



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:
H.B. NO. 1787, RELATING TO CHILD SUPPORT.

BEFORE THE:
HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, January 28, 2014 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Garry L. Kemp, Administrator, Child Support Enforcement Agency

Chair Carroll and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to require the Child Support Enforcement Agency (CSEA) to send out notices to the adult child and the custodial parent prior to the adult child's twentieth, twenty-first, and twenty-second birthday, informing them that child support will be suspended unless proof that the adult child is presently enrolled as a full-time student in, or has been accepted into and plans to attend as a full-time student for the next semester, a post-high school university, college, or vocational school is provided to the agency prior to the adult child's next birthday. This bill also requires the adult child to submit proof that he or she successfully completed the course work that he or she was enrolled in within fourteen calendar days after the completion of the semester.

Although the Department of the Attorney General recognizes that verification of continuing education of the adult child is important to ensure that child support is paid appropriately, the Department opposes this measure for the following reasons:

1. Currently, the CSEA's computer system is designed to send out notices requesting proof of continued education to the adult child and the custodial parent three months prior to the adult child's eighteenth birthday and twice a year after that for cases that the agency is required under federal law to provide child support services. For cases that the CSEA is not authorized to provide services, the agency sends out notices to the adult child and the custodial parent three months prior to the adult child's nineteenth birthday. To redesign the agency's computer system

to meet the notice provisions of this bill would require that the agency incur costs that have not been budgeted for.

2. For cases that the CSEA is not authorized to provide child support services, the additional requirement to send out notices prior to the adult child's twentieth, twenty-first, and twenty-second birthday and to process the information received because of the notices and the requirement that the adult child to submit proof that he or she successfully completed the course work within fourteen calendar days after the completion of the semester, would require additional resources that have to be funded one hundred percent by state funds. It would also require that the agency maintain separate records to account for the time spent on this activity in order to ensure that federal funds were not being used improperly.

3. If the CSEA is to automatically suspend child support when the adult child fails to submit proof that he or she successfully completed the course work within fourteen calendar days after the completion of the semester, costs will be incurred for additional changes made to the agency's computer system. Additional resources will also be necessary to collect, utilize, and maintain data on what each individual university, college, or vocational school uses to assess completion in enrolled course work and award grades.

4. Because there are similar provisions for the verification of continuing education of an adult child in sections 580-47(a) and 584-18(b), Hawaii Revised Statutes, if this bill is passed, there will be conflicting requirements depending upon how the child support order was issued.

The Department of the Attorney General respectfully requests that this bill be held in Committee.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Human Services
Tuesday, January 28, 2014 at 9:30am, Conference Room 329
by Jan Javinar
Interim Associate Vice President for Student Affairs, University of Hawai'i

HB 1505 and HB 1787 – RELATING TO CHILD SUPPORT

Chair Mele Carroll, Vice Chair Bert Kobayashi, and members of the committee on Human Services:

Both bills involve child support payments to an adult child either pursuing or plans to attend post-secondary education. These bills impact the University from an enrollment verification standpoint.

The University has in place, a process for students to verify their enrollment in order to fulfill the proposed requirements contained in both bills. As such, the University neither opposes nor supports these bills. Instead, the University stands ready to assist the Child Support Enforcement Agency, students, and their parents in the enrollment verification process.

Thank you for the opportunity to offer testimony on these bills.

TESTIMONY
OF
Thomas Goob

**SUPPORTING HB 1787 WITH PROPOSED
AMENDMENT: Relating to Child Support**

TO THE HOUSE
COMMITTEE ON HUMAN SERVICES

January 28, 2013, 9:30 am
Conference Room 329

Chair Mele Carroll and Members of the Committee on Human Services:

I am Thomas Goob, a married father living in a blended family with five children, four of which my wife and I have full custody of. I am here today to present testimony in support of HB 1787, which is part of the Keiki Caucus Package, with proposed amendments.

By way of introduction, I would like to start off by saying my wife and I are strong supporters of post-secondary education. I personally have a bachelor's degree and two master degrees and my wife also has a bachelor's degree. I have also been a part-time lecturer at Honolulu Community College for over 10 years, so education is very important to us! My wife and I encourage and want to support all of our children to pursue post-secondary education. Unfortunately, not all children have the desire, responsibility, or ability to be successful in post-secondary education.

Currently in Hawaii when a child reaches the age of majority and pursues post-secondary education on a full-time basis child support payments continue until the adult child reaches the age of 23. Although well intended, the current system does not help create responsible college students and there are opportunities for abuse.

Checks and balances need to be put in place to ensure the adult child successfully completes the full-time load. Child Support Enforcement Agency (CSEA) confirms that the adult child registers for a fulltime load. However, they do not verify if the adult child successfully completed it. Under this system, it is possible for the adult child to register for and drop or fail every class they take and child support payments would continue for five years until the adult child reaches the age of 23. This does not help create responsible college students or a path for their future.

Proposed Amendments:

I see no good reason why letters being sent from CSEA are not sent out at the child's 18th birthday. Likewise, I propose the following:

- Delete (f)(1)
- Change (f)(2) to the following

“Not more than four months and not less than three months prior to the adult child’s eighteenth, nineteenth, twentieth, twenty-first, and twenty-second birthdays, if the child is receiving child support for enrollment as a full-time student in a post-high school university, college, or vocational school;”

Section 2

“If the adult child fails to provide proof as required in this subsection, prospective child support payments may be automatically suspended by the child support enforcement agency upon the child’s next birthday.”

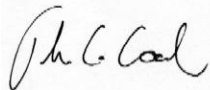
If proof is not provided child support should be suspended immediately, not at the child’s next birthday. Under this scenario if the adult child had a birthday in December and they failed or dropped courses from the fall semester payments would continue for a year and the child could continue to fail and/or drop classes for two more semesters until the payments would stop. Or, the student could work the system and pass a full load every spring and fail every fall and the payments would never stop. This is too long and does not encourage college students to be responsible. Proposed language is as follows:

“If the adult child fails to provide proof as required in this subsection, prospective child support payments shall be automatically suspended by the child support enforcement agency immediately and shall remain suspended until such time that the adult child successfully completes a semester and registers for a subsequent semester.”

In summary, I support HB 1787, which is part of the Keiki Caucus Package. This bill will make college student become more responsible for their learning. It also helps support the University of Hawaii Graduation Initiative, 15 to finish, which encourages students to graduate on time.

Thank you for your time today. Should you have any questions or need clarification, please don’t hesitate to contact me at 258-8024.

Sincerely,



Thomas Goob

TO: Representative Mele Carroll, Chair
Representative Bertrand Kobayashi, Vice-Chair
House Committee on Human Services

FROM: Jessi L.K. Hall
E-Mail: jhall@coatesandfrey.com
Phone: 524-4854

HEARING DATE: January 28, 2014 at 9:30 p.m.

RE: Testimony in Opposition to HB1787

Good day Representative Carroll, Representative Kobayashi, and members of the Committee. My name is Jessi Hall. I am an attorney who concentrates my practice in Family Law. I am also a past Chair of the Family Law Section of the Hawaii State Bar Association. I am here today to testify against HB1787.

I agree that it would be beneficial to have a notice sent to the adult child every year (from age 18 years to 23 years) requesting proof of full-time enrollment, but there are some concerns with the remainder of the proposed changes.

First, it may not be reasonable to expect the adult child to be able to provide proof of successful completion within fourteen days of the end of the semester. Some students may not have their grade reports within that time frame and, through no fault of their own and while they are in compliance with attendance, their child support could still be terminated. If this Bill were to move forward, the adult child should be permitted a larger window of opportunity in which to comply.

Second, it is unclear why if the adult child fails to provide proof and/or fails to successfully complete the coursework, they should continue to receive child support until their birthday. Arguably if the adult child's birthday was prior to the deadline to provide proof, they could continue to collect child support for another year. Continuing child support until an adult child's birthday, despite their failure to comply with the other provisions, essentially makes this provision inconsistent. It should be left to the adult child and/or custodial parent to provide proof of continued enrollment prior to their birthday without this intermediary step.

Thank you for the opportunity to testify in opposition to HB1787.