

JAN 18 2013

S.B. NO. 822

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1 SECTION 1. Chapter 576E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§576E- Modification of child support and child custody
5 orders based upon a materially false statement. (a) Any parent
6 or person whose custody of a dependent child is terminated based
7 upon a materially false statement may file a request for
8 modification of a child support order or a child custody order
9 with the court on the grounds that a parent, the agency, or the
10 person having custody of the dependent child made a materially
11 false statement under oath and the statement was a substantial
12 basis for the court or hearings officer issuing the child
13 support order or child custody order. The request shall be in
14 writing, set forth the reasons for modification, including
15 evidence of the materially false statement, and state the
16 address of the requesting party. Thereafter, the agency shall
17 commence a review of the order and, if appropriate, shall



1 commence administrative proceedings pursuant to sections 576E-5
2 through 576E-9.

3 (b) The court, in response to a request made pursuant to
4 subsection (a), may:

5 (1) Amend the child support order or the child custody
6 order;

7 (2) Waive some or all outstanding child support payments
8 owed;

9 (3) Award attorney's fees and costs; and

10 (4) Refer the matter to the prosecuting officer of the
11 county in which the false statement took place if the
12 court concludes that the declarant wilfully and
13 knowingly made the materially false statement under
14 oath; provided that the court may withhold any
15 information that it deems confidential.

16 (c) A request made pursuant to this section shall be
17 brought within seven years after the date on which the
18 complaining party discovered or reasonably should have
19 discovered the perjury.

20 (d) "Materially false statement" shall have the same
21 meaning as defined in section 710-1000(9)."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval;
4 provided that the amendments made by this Act shall apply to all
5 actions commenced or pending on the effective date of this Act;
6 provided further that no report to a county prosecutor pursuant
7 to section 1 shall be made for statements made before the
8 effective date of this Act.

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S.B. NO. 822

Report Title:

Child Support; Perjury; Family Court; Child Support Enforcement Agency

Description:

Authorizes a court to modify a child support order if that order was previously based on perjury.

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