

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2004-130

AUGUST TERM, 2004

	}	APPEALED FROM:
	}	
Debbie Scott (Wilson) and Office	}	Windsor Family Court
of Child Support	}	
	}	
v.	}	DOCKET NO. 69-11-90 Wr dm
	}	
Chester P. Scott, III	}	Trial Judge: Amy M. Davenport
	}	
	}	

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

Father seeks review of an order dismissing his appeal of a magistrate's decision on child support arrears. We affirm.

The relevant facts are as follows. In March 1983, the Windsor Family Court issued a child support order directing father to pay mother \$412.46 per month to help support the parties' daughter. In September 1999, the family court entered an arrears judgment, which father did not appeal. The 1999 judgment required father to pay an additional \$33.00 per month to satisfy the accumulated child support arrears.

In May 2000, father moved to modify his support obligation. In October, the family court granted the motion and reduced father's monthly payment to \$258.06 per month. Father still owed over \$30,000 in outstanding support, so the court did not disturb the additional \$33.00 arrears payment established the previous year. No party appealed the October 2000 judgment.

Three years later, on November 12, 2003, father moved for a review of the October 2000 judgment on child support arrears. The magistrate considered the motion under V.R.C.P. 60(b) and denied it on December 31, 2003. Father did not appeal that decision until February 17, 2004. Consequently, the family court judge dismissed the appeal as untimely because it was filed more than thirty days after the arrears judgment had become final. Father then appealed to this Court.

Father seeks reversal of the family court's decision dismissing his appeal, but he does not identify any legal error committed by the family court. Appeals from the magistrate to the family court must be filed within thirty days of the judgment at issue to vest appellate jurisdiction in the family court. See V.R.F.P. 8(g)(1) (family court's appellate jurisdiction shall be invoked in manner and subject to conditions of appellate rules of procedure); V.R.A.P. 4 (appeals from final judgment must be filed within thirty days). There is no legal requirement that the family court or magistrate inform a party of the time limit for an appeal. The family court correctly dismissed father's appeal because it was filed well beyond the thirty day limit provided by the family court rules.

We observe that, in any event, the family court lacks authority to relieve the parent owing child support "of the duty to pay any accumulated child support arrearages." *St. Hilaire v. DeBlois*, 168 Vt. 445, 447 (1998). Therefore, father's attempt to reduce his total arrearage by way of a motion to the magistrate and a subsequent appeal to the family court would have been fruitless even if father had acted more promptly.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice