

Honolulu, Hawaii

MAY 01 2009

, 2009

RE: S.B. No. 851  
S.D. 1  
H.D. 3  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 851, S.D. 1, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to bring Hawaii's child support enforcement laws into conformance with federal law.

Your Committee finds that the state child support enforcement law does not comply with Title IV-D of the Social Security Act in that it:

- (1) Provides for the unnecessary expenditure of funds in the disbursement of support moneys to custodial parents and requires original copies of certified mail receipts for proof of service;



- (2) Is ambiguous as to whether other state child support enforcement agencies may enforce child support liens of this State; and
- (3) Exposes obligors to identity theft by requiring an obligor's full social security number on the notice of child support lien.

Your Committee finds that this measure addresses the foregoing concerns by:

- (1) Clarifying the requirement that all income withholding payments be sent to the Child Support Enforcement Agency or to another state's child support agency acting under Title IV-D of the Social Security Act;
- (2) Requiring the custodial parent to elect to receive child support payments through an electronic benefits transfer system or direct deposit and if such election is not made, allowing the Child Support Enforcement Agency to determine a method that complies with Title IV-D of the Social Security Act;
- (3) Accepting an electronic copy or facsimile of a signature on certified mail receipts as sufficient proof of service in lieu of an actual signature, also saving postage costs;
- (4) Clarifying that the child support enforcement agencies in other states acting under Title IV-D of the Social Security Act may directly enforce a child support lien, acknowledging the federal law's provision of full faith and credit to child support liens arising in other states;
- (5) Clarifying that payments from a financial institution may be made directly to the entity seeking to enforce the lien without the involvement of the Child Support Enforcement Agency, provided that the financial institution complies with the State's procedural rules; and
- (6) Requiring that only the last four digits of the obligor's social security number be indicated on the notice of child support lien.

Your Committee has amended this measure by changing the effective date to upon approval.

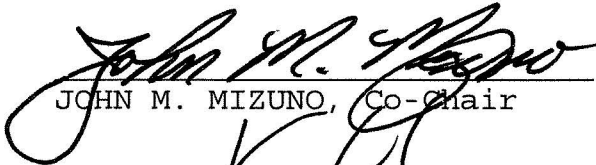


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 851, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 851, S.D. 1, H.D. 3, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
JOHN M. MIZUNO, Co-Chair

  
KEN ITO, Co-Chair

  
TOM BROWER, Co-Chair

  
SUZANNE CHUN OAKLAND, Chair

  
BRIAN T. TANIGUCHI, Co-Chair



Record of Votes of a Conference Committee

|  |                           |
|--|---------------------------|
| Bill / Concurrent Resolution No.:<br><b>SB 851, SD 1, HD 3</b> | Date/Time: <b>4/29/09</b> |
|--|---------------------------|

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

|   |   |
|---|---|
| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
|---|---|

| Senate Managers              | A        | WR       | N        | E        | House Managers           | A        | WR       | N        | E        |
|------------------------------|----------|----------|----------|----------|--------------------------|----------|----------|----------|----------|
| CHUN OAKLAND, Suzanne, Chr.  | ✓        |          |          |          | MIZUNO, John M., Co-Chr. | ✓        |          |          |          |
| TANIGUCHI, Brian T., Co-Chr. | ✓        |          |          |          | ITO, Ken, Co-Chr.        |          |          |          | ✓        |
| SLOM, Sam                    |          |          |          | ✓        | BROWER, Tom, Co-Chr.     | ✓        |          |          |          |
|                              |          |          |          |          | SHIMABUKURO, Maile S.L.  | ✓        |          |          |          |
|                              |          |          |          |          | WARD, Gene               |          |          |          | ✓        |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
|                              |          |          |          |          |                          |          |          |          |          |
| <b>TOTAL</b>                 | <b>2</b> | <b>0</b> | <b>0</b> | <b>1</b> | <b>TOTAL</b>             | <b>3</b> | <b>0</b> | <b>0</b> | <b>2</b> |

A = Aye                      WR = Aye with Reservations                      N = Nay                      E = Excused

|   |  |
|---|--|
| Senate Recommendation is:<br><input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is:<br><input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
|---|--|

|  |   |
|--|---|
| Senate Lead Chair's or Designee's Signature:<br> | House Lead Chair's or Designee's Signature:<br> |
|--|---|

**Distribution:**                      **Original**                      **Yellow**                      **Pink**                      **Goldenrod**  
    File with Conference Committee Report                      House Clerk's Office                      Senate Clerk's Office                      Drafting Agency