

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

V.

DOCKET No. 26-2465

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on May 27, 2026, with the Office of Child Support Services (OCSS) of the Department of Human Services and the Appellant, [REDACTED]. The Appellant declined the option of a video hearing, and they initiated this matter to prevent OCSS from reporting the Appellant's outstanding child support obligations to the major credit bureaus. For the reasons discussed in more detail below, the Appellant's Appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by R.I.G.L. § 42-7.2-6.1 and EOHHS regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to OCSS matters not administered by the Rhode Island Family Court. The Administrative Hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35-1 et. seq., and EOHHS Regulation 210-RICR-10-05-2.

III. ISSUE

Is OCSS permitted to report the Appellant's outstanding child support obligations to the major credit bureaus?

IV. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, unless otherwise specified, a preponderance of the evidence is generally required to prevail. See 2 Richard J. Pierce, *Administrative Law Treaties* §10.7 (2002) & see *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the "normal" standard in civil cases). This means that for each element to be proven, the factfinder must believe that the facts asserted by the proponent are more probably true than false. When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. See *Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006).

V. PARTIES AND EXHIBITS

Senior Legal Counsel, Karl Beauregard, Esq. (hereinafter "Attorney Beauregard"), attended the hearing on behalf of OCSS and submitted the following exhibit as evidence:

Exhibit #1 – Notice Concerning Credit Bureau Reporting and Appeal Request.

The Appellant attended the hearing and testified on his own behalf. The Appellant provided the following exhibits as evidence:

Exhibit #2 – Letter to the Hearing Officer.

Exhibit #3 – Order of Payment from the Massachusetts Executive Office of Labor and Workforce Development, Department of Industrial Accidents.

Exhibit #4 – Hearing Appointment Notice.

Exhibit #5 – Letter from [REDACTED].

Exhibit #6 – Massachusetts Department of Industrial Accidents Notification of Impartial Physician Exam.

Exhibit #7 – Massachusetts Department of Industrial Accidents Determination of Suitability Decision.

Exhibit #8 – Massachusetts Care Self-Insurance Group, Inc. Payments.

VI. RELEVANT LAW/REGULATIONS

The department of administration, division of taxation, child support enforcement agency, designated as the state agency for purposes of providing consumer reporting agencies with information regarding the amount of overdue support owed by an obligor, is authorized to promulgate rules, regulations, and guidelines for the release of that information in accordance with this section. For purposes of this section, “overdue support” means a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under the law of any state, for:

- (1) support and maintenance of a minor child, which is owed to or on behalf of the child; or
- (2) support and maintenance of the obligor’s spouse or former spouse with whom the child is living.

See R.I. General Laws § 15-25-1(a).

The department of administration shall provide to consumer reporting agencies information regarding the amount, if any, of overdue support owed by an obligor. The department shall not be required to provide information regarding overdue support in an individual case if the department determines that release of information is inappropriate. See R.I. General Laws § 15-25-1(c).

OCSS makes information regarding the amount of overdue support owed by a non-custodial parent available to consumer reporting agencies. A non-custodial parent will be given advance notice before his/her name is submitted, and the notice shall state the procedures to contest the accuracy of the information. See 218-RICR-30-00-1.20.13(A) et seq.

Only the Rhode Island Family Court is authorized to make a decision regarding the modification or adjustment of a support order. (218-RICR-30-00-1.22.1(C)).

VII. FINDINGS OF FACT

1. As of January 26, 2026, the Appellant was court ordered to provide child support in the amount of \$130.00 per week.
2. The Appellant has not made any child support payments.
3. The Appellant testified that they were without any income until April 22, 2026, when they began to receive worker's compensation payments.
4. The Appellant does not dispute OCSS' calculation of the Appellant's outstanding child support obligations.
5. Attorney Beauregard testified that OCSS is obligated to report the Appellant's outstanding child support obligations to the major credit bureaus per R.I. General Laws § 15-25-1(c).

VIII. DISCUSSION

As stated above, OCSS makes information regarding the amount of overdue support owed by a non-custodial parent available to consumer reporting agencies. The Appellant testified that they filed this Appeal to challenge OCSS' decision to notify the major credit monitoring bureaus of the Appellant's outstanding child support obligations.

The Appellant testified that they have been unable to make any child support payments because they have been unable to work due to a workplace injury. The Appellant further testified that all the income they receive from workmen's compensation was spent on their outstanding debts. The Appellant requested that the amount of outstanding child support obligations be re-adjusted. Attorney Beauregard testified that the EOHHS Appeals Office does not have jurisdiction to modify or adjust any support order and that the Appellant should file a petition with the Rhode Island Family Court if they wish to request a modification or adjustment of their child support order. The relevant Rhode Island Code of Regulations,

218-RICR-30-00-1.22.1(C), clearly states that only the Rhode Island Family Court is authorized to modify or adjust a child support order, therefore, the EOHHS Hearing Office does not have any jurisdiction over the Appellant's request to re-adjust their outstanding child support obligation.

Attorney Beauregard testified that OCSS stands by their decision to report the Appellant's outstanding child support obligations because the Appellant has not made a single child support payment to OCSS since he was court ordered to do so. The Appellant did not dispute that he has not made a single child support payment. Because both R.I. General Laws § 15-25-1(c) and EOHHS Regulation 218-RICR-30-00-1.20.13(A) explicitly gives OCSS the authority to provide information regarding the amount of overdue support owed by a non-custodial parent available to consumer reporting agencies, there is a preponderance of evidence to show that OCSS is permitted to report the Appellant's outstanding child support obligation to the major credit bureaus.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing, this Appeals Officer concludes that OCSS is permitted to report the Appellant's outstanding child support obligation to the major credit bureaus.

X. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support OCSS' decision to report the Appellant's outstanding child support obligation to the major credit bureaus.

APPEAL DENIED

/s/ Jack Peloquin

Jack Peloquin

Appeals Officer

NOTICE OF APPELLATE RIGHTS

This decision is a final order under R.I.G.L. § 42-35-12. Under R.I.G.L. § 42-35-15, this Order may be appealed to court within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a complaint in court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of eighteen (18) and/or appeals of a DCYF action may need to be filed in Providence Family Court. If you have any questions about which court a complaint for appeal should be made, you should seek the advice of an attorney, Rhode Island Legal Services, or the clerk of the court where you wish to file your appeal. The courts' contact information can be found on the judiciary's website (<https://www.courts.ri.gov>). Copies of the appeal must be served upon all parties in your case within ten (10) days of the filing of your appeal.

If you exercise any of these appellate rights, please inform the EOHHS appeals office of this so we can prepare a copy of the record for the court. You can contact the Appeals Office at OHHS.AppealsOffice@ohhs.ri.gov, 401.462.2132 (Phone), 401.462.0458 (Fax), or at 3 West Road, Virks Building, Cranston, RI 02908.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to

_____, _____ copies were sent, via email, to Karl
Beauregard, Esq. and Paul Gould on this 4TH day of JUNE, 2026.

