

FOR PUBLICATION

**SUPERIOR COURT OF THE VIRGIN ISLANDS
FAMILY DIVISION OF ST. CROIX**

JOHN EDWARD HENDERSON,

Appellant,

v.

**GOVERNMENT OF THE VIRGIN
ISLANDS EX REL. IRENE F.M. HARRIS,**

Appellee.

SX-15-SP-011

**On Appeal from the Virgin Islands
Department of Justice, Paternity & Child
Support Division**

Re: Case Number 365/1999 (SC)

Cite as: 2019 VI SUPER 12

Appearances:

KYE WALKER, ESQ.

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Christiansted, VI 00820
For Appellant

ROYETTE V. RUSSELL, ESQ.

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For Appellee

MEMORANDUM OPINION AND ORDER

HINDS ROACH, Judge.

¶1 **BEFORE THE COURT** is a motion filed by the Appellant John Edward Henderson, by and through counsel, to stay an order issued by a hearing officer of the Paternity and Child Support Division of the Virgin Islands Department of Justice. For the reasons stated below, the motion is denied.

Background

¶2 John Edward Henderson (“Henderson” or “Appellant”) and Irene F.M. Harris (“Harris”) have two children together, a daughter and a son. Harris filed a petition with the Paternity and Child Support Division in June 2014 for a determination of child support. A hearing officer concluded that Henderson owed Harris approximately \$5,000 in arrears in child support and ordered him to pay approximately \$300 dollars a month in child support. The two children were 18 years old (daughter) and 16 years old (son), respectively, as of the date when the order was entered. However, the daughter was also enrolled in

college. Cf. Rhymer v. Rhymer, 21 V.I. 176, 188-90 (Terr. Ct. 1984) (child support obligations may extend beyond age of majority).

¶3 Henderson appeal the hearing officer's order to the Superior Court of the Virgin Islands and moved for a stay of the child support order pending appeal. The Government of the Virgin Islands did not file a response to Henderson's motion.

Discussion

¶4 In his motion, Appellant acknowledges that "[n]either the Virgin Islands Code [n]or the applicable rules and regulations provide a standard for assessing a [m]otion to [s]tay." (Appellant's Mot. to Stay Child Supp. Order 2, filed Jan. 22, 2016 ("Mot.")). "Therefore, the Court should apply the standard for granting a preliminary injunction to the instant motion," Appellant argues. Id. (citing Douglas v. Ashcroft, 374 F.3d 230, 233 (3d Cir. 2009)).

¶5 Appellant asserts that the child support order should be stayed because his appeal satisfies the four criteria for granting a preliminary injunction: (1) a reasonable probability of success on the merits; (2) irreparable injury without an injunction; (3) any harm to the non-moving party will not be greater with an injunction; and (4) the public interest supports granting a stay. Id. (citing SBRMCOA, LLC v. Morehouse Real Estate Invs., LLC, 62 V.I. 168 (Super. Ct. 2015)). Specifically, he argues that the Child Support Order causes him "[i]rreparable harm . . . 'for which a monetary award does not adequately compensate.'" Id. at 3-4 (quoting Engeman v. Engeman, S. Ct. Civ. No. 2015-0023, 2015 V.I. Supreme LEXIS 20, *7 (2015)). The order harms "his reputation because [it] gives the impression that he has neglected obligations to his children when, in fact, he has always provided for them and, at times, was the custodial parent." Id. at 4. Staying the order will also not cause any greater harm to the Government, Harris, or the children since Harris, "the custodial parent[,], is gainfully employed and currently has physical custody of one child only" and Henderson "provides for the needs of the older child in college and will continue to do so." Id. at 5. The Government will not be harmed because the hearing officer did not follow the child support guidelines. Consequently, "the child support order does not accurately reflect the needs of the children or the resources of the parents." Id. Lastly, Henderson argues that staying the order is in the interests of the public "because . . . enforcing a child support order that was reached without due process of law is injurious to due process rights and should not be sanctioned." Id. The Court does not agree.

¶6 First, section 354 of title 16 of the Virgin Islands Code provides that "an appeal from an order of a hearing officer may be taken to a Family Division judge . . . and, unless the court finds good cause, the paternity or support order entered by the hearing officer shall continue in force while the matter is on appeal." 16 V.I.C. § 354(b). Technically, Henderson is correct in that there is no "standard" provided in the rules of court or the code for ruling a motion for stay, meaning the phrase "good cause" is undefined. But the code does say that support orders "continue in force" "unless the court finds good cause." Thus, "[o]ur starting point . . . is the language of the statute itself . . . because in construing a statute, if the intent of the Legislature is clear, that is the end of the matter." In re: Infant Sherman, 49 V.I. 452, 456 (quotation marks, brackets, and citations omitted)).

¶7 The phrase "good cause," as used in reference to support orders, is not defined in the code, however. See generally 16 V.I.C. § 341. And when a word or phrase in a statute is "undefined" and "capable of multiple interpretations" it is deemed "ambiguous." One St. Peter, LLC v. Bd. of Land Use Appeals, 67

V.I. 920, 926 (2017). Here, the phrase good cause in section 354(b) of title 16 is undefined and is capable of multiple interpretations.

¶8 Generally, the phrase “good cause” means the same as “excusable neglect.” See McGary v. J.S. Carambola, L.L.P., SX-13-CV-289, ___ V.I. ___, 2016 V.I. LEXIS 166, *4 (V.I. Super. Ct. Oct. 7, 2016) (“The Supreme Court of the Virgin Islands has established that in this jurisdiction excusable neglect is essentially synonymous with good cause.” (citing Fuller v. Browne, 59 V.I. 948, 955 (2013))). But, depending on the circumstances, good cause can also mean something different. E.g., Gourmet Gallery Crown Bay, Inc. v. Crown Bay Marina, L.P., S. Ct. Civ. Nos. 2015-0123, 2016-0022, 2017 V.I. Supreme LEXIS 41,*10 n.11 (V.I. July 24, 2017) (“For the purposes of this Order, ‘good cause’ means serious illness, pre-arranged travel, pre-ordered court appearances, personal or family emergency, death or similar circumstances.”); see also, e.g., 12A V.I.C. § 132 (defining “good cause for terminating, canceling, [sic] or failing to renew a franchise”); 24 V.I.C. § 304(c)(2) (defining good cause for leaving or refusing work in unemployment benefits context).

¶9 Although courts “presume that the Legislature intends for its acts to operate harmoniously with the common law, unless a contrary indication appears in the text of an act,” V.I. Taxi Ass’n v. W. Indian Co., Ltd., 66 V.I. 473, 493 (2017) (citation omitted), here the Legislature could not have intended that the phrase “good cause” as used in section 354(b) of title 16 would be construed synonymously with the concept of excusable neglect. Excusable neglect requires an event or occurrence that should have happened and did not. Cf. People v. Rivera, 68 V.I. 393, 418 (Super. Ct. 2018) (“[A] motion filed after the time to act has passed must show excusable neglect and courts must find good cause.” (citation omitted)); accord In re: Red Dust Claims, SX-15-CV-620, *et seq.*, ___ V.I. ___, 2017 V.I. LEXIS 98, *20 (V.I. Super. Ct. July 7, 2017) (“If the request comes late, then good cause must be shown.”). By contrast, support orders continue in force unless stayed by a court after finding good cause. Clearly, the phrase “good cause” means something different in this context.

¶10 Henderson would have the Court graft the four-factor preliminary injunction test onto the phrase “good cause.” But that too cannot be what the Legislature intended because a support order concerns a person “required to make payments . . . for a child, spouse, former spouse or any other person,” 16 V.I.C. § 341(h), and injunctive relief is generally unavailable where disputes involve money. Cf. W. Indian Co. v. Gov’t of V.I., 22 V.I. 358, 382 (D.V.I. 1986) (“[A] defendant’s ability to compensate a plaintiff with money damages precludes the issuance of a preliminary injunction.” (citation omitted)); accord Sampson v. Murray, 415 U.S. 61, 90 (1974) (“Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay [pending appeal], are not enough.” (citation omitted)); Engeman v. Engeman, S. Ct. Civ. No. 2015-0023, 2015 V.I. Supreme LEXIS 20, *7 (July 2, 2015) (“[T]he sole issue in dispute is the amount of the appellant’s child support payments, and if it is ultimately held that he has been required to pay too much in child support to the appellee, the extent of the appellant’s overpayment is readily ascertainable, and may be remedied by requiring the appellee to refund that amount.”); see also 3RC & Co. v. Boynes Trucking Sys., 63 V.I. 544, 554 (2015). Since “good cause” cannot exist in contravention of a statute where the legislature has properly defined the rights of the parties,” Infant Sherman, 49 V.I. at 472 (Swan, J., concurring), and “[c]ourts are not authorized to rewrite, revise, modify, or amend statutory language in the guise of interpreting it.” People v. Noel, 68 V.I. 196, 210 (Super. Ct. App. Div. 2017) (brackets, quotation marks, and citation omitted), this Court cannot conclude that the Legislature meant the phrase “good cause” for staying a support order pending appeal to the Superior Court from the Paternity and Child Support Division to mean “the application of

a strict, sequential multi-factor test” for a preliminary injunction. 3RC & Co., 63 V.I. at 553 (citing SBRMCOA, 62 V.I. at 186).

¶11 The presumption is that support orders continue in force pending appeal. But if good cause is shown, a support order may be stayed. The question is what the Legislature meant by “good cause” if not excusable neglect or the preliminary injunction test. Since the phrase “good cause” can mean different things in different contexts, the Court finds that it is ambiguous.

When statutory language is ambiguous, [courts] will proceed to examine the legislative history of the statute and its purpose to ascertain if a proposed interpretation was within the legislature’s intent. In doing so, [courts] remain mindful that a statute should not be construed and applied in such a way that would result in injustice or absurd consequences. An interpretation must also give effect to every provision . . . making sure to avoid interpreting any provision in a manner that would render it—or another provision—wholly superfluous and without an independent meaning or function of its own.

One St. Peter, 67 V.I. at 926 (quotation marks, brackets, and citations omitted).

¶12 The Support of Relations laws in the Virgin Islands are broad. Cf. 16 V.I.C. § 342(a) (persons “obliged to support *each other*” (emphasis added)). Under Virgin Islands law, parents are obligated to support their children up to the age of eighteen. 16 V.I.C. § 342(a)(3). But parents may also have to support their children beyond the age of eighteen if their child is enrolled in college or pursuing higher education or “dependent because of a physical or mental disability.” Id. § 341(g). Additionally,

regardless of age . . . a parent in the Virgin Islands has an obligation to provide support for his or her child’s necessities until the child “is capable of working at a trade, profession or industry, or has obtained employment or bettered his or her financial position so that he or she does not stand in need of the amount given for support.”

Rhymer, 21 V.I. at 184 (brackets omitted) (quoting 16 V.I.C. § 351); see also id. at 183 (“[A] parent has an obligation to support his or her children even beyond the age of majority where it is shown that the child is incapable of being self-sufficient.”).

¶13 The obligation to support, however, does not arise until a petition for support is filed. See id. § 346 (“The obligation to support may be claimed from the time the person having a right thereto shall require such support, but it shall not begin until the date on which a petition therefor is made.”). Original jurisdiction to decide child support petitions was originally vested in the courts.

¶14 Primary responsibility for deciding support petitions was initially vested with the courts. However, in 1986, the Legislature of the Virgin Islands established a paternity and child support division within the Virgin Islands Department of Justice. See Act No. 5161, § 7 1986 V.I. Sess. L. 52, 53 (May 14, 1986) (entitled “To Further Amend Titles 3, 5, 14, 16, and 33, Virgin Islands Code, as Amended by Act No. 5104, To Incorporate Into the Code the Applicable Provisions of Public Law 98-378, Child Support Enforcement Amendments of 1984, and for Other Purposes Related Thereto.”) (codified at 3 V.I.C. § 119). The Legislature did this in furtherance of federal law, namely the Aid to Families with Dependent Children (“AFDC”) program. See generally 42 U.S.C. § 601 et seq.; accord Gov’t of the V.I. ex rel Suarez

v. Suarez, 24 V.I. 3, 7 (Terr. Ct. 1988) (“Sec. 367 [of title 16 of the Virgin Islands Code] is a result of the federal government’s effort to eliminate the disparity among states regarding the modification of child support arrearages. As a prerequisite for continued federal funding of IV-D agencies, i.e. those administering the Aid For Dependent Children program, § 9103 of Pub. L. 99-509 required that the states enact laws providing that any payment or installment on a child support order is a judgment, on and after the date each payment is due.” (citation omitted)).

Since 1984, the United States Congress has actively encouraged states [and territories] to take measures to assure that children receive adequate financial support from their parents, thereby reducing governmental expenditures for support of children. The Child Support Enforcement Amendments of 1984, enacted as Public Law 98-378 and codified at 42 U.S.C. § 666 et seq., amended part D of title IV of the Social Security Act to require that states establish procedures to improve the effectiveness of child support enforcement (IV-D) programs. In those amendments, Congress conditioned the states’ [and territories’] receipt of federal funds for AFDC programs and for IV-D programs upon compliance with these requirements. Among the requirements was a provision directing states [and territories] to establish, by law or by judicial or administrative action, guidelines for child support award amounts that would be available to, but not binding upon, judges who had the authority to enter child support orders. Such guidelines were intended to provide reliable benchmarks for use in quasi-judicial proceedings, to expedite awards of child support, and to guide courts to more equitable awards in order to address the feminization of poverty resulting from consistent underestimates of the cost of rearing children by increasing the average level of awards.

Turner v. Turner, 595 A.2d 297, 302-03 (Conn. 1991) (quotation marks, citations, and footnotes omitted).

¶15 In furtherance of the 1984 congressional mandate, the Virgin Islands Legislature transferred original jurisdiction to hear and determine paternity and child support matters from the courts to the Division of Paternity and Child Support, subject to appellate review by the then-Territorial Court of the Virgin Islands. See Act No. 5161, § 12, 1986 V.I. Sess. L. at 57-59 (“Orders entered by a hearing officer shall be in writing, shall contain specific findings of fact and conclusions of law and shall have the same force and effect as orders entered by judges of the Territorial Court, except that an appeal from an order of a hearing officer may be taken to a Family Division judge of the Territorial Court within twenty (20) days of the entry of the order.” (codified at 16 V.I.C. § 354(b)). However, the Legislature had also provided that “[t]he court shall hear the appeal *de novo* and, unless *otherwise ordered* by the court, the support order entered by the hearing officer shall continue in force while the matter is on appeal.” Id. (emphasis added).

¶16 Ten years later, in 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act.

Pursuant to the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), States [and Territories] that participate in the IV-D program must enact legislation providing that any payment or installment of support under any child support order be treated as a judgment by operation of law including the ability to be enforced.

Pryce v. Scharff, 894 A.2d 668, 672 (N.J. Super. Ct. App. Div. 2006) (quotation marks, ellipsis, and citations omitted). “By enacting the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 . . . Congress overhauled the federal welfare program and amended Title IV-D in an attempt to remedy ineffective enforcement and collection of child support.” Mont. Shooting Sports Ass’n v. State, 224 P.3d 1240, 1242 (Mont. 2010). “Congress intended these new measures to allow interested parties to rapidly locate and withhold funds from parents owing back child support.” Id. (citing H.R. Rep. 104-651 at 1407 (June 27, 1996); Mich. Dept. of State v. United States, 166 F. Supp. 2d 1228, 1232 (W.D. Mich. 2001)).

¶17 One of the requirements was that states and territories adopt “[e]xpeditious administrative and judicial procedures . . . for establishing paternity and for establishing, modifying, and enforcing support obligations,” 42 U.S.C. § 666(a)(2), “without the necessity of obtaining an order from any other judicial or administrative tribunal.” Id. § 622(c)(1). “Such procedures shall be subject to due process safeguards,” however, “including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal.” Id. § 622(c).

¶18 The Legislature of the Virgin Islands acted on the 1996 congressional mandate two years later, in 1998, by, among other things, amending section 354(b) of title 16 of the Virgin Islands Code. See generally Act No. 6228, § 7, 1998 Sess. L. 248, 262 (Apr. 22, 1998) (“To amend the Virgin Islands Code to enact federal requirements applicable to Title IV-D of the Social Security Act (Child Support Enforcement Programs), as mandated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and Section 13721 of the Omnibus Budget Reconciliation Act of 1993). The Legislature removed the provision for de novo review on appeal and further provided that

[s]uch appeal shall only be made upon a showing of material mistake of fact or conclusion of law, with the burden of proof upon the challenger, and, unless the court finds good cause, the paternity or support order entered by the hearing officer shall continue in force while the matter is on appeal.

1998 V.I. Sess. L. at 262 (codified at 16 V.I.C. § 354(b)).¹

¶19 This is the legislative backdrop to section 354(b)’s phrase “good cause.” While hearing officers have had primary responsibility for determining child support in the Virgin Islands since 1986, it was not until 1998 that the Legislature ensured that their orders would be enforceable outright, without the imprimatur of the courts. The legislative history underscores this need — to ensure that noncustodial parents provide for their children and that custodial parents are not forced into poverty in the interim. Although the legislative history does not compel an interpretation here, the Court concludes that the phrase “unless the court finds good cause” should be construed very narrowly.

¶20 This interpretation correlates with the limited scope of the Superior Court’s appellate review of support orders. The Superior Court can only review a challenged order to determine whether the hearing officer made a “material mistake of fact or conclusion of law.” 16 V.I.C. § 354(b). Section 341(f) defines

¹ The Legislature had also amended section 354(b) in 1987 to add the clause “shall be served on all the parties” for orders entered by hearing officers. See Act No. 5249, § 2, 1986 V.I. Sess. L. 439, 440 (Jan. 6, 1987).

“mistake of fact” extremely narrowly, whether the hearing officer made an error “in the amount [of] current or overdue support or in the identity of the alleged obligor.” *Id.* § 341(f). In other words, the Superior Court is limited to considering only whether the hearing officer ordered the wrong person to pay support or made a mistake in calculating the amount of support needed or owed. But original jurisdiction for determining the amount of support is vested in hearing officers, who have broad powers. Hearing officers serve as administrative law judges insofar as their orders “have the same force and effect” as an order of a Superior Court judge. *See id.* § 354(b). Hearing officers also have the power to modify prior support orders. *See id.* § 354 (a)(6). They can also modify a support order issued by a Superior Court judge if the support matter is duly transferred back to the hearing officer. *Id.*

¶21 Construing “good cause” synonymously with excusable neglect or with the four-factor preliminary injunction test would controvert national and territorial legislative intent. Accordingly, this Court concludes that a finding of good cause to stay a support order pending appeal requires a showing of severe economic hardship or other similar circumstances. *Accord Gourmet Gallery Crown Bay, Inc.*, 2017 V.I. Supreme LEXIS 41 at *10 n.11 (“‘[G]ood cause’ means serious illness . . . personal or family emergency, death or similar circumstances.”). It is not enough to show a likelihood of success on the merits on appeal from a child support order because in many instances, including here, the noncustodial parent’s support payments are in arrears and ensuring that arrears are paid was a congressional goal. *Cf.* 42 U.S.C. § 666(a)(9)(C) (procedures adopted may not provide for “retroactive modification” of arrears); *Harvey v. Marshall*, 884 A.2d 1171, 1184-85 (Md. 2005) (discussing congressional intent to ensure that courts did not wipe out child support arrearages).

¶22 Support orders must continue in force on appeal unless the court finds that “the means of the person obliged to give it [will] have been reduced so that he cannot do so without disregarding his own needs.” 16 V.I.C. § 351(2). Simply put, paying more than one’s fair share is not enough. Child support orders constitute “a judgment by operation of law, with the full force, effect, and attributes of a judgment of the State, including the ability to be enforced,” 42 U.S.C. § 666(a)(9)(A). And judgments for money typically are not stayed on appeal unless a bond is posted. *See, e.g., S. Cal. Gas Co. v. Flannery*, 209 Cal. Rptr. 3d 842, 853 (Ct. App. 2016) (“[E]nforcement of a judgment for money or the payment of money is not stayed on appeal unless an undertaking is given.” (quotation marks, brackets, and citation omitted)).

¶23 Although courts have held that, “[w]here a final judgment orders the payment of money, and the order is not stayed but instead complied with by voluntary payment of the amount ordered, an appeal from the order will be dismissed as moot since reversal of the order would be ineffectual in affording any relief to the appellant.” *Kelm v. Hess*, 457 N.E.2d 911, 911 (Ohio 1983), in the context of support payments, any excess payments can always be allocated to arrearages or to off-set future payments. *Cf.* 42 U.S.C. § 666(a)(9) (“procedures may permit modification with respect to any period during which there is pending a petition for modification”). Moreover, Virgin Islands law allows those who provide support to recoup excess payments. *Cf.* 16 V.I.C. § 344(a) (“in cases of urgent necessity and under special circumstances, the judge may order one of them to provisionally provide such support, and he shall have the right to reclaim from the others their corresponding part of the amount.”); *see also id.* § 350(b) (“The Government, through the Division of Paternity and Child Support, shall recoup, through reasonable means, all support erroneously disbursed to a child support obligee from that obligee and support due that obligee.”).

¶24 Applying this standard, the Court cannot find that Henderson’s duty to pay should be stayed. Henderson complains in his motion that “the Division of Paternity and Child Support did not make any

findings of fact as to needs of the children; neither did the Division consider the incomes of the parents when calculating the monthly payment.” (Mot. 3.) Instead, “[t]he Division arbitrarily set the child support at a level at which the Petitioner could not afford.” *Id.* But Henderson then complains about the potential “harm to his reputation.” *Id.* at 4. And he concludes, arguing that “enforcing a child support order that was reached without due process of law is injurious to due process rights and should not be sanctioned by the Court.” *Id.* at 5. The Court would agree. But the question at his juncture is not whether the order should be affirmed, but rather whether it should be stayed temporarily while this appeal proceeds. The Court cannot find that Henderson has shown that he would be reduced to such a state that he would have to disregard his own needs if the order were enforced. Whether the hearing officer failed to follow the support guidelines may warrant a reversal. But Henderson has not shown that severe economic hardship or other such circumstances would result if the support order were not stayed pending appeal.

Conclusion

¶25 No court has considered what showing is necessary under section 354(b) of title 16 of the Virgin Islands Code to warrant granting a stay pending appeal of a support order issued by the Division of Paternity and Child Support.² Although the phrase good cause is often viewed synonymously with excusable neglect, and even though a stay pending appeal is akin to a preliminary injunction, the Court concludes that neither standard would be proper here.

¶26 Excusable neglect would not apply because it contemplates something that should have happened but did not. The standard for granting injunctive relief is also not proper here because child support orders are typically judgments for money. Congress waded into the area of child support, an area traditionally reserved to the States, because of its impact on the general welfare of the nation and the possibility that noncustodial parents might relocate and thereby avoid the obligation to support their children. To allow noncustodial parents to delay support obligations even further while an appeal winds its way through the courts would be to upend legislative policy. Lastly, an appeal or supersedeas bond is also not appropriate because that too would make the custodial parent wait until the merits of the appeal had ended.

¶27 At the end of the day, a support order is just a money judgment. *Cf. Morton v. Morton*, 34 V.I. 32, 34 (Terr. Ct. 1996) (“[A] party has three methods by which to proceed when seeking to enforce a foreign child support award: by filing an action pursuant to the Uniform Reciprocal Enforcement of Support Act, 16 V.I.C. §§ 391-429; by filing an action pursuant to the Uniform Enforcement of Foreign Judgments Act,

² Neither the Territorial Court nor the Superior Court of the Virgin Islands promulgated rules regarding appeals from the Division of Paternity and Child Support. Because failure to promulgate regulations can jeopardize receipt of federal funding, the Court will—out of an abundance of caution—refer this issue to the Advisory Committee on Rules to consider defining the term “good cause” and providing that appeals from Paternity and Child Support should proceed on an expedited basis. *Accord Joseph v. Publ. Emps. Rel. Bd.*, 68 V.I. 425, 431 (Super. Ct. 2018) (referring issue to Advisory Committee on Rules); *cf. Blessing v. Freestone*, 520 U.S. 329, 333 (1997) (“To qualify for federal AFDC funds, the State must certify that it will operate a child support enforcement program that conforms with the numerous requirements set forth in Title IV-D of the Social Security Act, and will do so pursuant to a detailed plan that has been approved by the Secretary of Health and Human Services (Secretary).” (footnote and internal citation omitted)); *id.* at 335 (“If a State does not ‘substantially comply’ with the requirements of Title IV-D, the Secretary is authorized to penalize the State by reducing its AFDC grant by up to five percent.”).

5 V.I.C. §§ 551-558; or by filing a common law action to enforce the judgment.”). And staying a money judgment pending appeal requires more than a likelihood of success on the merits or an analysis of competing harms. This Court concludes that good cause in section 354(b) should be construed in harmony with section 351(2) and a stay granted only when the person ordered to provide support would be “reduced so that he cannot do so without disregarding his own needs,” 16 V.I.C. § 351(2), if a stay were not granted.

“By strictly enforcing Virgin Islands child support laws, the court is attempting to make it more and more difficult for a parent to avoid child support obligations. By so doing, the court hopes to prevent children from suffering any more than is absolutely necessary by the breakdown of a marriage or the absence of a father or mother from a home.”

Morton, 34 V.I. at 34 (quoting Watlington v. Canton, 18 V.I. 203, 211 (Terr. Ct. 1982)).

* * *

Accordingly, it is hereby

ORDERED that Appellant John Edward Henderson's Motion to Stay Child Support Order is **DENIED**. It is further

ORDERED that a copy of this Memorandum Opinion and Order be **SERVED** on counsel of record and **FORWARDED** to the Advisory Committee on Rules to consider promulgating rules to govern appeals from the Paternity and Support Division of the Virgin Islands Department of Justice.

DONE AND SO ORDERED THIS 14th DAY OF FEBRUARY, 2019.



DENISE A. HINDS ROACH, JUDGE

A T T E S T:

Estrella George
Clerk of the Court

BY: 

Court Clerk Supervisor

2/14/19