
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-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Other state" includes:

- 5 (1) All states of the United States other than the State
6 of Hawaii;
7 (2) The District of Columbia;
8 (3) Puerto Rico, the United States Virgin Islands, and any
9 territory or insular possession subject to the
10 jurisdiction of the United States;
11 (4) Any Indian or Alaska Native tribe, band, nation,
12 pueblo, village, or community that the Secretary of
13 the Interior acknowledges to exist as an Indian tribe
14 and is included in the list of federally recognized
15 Indian tribal governments as published in the Federal
16 Register that is operating under Title IV-D; and
17 (5) A foreign country or a political subdivision thereof;



- 1 (A) Declared to be a foreign reciprocating country
- 2 under Title IV-D; or
- 3 (B) With which the State has entered into a
- 4 reciprocal arrangement for the establishment and
- 5 enforcement of support obligations to the extent
- 6 consistent with Title IV-D.

7 "State" means the State of Hawaii."

8 SECTION 2. Section 576D-6, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

- 10 "(a) The agency shall:
- 11 (1) Establish a state parent locator service for the
- 12 purpose of locating absent and custodial parents;
- 13 (2) Cooperate with other states in:
- 14 (A) Establishing paternity, if necessary;
- 15 (B) Locating an absent parent who is present in the
- 16 State and against whom any action is being taken
- 17 under a Title IV-D program in any other state;
- 18 and
- 19 (C) Securing compliance by an absent parent with a
- 20 support order issued by a court of competent
- 21 jurisdiction in [~~another~~] any other state;



- 1 (3) Perform periodic checks of whether a parent is
2 collecting unemployment compensation and, if so, to
3 arrange, either through agreement with the parent or
4 by bringing legal process, to have a portion of the
5 compensation withheld, to fulfill the parent's child
6 support obligations;
- 7 (4) Notify annually each custodial parent, guardian,
8 protective payee, or other person having custody of
9 the child of an Aid to Families with Dependent
10 Children family of the amount of child support
11 collected on behalf of the child in the family. For
12 the purpose of this [~~section,~~] paragraph, "Aid to
13 Families with Dependent Children family" means a
14 family that receives financial assistance under the
15 federal Aid to Families with Dependent Children
16 program or its successor;
- 17 (5) Establish and use procedures that shall require a
18 debtor parent to give security, post bond, or give
19 some other guarantee to secure payment of delinquent
20 child support. The procedures shall apply to all
21 debtor parents of children described under section
22 576D-3. The procedures shall include advance notice



1 to the debtor parent in full compliance with the
2 State's procedural due process requirements. The
3 agency shall develop guidelines, which are available
4 to the public, to determine whether the case is
5 [~~inappropriate~~] appropriate for application of this
6 requirement;

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

20 (7) Establish and use procedures that will enforce liens
21 against the real and personal property of a debtor
22 parent who owes overdue support and who resides or



1 owns property in the State. The agency shall further
2 establish guidelines that are available to the public
3 to determine whether the case is inappropriate for
4 application of this paragraph;

5 (8) Establish and use procedures for the notification of a
6 custodial parent that any income tax refund setoff
7 under section 231-53 shall be retained by the State in
8 cases where medical support rights have been assigned
9 to the State and the income tax refund setoff is
10 applied to amounts designated in the child support
11 order for medical purposes;

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

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

21 (11) Provide notice not less than once every three years to
22 those parents subject to an order of support informing



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

5 (12) Establish and operate a state case registry that
6 contains records of:

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

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

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



1 established, the case record shall include the amount
2 of monthly or other periodic support owed under the
3 order, and other amounts, including but not limited to
4 arrearages, due under the order, the amounts collected
5 under the order, the birthdate of any child for whom
6 the order requires the provision of support, and the
7 amount of any lien imposed;

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

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

11 SECTION 3. Section 576D-10, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) Other than for child support payments disbursed to
14 the department of human services or to ~~[another]~~ any other state
15 or agency administering a program under Title IV-D ~~[of the~~
16 ~~federal Social Security Act]~~, the custodial parent shall elect
17 to receive child support payments from the agency by means of an
18 electronic benefits transfer system or by directly depositing
19 the amount into an account designated by the custodial parent.
20 If an election is not made, the agency shall determine whether
21 the disbursement of child support payments shall be by means of
22 an electronic benefits transfer system or by an alternate method



1 of disbursement that complies with the time frame required under
2 Title IV-D [~~of the federal Social Security Act~~]."

3 SECTION 4. Section 576D-10.5, Hawaii Revised Statutes, is
4 amended by amending subsections (f) and (g) to read as follows:

5 "(f) A lien shall be enforceable by the child support
6 enforcement agency or its designated counsel, by the obligee, or
7 by [~~another~~] any other state or agency administering a program
8 under Title IV-D [~~of the federal Social Security Act~~], in the
9 following manner:

- 10 (1) By suit in the appropriate court;
- 11 (2) By bringing an action in an administrative tribunal;
- 12 (3) By filing and serving a notice of child support lien;
- 13 or
- 14 (4) By any lawful means of collection.

15 A notice of child support lien shall state the name and the last
16 four digits only of the social security number [~~(+)~~], if
17 available [~~(+)~~], of the obligor, the child support enforcement case
18 number, the amount of the lien and the through date [~~(+)~~], if
19 applicable [~~(+)~~], the accruing monthly amount, and the date on
20 which the order or judgment regarding child support or public
21 assistance debt was recorded with the bureau of conveyances.

22 The notice shall require that whoever is served with a notice of



1 child support lien either satisfy the lien or obtain a release
2 of the lien prior to disbursing any funds to the obligor. The
3 method of service of a notice of child support lien shall be by
4 certified mail, return receipt requested, or by personal
5 delivery to the individual or entity referred to. A copy of the
6 notice of child support lien shall also be sent to the obligor
7 by regular mail at the obligor's last known address. Upon
8 service of a notice of child support lien, the individual or
9 entity served shall withhold the amount of the lien from the
10 proceeds of any estate, judgment, settlement, compromise,
11 vacation or holiday pay, or other benefits due the obligor and
12 deliver the funds to the child support enforcement agency. For
13 service effectuated by certified mail, an electronic copy or
14 facsimile of the signature of the served individual or entity on
15 certified mailers provided by the United States Postal Service
16 shall constitute valid proof of service on the individual or
17 entity. A notice of child support lien may be amended from time
18 to time until extinguished or released, each amendment taking
19 effect upon proper service. A notice of child support lien
20 shall remain in effect until satisfied, extinguished, or
21 released.



1 (g) A lien shall be enforceable by the child support
2 enforcement agency or its designated counsel or by ~~[another]~~ any
3 other state or agency administering a program under Title IV-D
4 ~~[of the Social Security Act]~~ without the necessity of obtaining
5 a court order in the following manner:

6 (1) By intercepting or seizing periodic or lump-sum
7 payments from:

8 (A) A state or local agency, including unemployment
9 compensation, and other benefits; and

10 (B) Judgments, settlements, and lotteries;

11 provided that unemployment compensation benefits may
12 be intercepted only to the extent authorized by
13 section 303(e) of the Social Security Act;

14 (2) By attaching and seizing assets of the obligor held in
15 financial institutions;

16 (3) By attaching public and private retirement funds; and

17 (4) By imposing liens in accordance with this section and,
18 in appropriate cases, to force the sale of property
19 and distribution of proceeds.

20 These procedures shall be subject to due process safeguards,
21 including, as appropriate, requirements for notice, opportunity



1 to contest the action, and opportunity for an appeal on the
2 record to an independent administrative or judicial tribunal."

3 SECTION 5. Section 576D-14, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Upon the agency's receipt of an [~~interstate~~] income
6 withholding request from [~~another jurisdiction,~~] any other state
7 or agency administering a program under Title IV-D, the agency
8 may issue an income withholding order to collect the support
9 imposed upon the obligor by a support order issued or modified
10 by the other state. The order shall include an amount adequate
11 to ensure that past due payments and payments that will become
12 due in the future under the terms of the support order will be
13 paid."

14 SECTION 6. Section 576D-18, Hawaii Revised Statutes, is
15 amended by amending subsections (c) and (d) to read as follows:

16 "(c) The agency and other state [~~or territorial~~] agencies
17 administering a program under Title IV-D shall have access,
18 including automated inquiry access, to the records of all
19 entities in the State for information on the employment,
20 compensation, and benefits of any individual member, employee,
21 or contractor of the entity, to accomplish the purposes of the
22 child support program. The entities include but are not limited



1 to for-profit, nonprofit, and labor organizations, and any
2 agency, board, commission, authority, court, or committee of the
3 State or its political subdivisions, notwithstanding any
4 provision for confidentiality. Subject to safeguards on privacy
5 and confidentiality and subject to the nonliability of entities
6 that afford access under this section, the agency and other
7 state [~~or territorial~~] agencies administering a program under
8 Title IV-D shall also have access to records held by private
9 entities with respect to individuals who owe or are owed
10 support, or against or with respect to whom a support obligation
11 is sought consisting of:

12 (1) The names and addresses of individuals and the names
13 and addresses of the employers of [~~such~~] those
14 individuals as appearing in customer records of public
15 utilities and cable television companies, pursuant to
16 an administrative subpoena authorized pursuant to
17 section 576E-2; and

18 (2) Information, including information on assets and
19 liabilities, on [~~such~~] the individuals held by
20 financial institutions.

21 (d) Other [~~federal, state, and territorial~~] state and
22 federal agencies conducting activities under [~~the~~] Title IV-D



1 [program] shall have access to any system used by the State to
2 locate an individual for purposes relating to motor vehicles or
3 law enforcement."

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2011.

7



Report Title:

Child Support Enforcement

Description:

Includes tribal IV-D agencies and foreign countries as defined under federal regulations as authorized agencies that child support services and information can be provided to and received from. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

