
A BILL FOR AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 576D-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§576D-6 Other duties of agency.** (a) The agency shall:

4 (1) Establish a state parent locator service for the
5 purpose of locating absent and custodial parents;

6 (2) Cooperate with other states in:

7 (A) Establishing paternity, if necessary;

8 (B) Locating an absent parent who is present in the
9 State and against whom any action is being taken
10 under a Title IV-D program in any other state;
11 and

12 (C) Securing compliance by [~~such~~] an absent parent
13 with a support order issued by a court of
14 competent jurisdiction in another state;

15 (3) Perform periodic checks of whether a parent is
16 collecting unemployment compensation and, if so, to
17 arrange, either through agreement with the parent or
18 by bringing legal process, to have a portion of the



- 1 compensation withheld, to fulfill the parent's child
2 support obligations;
- 3 (4) Notify annually each custodial parent, guardian,
4 protective payee, or other person having custody of
5 the child of an Aid to Families with Dependent
6 Children family of the amount of child support
7 collected on behalf of the child in the family. For
8 the purpose of this section, "Aid to Families with
9 Dependent Children family" means a family [~~which~~] that
10 receives financial assistance under the federal Aid to
11 Families with Dependent Children program or its
12 successor;
- 13 (5) Establish and utilize procedures [~~which~~] that shall
14 require a debtor parent to give security, post bond,
15 or give some other guarantee to secure payment of
16 delinquent child support. The procedures shall apply
17 to all debtor parents of children described under
18 section 576D-3. The procedures shall include advance
19 notice to the debtor parent in full compliance with
20 the State's procedural due process requirements. The
21 agency shall develop guidelines, which are available



1 to the public, to determine whether the case is
2 inappropriate for application of this requirement;

3 (6) Establish and utilize procedures by which information
4 regarding the name of the debtor parent and the amount
5 of delinquent child support owed by a debtor parent
6 residing in the State will be made available to any
7 consumer reporting agency as defined in section 603(f)
8 of the Fair Credit Reporting Act. The procedures
9 shall be effectuated upon the agency being authorized
10 to provide Title IV-D services, and shall include
11 provisions on advance notice to the debtor parent
12 whose information is being reported of the procedures,
13 which shall be in full compliance with the State's
14 procedural due process requirements, to contest the
15 accuracy of the information;

16 (7) Establish and utilize procedures [~~which~~] that will
17 enforce liens against the real and personal property
18 of a debtor parent who owes overdue support and who
19 resides or owns property in the State. The agency
20 shall further establish guidelines [~~which~~] that are
21 available to the public to determine whether the case
22 is inappropriate for application of this paragraph;



- 1 (8) Establish and utilize procedures for the notification
2 of a custodial parent that any income tax refund
3 setoff under section 231-53 shall be [~~credited to~~
4 ~~child support debts for past public assistance or~~
5 ~~foster care maintenance before any other debt;~~]
6 retained by the State in cases where medical support
7 rights have been assigned to the State and the income
8 tax refund setoff are applied to amounts designated in
9 the child support order for medical purposes;
- 10 (9) Establish and utilize procedures for prompt
11 reimbursements of overpayments of child support debts
12 from income tax refund setoffs under section 231-53.
13 The procedures shall provide for the reimbursements to
14 be made by the custodial parent or agency;
- 15 (10) Establish and utilize procedures for periodic review
16 and modification of child support orders in accordance
17 with Title IV-D;
- 18 (11) Provide notice not less than once every three years to
19 those parents subject to an order of support informing
20 the parents of their right to request the agency to
21 review and, if appropriate, adjust the order of



1 support pursuant to the guidelines established under
2 section 576D-7;

3 (12) Establish and operate a state case registry [~~which~~]
4 that contains records of:

5 (A) Each case in which services are being provided by
6 the agency under the state plan; and

7 (B) Each support order established or modified in the
8 State on or after October 1, 1998.

9 [~~Such~~] The records shall use standardized data
10 elements for both parents, including but not limited
11 to names, residential and mailing addresses, telephone
12 numbers, driver's license numbers, names, addresses,
13 and telephone number of the party's employer, social
14 security numbers and other uniform identification
15 numbers, dates of birth, and case identification
16 numbers, and contain [~~such~~] any other information as
17 required by the United States Secretary of [~~the~~
18 ~~Department of~~] Health and Human Services. In each
19 case with respect to subparagraph (A) and where a
20 support order has been established, the case record
21 shall include the amount of monthly or other periodic
22 support owed under the order, and other amounts,



1 including but not limited to arrearages, due under the
2 order, the amounts collected under the order, the
3 birthdate of any child for whom the order requires the
4 provision of support, and the amount of any lien
5 imposed;

6 (13) Perform other duties required under chapter 576B, the
7 Uniform Interstate Family Support Act; and

8 (14) Perform other duties required under Title IV-D.

9 (b) The procedures required under subsection (a) (5), (6),
10 (7), (8), (9), and (10) shall be established by rule in
11 accordance with chapter 91."

12 SECTION 2. Section 576D-11, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§576D-11 Staff.** The attorney general shall appoint,
15 without regard to chapter 76 [~~an administrator; an assistant~~]:

16 (1) An administrator;

17 (2) An assistant administrator who shall serve as
18 controller and whose duties shall include but not be
19 limited to designing and implementing controls over
20 all financial management systems, including electronic
21 data processing systems, and developing an appropriate
22 staffing plan;



1 (3) An assistant administrator who shall serve as the
 2 policy administrator and whose duties shall include
 3 but not be limited to developing and implementing
 4 comprehensive policy and planning documents to guide
 5 operations to successful outcomes, including federal
 6 performance reporting and interstate activities; and
 7 [~~a~~]

8 (4) A staff attorney to serve as the supervisor of the
 9 administrative process activities and staff.

10 In addition, the attorney general shall appoint, pursuant to
 11 chapter 76, other personnel as may be required to discharge the
 12 functions of the child support enforcement agency. The staff
 13 attorney shall not be considered to be a deputy attorney general
 14 under chapter 28."

15 SECTION 3. Section 576E-6, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "**S576E-6 Request for hearing; how made.** (a) Except as
 18 provided in subsection (b), any party who is aggrieved by the
 19 proposed order of the agency [~~may~~], within ten days of service
 20 of a notice described in section 576E-5, may obtain a hearing by
 21 sending a written request for hearing to the agency at the
 22 address from which the notice was sent.



1 (b) In the case of a proposed order to modify child
2 support resulting from the agency's [~~periodic~~] review of support
3 orders, a party aggrieved by the proposed order may request a
4 hearing within thirty days of service of a notice described in
5 section 576E-5.

6 (c) The agency, on its own behalf, may request a hearing
7 after the commencement of an administrative proceeding pursuant
8 to section 576E-5.

9 [~~(e)~~] (d) Notice of the hearing under this section shall
10 be served in accordance with section 576E-4."

11 SECTION 4. Section 576E-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§576E-7 Failure to request hearing; effect.** If the
14 parties fail to request a hearing pursuant to section 576E-6,
15 the agency or a hearings officer shall sign the proposed order
16 as the final order in the action."

17 SECTION 5. Effective October 1, 2008, personnel employed
18 by the family support division of the county of Kauai whose
19 functions, duties, responsibilities, and activities relate to
20 child support enforcement shall be transferred to the department
21 of the attorney general. There is established two full-time
22 equivalent (2.0 FTE) positions exempt from chapter 76, Hawaii



1 Revised Statutes, in the department of the attorney general to
2 carry out the purposes of this Act.

3 Any employee who, prior to this Act, was exempt from
4 chapter 76, Hawaii Revised Statutes, and who may be transferred
5 as a consequence of this Act, may continue to retain the
6 employee's exempt status, but shall not be appointed to a civil
7 service position because of this Act. No employee who is
8 transferred by this Act shall suffer any loss of prior service
9 credit, any vacation and sick leave credits previously earned,
10 or other employee benefits or privileges as a consequence of
11 this Act. The attorney general may prescribe the duties and
12 qualifications of these employees and fix their salaries without
13 regard to chapter 76, Hawaii Revised Statutes.

14 All appropriations, records, equipment, machines, files,
15 supplies, contracts, books, papers, documents, maps, computer
16 software and data, and other personal property made, used,
17 acquired, or held by the family support division of the county
18 of Kauai on September 30, 2008, relating to the functions
19 transferred to the department of the attorney general shall be
20 transferred with the functions to which they relate on October
21 1, 2008.



1 The provisions of this section are to be liberally
2 construed to effectuate its purposes.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Child Support

Description:

Changes the law relating to child support enforcement agency notification in some circumstances to custodial parents. Establishes a child support enforcement agency assistant administrator. Clarifies rules relating to some child support enforcement agency hearings and related matters. (SB2977 SD1)

