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# 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 by amending subsection (a) to read as follows:
- 3           "(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~~] state and against whom any action is  
10           being taken under a Title IV-D program in any  
11           other state; 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]~~ use procedures ~~[which]~~ that  
14 shall require a debtor parent to give security, post  
15 bond, or give some other guarantee to secure payment  
16 of delinquent child support. The procedures shall  
17 apply to all debtor parents of children described  
18 under section 576D-3. The procedures shall include  
19 advance notice to the debtor parent in full compliance  
20 with the State's procedural due process requirements.  
21 The agency shall develop guidelines, which are



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

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

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



1           whether the case is inappropriate for application of  
2           this paragraph;

3           (8) Establish and [~~utilize~~] use procedures for the  
4           notification of a custodial parent that any income tax  
5           refund setoff under section 231-53 shall be [~~credited~~  
6           ~~to child support debts for past public assistance or~~  
7           ~~foster care maintenance before any other debt;~~]  
8           retained by the State in cases where medical support  
9           rights have been assigned to the State and the income  
10          tax refund setoff is applied to amounts designated in  
11          the child support order for medical purposes;

12          (9) Establish and [~~utilize~~] use procedures for prompt  
13          reimbursements of overpayments of child support debts  
14          from income tax refund setoffs under section 231-53.  
15          The procedures shall provide for the reimbursements to  
16          be made by the custodial parent or agency;

17          (10) Establish and [~~utilize~~] use procedures for periodic  
18          review and modification of child support orders in  
19          accordance with Title IV-D;

20          (11) Provide notice not less than once every three years to  
21          those parents subject to an order of support informing  
22          the parents of their right to request the agency to



1 review and, if appropriate, adjust the order of  
2 support pursuant to the guidelines established under  
3 section 576D-7;

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

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

8 (B) Each support order established or modified in the  
9 [~~State~~] state on or after October 1, 1998.

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



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

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

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

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

12 "**§576D-11 Staff.** The attorney general shall appoint,  
13 without regard to chapter 76[~~, an administrator, an assistant~~]:

14 (1) An administrator;

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

21 (3) An assistant administrator who shall serve as the  
22 policy administrator and whose duties shall include



1           but not be limited to developing and implementing  
2           comprehensive policy and planning documents to guide  
3           operations to successful outcomes, including federal  
4           performance reporting and interstate activities; and

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

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

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

14          "**§576E-6 Request for hearing; how made.** (a) Except as  
15          provided in subsection (b), any party who is aggrieved by the  
16          proposed order of the agency may, within ten days of service of  
17          a notice described in section 576E-5, obtain a hearing by  
18          sending a written request for hearing to the agency at the  
19          address from which the notice was sent.

20          (b) In the case of a proposed order to modify child  
21          support resulting from the agency's [~~periodic~~] review of support  
22          orders, a party aggrieved by the proposed order may request a



1 hearing within thirty days of service of a notice described in  
2 section 576E-5.

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

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

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

10 "**§576E-7 Failure to request hearing; effect.** If the  
11 parties fail to request a hearing pursuant to section 576E-6,  
12 the agency or a hearings officer shall sign the proposed order  
13 as the final order in the action."

14 SECTION 5. Effective October 1, 2008, personnel employed  
15 by the family support division of the county of Kauai whose  
16 functions, duties, responsibilities, and activities relate to  
17 child support enforcement shall be transferred to the department  
18 of the attorney general. There is established two temporary  
19 civil service positions in the department of the attorney  
20 general to carry out the purposes of this Act.

21 Such employees holding civil service status shall be  
22 transferred to similar or corresponding positions in the





1 department of the attorney general, subject to state personnel  
2 laws and this Act, without loss of salary, seniority, prior  
3 service credit, any vacation and sick leave credits previously  
4 earned, and other rights, benefits, and privileges; provided  
5 that the employees possess the minimum qualifications for the  
6 class and/or position to which transferred or appointed, as  
7 applicable; provided further that subsequent changes in status  
8 may be made pursuant to applicable civil service and  
9 compensation laws.

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

18 The provisions of this section are to be liberally  
19 construed to effectuate its purposes.

20 SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 7. This Act shall take effect on July 1, 2008.



S.B. NO. 2977  
S.D. 1  
H.D. 2  
C.D. 1

**Report Title:**

Child Support Enforcement Agency

**Description:**

Clarifies the notice requirement to custodial parents in the child support enforcement agency law with regard to income tax refund setoff. Establishes an assistant administrator position. Clarifies rules relating to hearings and related matters. (CD1)

