

PS# 25-01, Office of Child Support and CHINS Cases

Policy Information

Chapter/Category:

n/a

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Related Documents:

OCS & CHINS Case Reference Sheet

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Authorizing Signature:

Approval on file

Lisa Rivers, Director, Office of Child Support

Purpose

In the course of their work, Office of Child Support (OCS) staff may learn that a child has become the subject of a case in the juvenile docket of the Family Division, in which the child is alleged to be in need of care and supervision (CHINS). See 33 V.S.A., Chapter 53.

This policy explains certain general principles and considerations relating to CHINS cases and how OCS analyzes these cases for appropriate action. It provides guidance about how to proceed based on the timing of when a CHINS case is filed in relation to our own case and provides detailed reference information about the different types of orders that can be issued within the life cycle of a CHINS case, and how these orders impact child support.

While all OCS cases are considered “confidential”, CHINS proceedings are considered confidential by statute and require using certain terminology to limit disclosure of case details or redacting information, or both. See 33 V.S.A. §§ 5110, 5117, 5118.

Authority/Rationale

33 V.S.A., Chapter 53

33 V.S.A. §§ 5110, 5117, 5118

33 V.S.A. §§ 5302, 5305, 5307

33 V.S.A. §§ 5308-5309

33 V.S.A. § 5308

33 V.S.A. § 5316

15 V.S.A. § 658(b)

33 V.S.A. § 5116

14 V.S.A. § 2664

33 V.S.A. § 5258(a)

14 V.S.A. § 2664

14 V.S.A. § 2621

33 V.S.A. § 5103(a)-(b)

15 V.S.A. § 660(a)(2)

Policy

The timing of our cases and why it matters when there is a CHINS case

When we have a case and we know there is an active CHINS case involving the child or children, how we analyze the steps we take is largely dependent on what stage we are at with our own case and how far a CHINS case has progressed. Below we discuss what happens at various stages of an OCS case.

A. Pre-Establishment Cases

If an OCS case is opened, either public assistance (PA) or non-public assistance (NPA), and we find out a CHINS case exists prior to filing an establishment action, the establishment would not be ripe for filing, if ever, until the CHINS case concludes. This is because, so long as the CHINS case remains pending, the domestic docket of the Family Division – in which OCS files actions to establish parentage, parental rights, and child support – lacks jurisdiction to adjudicate parental rights for the child, which is a prerequisite for establishing a support obligation. See 33 V.S.A. § 5103(a)-(b). A “pre-establishment” OCS case in which a CHINS case arises should be referred to the Regional Manager for closure as unenforceable.

In cases in which the custodial parent received PA at the time of closure, the Regional Manager will review the case every six months to assess whether the CHINS case remains pending. If the CHINS case closes, and if the child presently is in the custodial parent’s care and continues to receive RUFA, the Regional Manager will review to determine if the case should be re-opened.

B. Pending-Establishment Cases

If a CHINS case arises after the filing of a child support establishment action, the establishment action cannot proceed in court until the CHINS case is resolved. This is because, as referenced above, the domestic docket of the Family Division lacks jurisdiction over parental rights

CHINS Cases Life Cycle & Orders

Prior to a Merits/Disposition Hearing

- Emergency Care order
- Temporary Care order
- Conditional Custody order

Subsequent to a Merits/Disposition Hearing

- Court finds that a child is or is not CHINS
- If CHINS, Court may order FSD to create a disposition plan

Disposition Hearing

- Custody to Custodial Parent, Guardian, or Custodian
- Conditional Custody order
- Custody to Noncustodial Parent
- Custody to DCF
- Termination of Parental Rights and Custody to DCF
- Permanent Guardianship

Permanency Hearing

- Custody transferred to a parent or guardian
- Termination of Parental Rights
- Adoption
- Permanent Guardianship
- Legal Guardianship

For more CHINS details, see the [OCS & CHINS Reference Sheet](#)

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Department for Children and Families
Office of Child Support**

while the confidential case remains pending, or, in cases in which parental rights have already been adjudicated, resolution of the CHINS case is necessary to determine whether establishing a support obligation payable to the custodial parent remains appropriate.

If this situation arises, OCS should seek a continuance in the establishment action, as appropriate. OCS staff should monitor the status of the CHINS case for 60 days to see if there is resolution in the CHINS case.

1. If the CHINS case is resolved and the child returns to the care of the custodial parent, the child support establishment action could continue.
2. Conversely, if resolution of the CHINS case does not result in the child returning to the former custodial parent's care, OCS should seek dismissal of the establishment action.

An establishment action dismissed while a CHINS case remains pending would revert to a "pre-establishment" scenario addressed above.

C. Post-Judgment Cases

In cases in which a final child support order has already been issued, Post-judgment cases should be handled like "pre-establishment" or "pending-establishment" cases depending upon whether, at the time the CHINS case arises, there is a child support action pending in the court.

Post-judgment cases in which there is no pending child support action should be worked like "pre-establishment" cases, with the additional consideration of the existing child support obligation. The appropriate action to take will vary on a case-by-case basis. OCS staff likely will have incomplete or uncertain information about the status of the CHINS case and there may be different reasonable approaches to addressing the child support order.

A few general principles should be kept in mind. OCS should not file to enforce a child support order if OCS learns of a pending CHINS case. We should also be mindful of what stage the CHINS case is at: is it pre-disposition, or headed to a permanency hearing? In addition, if a CHINS case results in a transfer of custody to a noncustodial parent, or a permanent guardianship, and the Court does not on its own set the child support case for a modification hearing, OCS should file independently a motion to modify the current support order. Remember to refrain from including any specific reference to the CHINS case in your motion to modify and instead use the language reflected in the modification statute (See 15 V.S.A. §660 (a)(2)). For example, you could use the following statement: "OCS has received information that indicates that the child is no longer living with the payee". See the [OCS & CHINS Case Reference Sheet](#) for more information about the stages of the CHINS life cycle.

If the Court in a CHINS case grants temporary custody to the current support obligor, such as pursuant to a Conditional Custody order (CCO), OCS should consider whether to file a motion, or motions, addressing the current support obligation. For instance, if an obligor obtains custody per a CCO, and OCS is currently garnishing support payments, it may be

**State of Vermont Agency of Human Services
Department for Children and Families
Office of Child Support**

appropriate to file a motion to modify the child support order, at least temporarily, or a motion to stay the order, or wage withholding, or for OCS to hold and conserve payments (in order say, to avoid disbursement of involuntary payments), or a combination thereof.¹

It may not be necessary, or appropriate, to address the child support order just because the obligor obtains custody pursuant to a CCO or another form of temporary order in a CHINS case. For instance, an obligor may obtain custody with the intention and likely result of the child's return to the obligee, in which case, even if the obligor is making payments, it may be reasonable to leave the child support order alone. OCS staff should consult with their regional attorney, and review information in the CHINS case on the Vermont Judiciary Portal, to assess if and how to address the child support obligation under such circumstances.

If a CHINS case arises during the pendency of a post-judgment child support action – enforcement or modification – OCS court representatives should seek a dismissal. If the case status is not public assistance, OCS will review further with the customer before seeking the dismissal of their filing.

Document Updates

Date	Action	Description
08/26/2025	Created	n/a
01/29/2026	Reformatted	Updated document to include the OCS & CHINS Case Reference Table within one document; Updated document to meet Accessibility standards

¹ Some magistrates may consider a motion to stay, or for OCS to hold and conserve payments, to be necessarily ancillary to a motion to modify, and therefore require that these motions be accompanied by a motion to modify.

OCS & CHINS Case Reference Table

OCS Case – Phase	CHINS Case Pending	What Action OCS Takes
Pre-Establishment	When CHINS case is pending, domestic docket of the Family Division lacks jurisdiction to adjudicate parental rights for the child.	RM closes case as unenforceable. If CP is RUFA active at time of OCS case closure, RM to monitor CHINS activity to consider reopening case upon CHINS resolution if child is in the CP's care and continues to receive RUFA.
Pending-Establishment	When CHINS case is pending, domestic docket of the Family Division lacks jurisdiction to adjudicate parental rights for the child. If parental rights are already established, the CHINS case must be resolved to determine whether establishing a child support obligation remains appropriate.	OCS should seek a continuance in the Establishment action and monitor CHINS case for 60 days. If child returns to the care of the CP, and CHINS is resolved, Establishment action can continue. If child does not return to the care of the CP, and CHINS is resolved, Establishment action should be dismissed.
Post-Judgment Case in which a final child support order has already been issued	When CHINS case is pending, and there is no pending child support action, the case should be handled similarly to the Pre-Establishment case with the additional consideration of the existing child support obligation. When CHINS case arises during the pendency of a post-judgment child support action (enforcement or modification), OCS should seek dismissal of their post-judgment action.	OCS should not file to enforce a child support order when CHINS is pending. If custody of a child is transferred to NCP or permanent guardianship, OCS should consider filing motion to modify child support order if the court doesn't do so. If post-judgment child support action is dismissed during pending CHINS action, OCS case should be assessed like a pre-filing post-judgment case.

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