

Honolulu, Hawaii

Feb 4, 2010

RE: H.B. No. 2804
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2804 entitled:

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

begs leave to report as follows:

The purpose of this bill is to require the Child Enforcement Agency (Agency) to receive and investigate complaints of misused child support payments, including from the child for whom the support order is issued or an appointed guardian ad litem.

A concerned individual supported this bill with amendments. The Attorney General (AG) and a concerned individual opposed this measure.

Your Committee acknowledges that several concerns were raised by the AG and a concerned individual regarding this bill. These concerns included:

- (1) Allowing a child to file a complaint may negatively affect a family's authority structure, as well as strain both parent-child and post-divorce relationships;
- (2) The definition of "misuse of child support" is broad and inaccurate given that orders of support do not stipulate what the support is to be used for;



- (3) There are no provisions addressing what should be done in the event that claims of child support misuse are substantiated;
- (4) The Agency is not the appropriate entity to investigate claims of child support misuse, particularly because this function is not authorized under its current funding formula; and
- (5) Holding child support payments for the duration of an investigation is contrary to state and federal law.


Your Committee feels, however, that the issue of child support payment misuse warrants further discussion.

Accordingly, your Committee has amended this bill by:

- (1) Removing the requirement that child support payments be held in trust during the course of any investigation; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2804, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2804, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 116-16

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 2804	Committee Referral: HUS, JUD	Date: 2/01/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au		/		
4. BERTRAM, Joe, III				/
5. CARROLL, Mele	/			
6. NISHIMOTO, Scott Y.	/			
7. SHIMABUKURO, Maile S.L.				/
8. YAMANE, Ryan I.	/			
9. WARD, Gene		/		
TOTAL (9)	5	2	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Tom Brower</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				