the family court. See 4 V.S.A. § 454(3) (family court shall have "exclusive jurisdiction" over "[a]ll enforcement of support proceedings filed pursuant to Title 15B"); St. Hilaire v. DeBlois, 168 Vt. 445, 447 (1998) ("the legislation that created the family court simultaneously denied the superior court jurisdiction over actions cognizable in the family court"). Nor, as the trial court correctly observed, does the complaint implicate the "validity or applicability" of any OCS rules that might vest jurisdiction in superior court under 3 V.S.A. § 807. The court was also correct in ruling that nothing in our prior rulings or in OCS's voluntary withdrawal of its earlier enforcement action operates as a bar to a new enforcement action to collect new arrearages.

The court correctly concluded, as well, that plaintiff had failed to state a claim for any alleged constitutional violations premised on the asserted invalidity of the best-interests standard, which is simply not implicated in a child-support enforcement action under UIFSA, and had similarly failed to state any viable due-process claim premised on the complaint's conclusory allegations. See Colby v. Umbrella, Inc., 2008 VT 20, ¶ 10 (quoting Smith v. Local 819 I.B.T. Pension Plan, 291 F.3d 236, 240 (2d Cir. 2002) as having reasoned that courts need not accept as true "conclusory allegations or legal conclusions masquerading as factual conclusions" in a 12(b)(6) analysis). We note, finally, that plaintiff's reliance on Cantin v. Young, 170 Vt. 563 (1999) (mem.), is misplaced. In Cantin, we held that OCS had no power to independently seek a modification of child support absent an assignment of support. Id. at 564. Here, in contrast, OCS is acting under the express statutory mandate of UIFSA to enforce a registered out-of-state support order. 15B V.S.A. § 603(c). Accordingly, we discern no basis to disturb the superior court judgment.

Affirmed.

BY THE COURT:

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice