



LATE TESTIMONY

TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013

ON THE FOLLOWING MEASURE:

H.C.R. NO. 203/H.R. 164, REQUESTING THE CONVENING OF A TASK FORCE ON CHILD SUPPORT RESPONSIBILITY.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, March 28, 2013 **TIME:** 10:00 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 wishes to provide comments on this resolution.

The provisions of this resolution seek to convene a task force to identify and develop solutions to address the situation where the obligor parent is subject to financial harm from the improper assignment of financial responsibilities by the custodial parent in excess of the terms of the child support order.

The role of the Department of the Attorney General, Child Support Enforcement Agency, is to enforce the child support and medical support provisions of the child support order. Spousal support provisions may also be enforced so long as child support is being enforced at the same time. Any other financial responsibility attributable to the obligor parent is outside of the purview of the Child Support Enforcement Agency and is not an issue that the agency is authorized to address under Title IV-D of the Social Security Act.

Regarding the developing of solutions stated on page 2, beginning at line 11, there are measures already in place that attempt to address items (A) and (B). Item (A) is trying to ensure that child support orders reasonably allow custodial parents to meet their financial obligations. Under Hawaii law, the amount of child support that an obligor is ordered to pay is determined using the Hawaii Child Support Guidelines. Section 576D-7, Hawaii Revised Statutes, requires that the guidelines take into consideration all earnings and earning potential of the parents, the needs of the child, and the balancing of the standard of living of both parents and the child. It also requires that the guidelines be updated at least once every four years. These requirements

seek to ensure that a fair amount of child support is established that both meet the basic needs of the child and can reasonably be paid by the obligor. Item (B) is seeking to encourage custodial parents to obtain assistance or other recourse such as a review and modification of an existing child support order when that parent is having financial difficulty. Currently, the Child Support Enforcement Agency sends out notices to both parties on a child support case once every three years informing them of the services that the agency provides and their right to request a review of the child support amount in their order. This is a federal requirement that is being met by the agency.

While the Department of the Attorney General and the Child Support Enforcement Agency will fully cooperate with any task force that is convened, it seems that the major focus of the task force is something outside of the scope of authority of the Child Support Enforcement Agency.