



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

The Hon. Mele Carroll, Chair

The Hon. Bertrand Kobayashi, Vice Chair

Thursday, March 28, 2013

10:00 a.m.

State Capitol, Conference Room 329

by

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Deputy Chief Judge/Senior Judge

Family Court of the First Circuit

Bill No. and Title: House Concurrent Resolution No. 203, House Resolution No. 164,
Requesting the Convening of a Task Force on Child Support Responsibility

Purpose: Requests that the Chief Justice convene a task force on child support responsibility.

Judiciary's Position:

The Judiciary respectfully opposes this resolution. Child support enforcement is a function of the Executive Branch; therefore, it would be inappropriate for the Chief Justice of the Supreme Court to convene such a task force. The Judiciary's roles in child support matters only include fact finding, adjudication, providing a forum for disputes, and appellate oversight.

The Child Support Guidelines Committee convenes every four years as required by statute and the time has come for convening a new committee. The new Committee's members have recently been appointed. Their first meeting was held the week of March 18.

There is no need for this Task Force at this time. The Guidelines Committee is the proper body to consider the issues raised in this resolution. Child support determination and enforcement are complex issues, both in specific cases as well as systemically. Like a hanging mobile, changes and revisions must be made carefully since even the "simplest" change will



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throw the entire mobile off balance. This area is much too important—too many children will be affected—for any one person or body to make systemic changes without being responsible for the entire mobile.

The Judiciary offers these additional observations. This is an area where the federal government exerts heavy influence and pressure on the states. For this reason as well as the obvious reason of ensuring fair collection of child support, the State's Child Support Enforcement Agency (CSEA) has an overflowing "plate" of responsibilities related to enforcing child support orders. CSEA and the court are concerned about fairness to the children and *both* the obligor and the custodial parent. We are not certain of the need to expend limited time and resources on a perceived problem (regarding "negative effects on the parent's credit rating, when, without receiving prior notice or providing consent, they are assigned financial responsibilities by the custodial parent in excess of the terms of the child support order") that can be taken care of through other established means relating to the credit bureaus. We are also not aware that there are so many of such cases as to warrant possible follow-up legislation.

If such a task force is created, the Judiciary respectfully suggests that the State's Child Support Enforcement Agency is the appropriate agency to head this task force.