



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

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**ON THE FOLLOWING MEASURE:**  
H.B. NO. 1505, 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

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Chair Carroll and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to require any child support payment for an adult child be made directly to the adult child if 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.

The Department of the Attorney General opposes this bill for the following reasons:

1. The Hawaii Family Court can already issue orders that provide for child support to be paid directly to an adult child in those situations where the court determines that it is appropriate. This measure would take away the court's ability and discretion to make that determination.

2. There are many cases where the adult child continues to reside with the payee parent while pursuing his or her post-high school education. There has been no change in the living arrangement from the time the child was a minor and the payee parent continues to incur costs associated with the adult child living at home. By taking the child support away from the payee parent and giving it to the adult child, this measure increases the burden on the payee parent.

3. Federal law does not allow for the Child Support Enforcement Agency to enforce child support paid directly to a child. If the payor parent does not make payments to the adult child, the adult child's only recourse is to take appropriate action through the family court. When child support payments are required to be made to the payee parent, the agency may be

authorized to take enforcement action and all federal and state enforcement remedies available to the agency may be utilized.

4. Because there are similar provisions for the support of an adult child in sections 576E-14(f) 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**

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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 1505: 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 parents have the same belief/values.

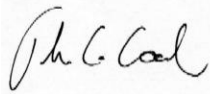
Currently in Hawaii when a child reaches the age of majority and pursues post-secondary education on a full-time basis child support payments continue until the adult child reaches the age of 23. However, the payments still go directly to the custodial parent and not the adult child. This occurs even if the custodial parent is incarcerated, found to be unfit, or in an inpatient drug rehabilitation program. There is no way to ensure that the support is getting to the adult child to help them with their education. One could say if it was not that the adult child could simply complain to the non-custodial parent and the issue could be resolved in family court. However, this will never happen because the adult child is in a tough spot because they are living with the custodial parent and they do not want to damage that relationship.

I am told that Child Support Enforcement Agency (CSEA) does not have the ability to make payments to third parties. If that is the case, then they should be given the ability to do so. Alternatively, perhaps CSEAs involvement in payment distribution should stop when a child turns 18 and then payments can be made directly to the adult child from the non-custodial parent.

In summary, I am a strong supporter of HB 1505. Payments need to go directly to the adult child pursuing post-secondary education. Not only to ensure they get the benefit to help them with school related bills, but to give them the opportunity to learn how to budget and manage finances.

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,

A handwritten signature in black ink, appearing to read "Th. G. Goob". The signature is written in a cursive style with a large initial "T" and "G".

Thomas Goob

House Committee on Human Services (HUS)

Tuesday, January 28, 2014 9:30 AM, State Capitol CR 329

Testimony of Chris Lethem in Strong Support of **HB 1505**

Child Support Payments Directed to Adult Children.

Dear Chair Mele Carroll and members of HUS,

Thank you for the opportunity to testify in strong support. I am in support of payments being paid directly to adult children attending college. Currently adult children of divorce have no mechanism to assure that child support payments meant for their benefit are being spent on their needs. By requiring payments go directly to them, they can be assured that those funds can be used for expenses they are incurring as students.

Of course where the child is no longer living at home and attending college out of state or where the student is no longer living with the custodial parent, I would suggest that it is unfair that only the obliging parent be the parent providing support. It would seem inequitable that only one parent is being forced to provide support while the custodial parent gets a free ride by no longer having any legal financial obligation to provide support for the child.

Interestingly, the legal financial obligation of married parents who have children is only until the age of 18. Once a child turns 18 years of age, the financial obligation of those parents is done. Parents who are divorced however, continue to have a legal obligation to provide funds until the age of 23 so long as the child remains in school. This would seem that we have created a 2 class system with one set of rules for married parents and another for divorced parents.

Perhaps married parents should also be obligated to provide for the college education of their children as well. At least the rules regarding the funding of a college education should be uniform for all parents regardless of their marital status.

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](mailto:jhall@coatesandfrey.com)  
Phone: 524-4854

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

RE: Testimony in Opposition to HB1505

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 HB1505.

Although I can agree with the general concept of child support being paid directly to an adult child instead of the “custodial” parent the Bill as written could cause unexpected consequences.

First, the Bill does not seem to take into consideration when an adult child continues to live with the “custodial” parent. The purpose of child support is to pay for the child’s living expenses. If the adult child continues to reside with “custodial” parent in their home, then it is the “custodial” parent who needs to be paid not the child.

Second, if the obligor parent fails to make payment, this Bill would require the adult child to go after the “responsible” parent to enforce payment. In most instances this will put the adult child in a very difficult situation. Often times the adult child does not want to take an adverse action against their parent as they know it will strain their relationship. It also leads to opportunity for a “responsible” parent to take advantage of a situation if they know that their child would not take an adverse action against them. The only person to lose in this situation would be the adult child for whom child support is meant to protect.

Thank you for the opportunity to testify in opposition to HB1505.

House Committee on Human Services (HUS)

Tuesday, January 28, 2014 9:30 AM, State Capitol CR 329

Testimony of ~~Chris Lethem~~ in Strong Support of **HB 1505**

*Marilyn Moore*

Child Support Payments Directed to Adult Children.

Dear Chair Mele Carroll and members of HUS,

Thank you for the opportunity to testify in support of HB 1505. I am strongly in support of payments being paid directly to adult children attending college. Currently, there is no mechanism for adult children of divorce to ensure that child support payments meant for their benefit are being spent on their needs. By requiring payments go directly to the adult supported child, the court can be assured that those funds will be available for expenses that are incurred as students.

Of course, where the child is no longer living at home and attending college out of state or where the student is no longer living with the custodial parent, I would suggest that it is unfair that only the obliging parent be the parent providing support. It would seem inequitable that only one parent is being forced to provide support while the custodial parent gets a free ride by no longer having any legal financial obligation to provide support for the child.

Interestingly, the legal financial obligation of married parents who have children is only until the age of 18. Once a child turns 18 years of age, the financial obligation of those parents is complete. Parents who are divorced, however, continue to have a legal obligation to provide funds until the age of 23 so long as the child remains in school. This would seem that we have created a two-class system with one set of rules for married parents and another for divorced parents.

Perhaps married parents should also be obligated to provide for the college education of their children as well. At least the rules regarding the funding of a college education should be uniform for all parents, regardless of their marital status.



**kobayashi1-Joni**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 1:30 PM  
**To:** HUS testimony  
**Cc:** teresa.parsons@hawaii.edu  
**Subject:** Submitted testimony for HB1505 on Jan 28, 2014 09:30AM

**HB1505**

Submitted on: 1/28/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: Representatives, I submit testimony in strong support of this legislation to ensure child support to adult children goes directly to the child rather than "funneling" through the parents. As an educator, I am aware of students who struggle through college while parents withhold or argue about monies due to support the child during post-secondary education. Mahalo for allowing this testimony in support of this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)