



GOV. MSG. NO. 1182

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 1, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

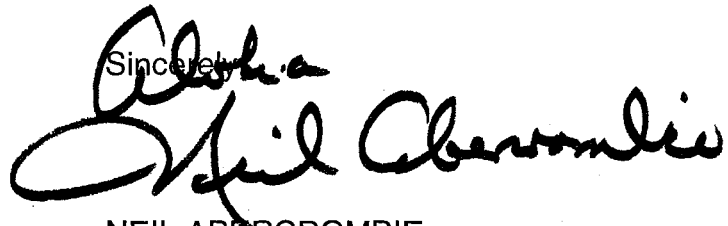
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 1, 2011, the following bill was signed into law:

HB1005 HD2 SD2 CD1

RELATING TO CHILD SUPPORT
ENFORCEMENT
Act 079 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

on _____

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 1005
H.D. 2
S.D. 2
C.D. 1

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[7] and shall include
15 provisions [~~en-advance-notice~~] to provide to the
16 debtor parent whose information is being reported
17 advance notice of the procedures, which notice and
18 procedures shall be in full compliance with the
19 State's procedural due process requirements, to
20 contest the accuracy of the information;

21 (7) Establish and use procedures that will enforce liens
22 against the real and personal property of a debtor



1 parent who owes overdue support and who resides or
2 owns property in the State. The agency shall further
3 establish guidelines that are available to the public
4 to determine whether the case is inappropriate for
5 application of this paragraph;

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

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

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



1 (11) Provide notice not less than once every three years to
2 those parents subject to an order of support informing
3 the parents of their right to request the agency to
4 review and, if appropriate, adjust the order of
5 support pursuant to the guidelines established under
6 section 576D-7;

7 (12) Establish and operate a state case registry that
8 contains records of:

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

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

13 The records shall use standardized data elements for
14 both parents, including but not limited to names,
15 residential and mailing addresses, telephone numbers,
16 driver's license numbers, [~~names, addresses, and~~
17 ~~telephone number of the party's employer,~~] social
18 security numbers and other uniform identification
19 numbers, dates of birth, [~~and~~] case identification
20 numbers, and the names, addresses, and telephone
21 numbers of the parents' employers, and contain any
22 other information as required by the United States



1 Secretary of Health and Human Services. In each case,
2 with respect to subparagraph (A) and where a support
3 order has been established, the case record shall
4 include the amount of monthly or other periodic
5 support owed under the order, and other amounts,
6 including but not limited to arrearages, due under the
7 order, the amounts collected under the order, the
8 birthdate of any child for whom the order requires the
9 provision of support, and the amount of any lien
10 imposed;

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

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

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

16 "(c) Other than for child support payments disbursed to
17 the department of human services or to ~~[another]~~ any other state
18 or agency administering a program under Title IV-D [of the
19 ~~federal Social Security Act]~~, the custodial parent shall elect
20 to receive child support payments from the agency by means of an
21 electronic benefits transfer system or by directly depositing
22 the amount into an account designated by the custodial parent.



1 If an election is not made, the agency shall determine whether
2 the disbursement of child support payments shall be by means of
3 an electronic benefits transfer system or by an alternate method
4 of disbursement that complies with the time frame required under
5 Title IV-D [~~of the federal Social Security Act~~]."

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

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

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

18 A notice of child support lien shall state the name and the last
19 four digits only of the social security number [+], if
20 available[+], of the obligor, the child support enforcement case
21 number, the amount of the lien and the through date [+], if
22 applicable[+], the accruing monthly amount, and the date on



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



1 shall remain in effect until satisfied, extinguished, or
2 released.

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

8 (1) By intercepting or seizing periodic or lump-sum
9 payments from:

10 (A) A state or local agency, including unemployment
11 compensation, and other benefits; and

12 (B) Judgments, settlements, and lotteries;
13 provided that unemployment compensation benefits may
14 be intercepted only to the extent authorized by
15 section 303(e) of the Social Security Act;

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

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

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



1 These procedures shall be subject to due process safeguards,
2 including, as appropriate, requirements for notice, opportunity
3 to contest the action, and opportunity for an appeal on the
4 record to an independent administrative or judicial tribunal."

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

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

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

18 "(c) The agency and other state [~~or territorial~~] agencies
19 administering a program under Title IV-D shall have access,
20 including automated inquiry access, to the records of all
21 entities in the State for information on the employment,
22 compensation, and benefits of any individual member, employee,



1 or contractor of the entity, to accomplish the purposes of the
2 child support program. The entities include but are not limited
3 to for-profit, nonprofit, and labor organizations, and any
4 agency, board, commission, authority, court, or committee of the
5 State or its political subdivisions, notwithstanding any
6 provision for confidentiality. Subject to safeguards on privacy
7 and confidentiality and subject to the nonliability of entities
8 that afford access under this section, the agency and other
9 state [~~or territorial~~] agencies administering a program under
10 Title IV-D shall also have access to records held by private
11 entities with respect to individuals who owe or are owed
12 support, or against or with respect to whom a support obligation
13 is sought consisting of:

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

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

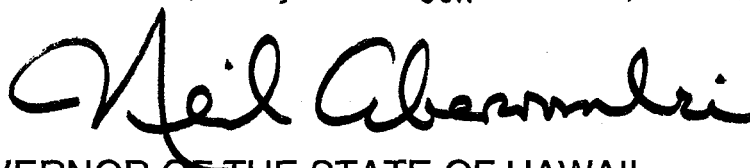


1 (d) Other [~~federal, state, and territorial~~] state and
2 federal agencies conducting activities under [~~the~~] Title IV-D
3 [~~program~~] shall have access to any system used by the State to
4 locate an individual for purposes relating to motor vehicles or
5 law enforcement."

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

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

APPROVED this 1 day of JUN , 2011



GOVERNOR OF THE STATE OF HAWAII

