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## A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1           SECTION 1. Section 571-51.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§571-51.5 [Modification of support]~~ Child support and  
4 visitation decrees[-]; modification and enforcement. (a) The  
5 special court trustee may assist any parent, guardian, or  
6 custodian materially affected by a court order or decree with  
7 the modification of any provision of the order or decree  
8 pertaining to child support payments or with the enforcement of  
9 visitation rights; provided the special court trustee may assist  
10 in modifying child support payments only upon finding, after  
11 investigation, reasonable cause to believe that the relative  
12 financial condition between the obligor and the person who  
13 receives the child support payments has substantially changed.  
14 For purposes of this section, [~~such~~] a substantial change has  
15 occurred if:

16           (1) The obligor has involuntarily suffered a material  
17           reduction in financial resources; or



1 (2) The person who receives child support payments has  
2 enjoyed a material increase in financial resources.

3 (b) The special court trustee may conduct an investigation  
4 for the purposes of [~~subsection~~]:

5 (1) Subsection (a) [~~where~~] if a person notifies the  
6 special court trustee that the relative financial  
7 condition between the obligor and the person who  
8 receives the child support payments has substantially  
9 changed[~~-~~]; and

10 (2) Subsection (i) if a person notifies the special court  
11 trustee that a parent has interfered with visitation  
12 by failing to keep a scheduled visit without timely  
13 notifying the other parent of cancelation or by  
14 failing to reschedule a canceled visit within a  
15 reasonable time.

16 (c) The special court trustee may [~~utilize~~] use the  
17 services of public or private social agencies in conducting  
18 investigations under this section and in making the written  
19 findings to the court. [~~Such~~] The written findings shall be  
20 received in evidence under the same conditions as would those of  
21 the special court trustee.



1 (d) The special court trustee shall submit findings and  
2 recommendations pertaining to the modification of child support  
3 payments or enforcement of visitation rights in writing to the  
4 court after investigation under subsection (b). The special  
5 court trustee shall provide copies of the findings and  
6 recommendations to all persons materially affected by the  
7 proposed modification or enforcement. Any person materially  
8 affected by the proposed modification or enforcement who opposes  
9 the findings and recommendations shall file a written objection  
10 with the court or the clerk of the court no later than fifteen  
11 days after receipt of the findings and recommendations.

12 (e) When warranted, the court shall hold a hearing on the  
13 recommendations of the special court trustee no later than  
14 thirty days after the expiration of the fifteen-day period under  
15 subsection (d).

16 (f) Whenever the court, in accordance with this section,  
17 approves in full or in part the recommendations of the special  
18 court trustee, the court, within a period of not more than ten  
19 days after the hearing, shall modify the decree or order to  
20 reflect the approved recommendations.

21 (g) Court costs, service fees, and the expenses of any  
22 investigation conducted by the special court trustee, in the



1 discretion of the court, may be assessed wholly or partially  
2 against any parent, guardian, or custodian.

3 (h) Nothing in this section shall be construed to the  
4 effect that child support and visitation compliance be  
5 conditioned upon each other. Each shall be treated as an  
6 independent right of the child as well as of a parent.

7 (i) With regard to the enforcement of visitation rights,  
8 if after investigation under subsection (b), the special court  
9 trustee determines that either the custodial parent or  
10 noncustodial parent has interfered with visitation by failing to  
11 keep a scheduled visit without timely notifying the other parent  
12 of cancelation or by failing to reschedule a canceled visit  
13 within a reasonable time, the special court trustee may include  
14 in the findings and recommendations under subsection (d) that  
15 \$100 per occurrence be assessed against the parent who  
16 interfered with visitation. The court may approve the  
17 recommendation in full or in part pursuant to subsection (f).  
18 Any moneys assessed pursuant to this subsection shall be  
19 deposited into the parent education special fund established  
20 pursuant to section 607-5.6."

21 SECTION 2. Section 607-5.6, Hawaii Revised Statutes, is  
22 amended by amending subsection (a) to read as follows:



1           "(a) In addition to the fees prescribed under section  
2 607-5 for a matrimonial action where either party has a minor  
3 child, [~~or~~] a family court proceeding under chapter 584, or for  
4 interfering with visitation under section 571-51.5(i), the court  
5 shall collect a surcharge of \$50 at the time of filing the  
6 initial complaint or petition. In cases where the surcharge has  
7 been initially waived, the court may collect the surcharge  
8 subsequent to the filing with such surcharge to be assessed from  
9 either party or apportioned between both parties."

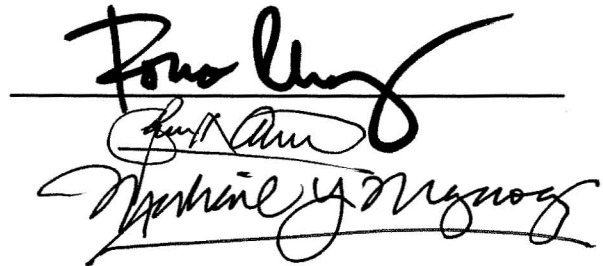
10           SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun, before its effective date.

13           SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



Paul Chung  
Paul Ann  
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JAN 23 2009



**Report Title:**

Visitation Enforcement

**Description:**

Permits the special court trustee to recommend that \$100 be assessed against a parent who interferes with visitation by failing to keep a scheduled visit without timely notifying the other parent of cancelation or by failing to reschedule a canceled visit within a reasonable time.

