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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-390

MARCH TERM, 2007

Lauren Tetta-Parham	}	APPEALED FROM:
(Office of Child Support, Appellee)	}	
	}	
v.	}	Windham Family Court
	}	
George Malico	}	
	}	DOCKET NO. F349-12-03 Wmdm
		Trial Judge: Karen R. Carroll

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

Defendant appeals from a family court order finding him in contempt for failing to pay child support as required by previous court orders. We affirm.

In November 2004, the family court determined that a March 14, 1994 Florida child support order was the controlling order pursuant to 15B V.S.A. § 207(c) with respect to defendant's child support obligation. The family court affirmed this ruling in a July 2005 order from which defendant did not appeal. In December 2005, the magistrate registered and confirmed the Florida order for purposes of enforcement. In doing so, the magistrate, among other things, specifically rejected defendant's objection to registration and enforcement of the order based on provisions of the Uniform Commercial Code (UCC). Following a January 2006 enforcement hearing, the magistrate ordered defendant to pay the amount required by the Florida order in addition to a monthly amount on arrears totaling more than $50,000. Defendant did not appeal from that order or the magistrate's later order suspending his driver's license for failure to comply with the enforcement order.

In June 2006, the Office of Child Support (OCS) filed a petition to hold defendant in civil contempt pursuant to 15 V.S.A. § 603 for his failure to obey a lawful child support order. Defendant participated at the motion hearing by telephone from Florida. Following the hearing, at which defendant refused to testify under oath, the family court found him in contempt and ordered him to pay $4500 by a specified date to purge himself of the contempt and avoid issuance of a mittimus for his incarceration. Defendant appeals the contempt order.

Defendant appears to argue that by rejecting the State's demand for child support payment until it validated the claim under UCC Article 3 governing "negotiable instruments," he had effectively stymied the State's effort to collect child support, and the court acted without authority to find him in contempt. Defendant's brief is lengthy and detailed, but fails to persuasively explain why the UCC should control here. Contending that a series of federal usurpations and currency manipulations in the twentieth century made states and citizens mere subsidiaries of a corporate government, defendant maintains the nation went bankrupt in the1930's and rendered its currency worthless by abandoning dollars backed by precious metal in favor of dollars in the form of federal reserve notes. Assuming that current dollars amount only to notes of a bankrupt, or worthless promises to pay, it does not follow that child support enforcement actions to collect such dollars, ordered paid over in a previous court proceeding, are somehow subject to the UCC as imagined by defendant. We fail to see how the UCC, or how any of the political and fiscal shenanigans recited by defendant, have any application with respect to the family court's jurisdiction, the enforcement of child support orders in general, or the particular support orders in this case.

In any event, defendant failed to appeal from, and thus is precluded from collaterally challenging in this appeal, the previous orders establishing, registering, and enforcing the Florida child support order. See Lerman v. Lerman, 148 Vt. 629, 629 (1987) (mem.) (principle of res judicata precludes a party who has had an opportunity to litigate a matter from attempting to relitigate the same matter in a later proceeding). The only order defendant is appealing is the contempt order, and we find no error with respect to that order. Defendant complains that the family court erred by refusing to accept his offer of proof until he was sworn in to testify. Even if we assume any error, the error was harmless. Defendant's offer of proof was to read his UCC demands into the record. As defendant acknowledges, his written arguments had already been filed with the court. In any event, as indicated above, the UCC arguments are unavailing and unpreserved.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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John A. Dooley, Associate Justice

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Brian L. Burgess, Associate Justice