

Honolulu, Hawaii

AJ-64 , 2008

RE: S.B. No. 1337  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1337 entitled:

"A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT,"

begs leave to report as follows:

The purpose of this bill is to protect the health and welfare of the children of Hawaii by facilitating the enforcement of a court order compelling a parent to pay child support, medical support, or other remedial care for a child. Specifically, this measure provides that proof that the parent:

- (1) Was present in court at the time the order was issued or that the parent was served with the court order; and
- (2) Failed to comply with the court order,

constitutes prima facie evidence of a civil contempt of court.

The Attorney General and a concerned individual supported this bill.

Compliance with child support obligations is an important matter and new methods of enforcement may be needed. However, your Committee is concerned that creating a new legal presumption in favor of the state enforcement agency for a finding of contempt, which may carry a penalty of imprisonment, may result in



claims that due process was not afforded to the non-complying parent.

Accordingly, your Committee has amended this bill by:

- (1) Adding provisions requiring any court order issued to compel a parent to furnish support for the parent's child to clearly state that failure to comply with the order could result in imprisonment;
- (2) Adding a savings clause to prevent current proceedings and rights from being affected by this measure;
- (3) Changing the effective date to January 1, 2009 to allow public and legal practitioners to have ample notice of the changes in the law and to allow the Judiciary time to modify their forms and procedures as necessary; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1337, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1337, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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TOMMY WATERS, Chair



