

HUStestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 6:03 PM
To: HUStestimony
Cc: mlopes@hscadv.org
Subject: Submitted testimony for HB1025 on Feb 3, 2017 09:00AM

HB1025

Submitted on: 2/1/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Marci Lopes	Hawaii State Coalition Against Domestic Violence	Support	No

Comments: Child Support collection is a huge barrier for victims of domestic violence to be able to support their children. We appreciate all efforts by the Legislature to help ensure noncustodial parents are supporting their children.

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.

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**FAMILY LAW SECTION
OF THE
HAWAII STATE BAR ASSOCIATION**

c/o 841 Bishop Street, Ste. 480, Honolulu, Hawaii 96813
www.hawaiiifamilylawsection.org

February 2, 2017

TO: Representative Dee Morikawa, Chair
Representative Chris Todd, Vice Chair
House Committee on Human Services

FROM: LYNNAE LEE, Chair
TOM TANIMOTO, Vice-Chair

HEARING DATE: February 3, 2017 at 9 a.m.

RE: Testimony in Support of HB1025 Relating to Income Withholding for
Child Support

CHAIR
LYNNAE LEE
lee@lia-hawaiiilaw.com

VICE-CHAIR / CHAIR-ELECT
TOM TANIMOTO
ttanimoto@coatesandfrey.com

SECRETARY
ANTHONY PERRAULT
tony@farrell-hawaii.com

TREASURER
NAOKO MIYAMOTO
N.Miyamoto@hifamilaw.com

Dear Chair Morikawa, Vice Chair Todd, and fellow committee members:

The Family Law Section of the Hawaii Bar Association supports HB1025 relating to Income Withholding for Child Support. This bill will enhance and support the collection of child support from non-custodial parents for the benefit of our island keiki.

Once ordered, child support is something that should be paid by the obligor parent, no ifs, ands or buts. The onus is on the obligor to be employed, notify the obligee (custodial parent) of any changes in employment and/or income, and on a more basic level, to simply earn wages or compensation that can be garnished to satisfy his/her child support obligation. An Income Withholding Order (“IWO”) is the standard vehicle by which a court or an administrative body orders the garnishment of an employee’s income and thereby requires employers to comply accordingly. Despite the stigma that can be associated with the term “garnishment”, there are some obligor parents who prefer the ease and convenience of the garnishment process to ensure their legal obligations to their children are fulfilled.

However, we have concerns about the possible impact to scarce judicial and administrative resources, especially in the case where the imposition of a fine is contested, in situations when an employer’s alleged non-compliance with an IWO was through no fault of the employer. Furthermore, the bill is unclear as to process in which a fine is to be assessed by a court, but it also begs that question of what happens in a situation where an IWO is issued administratively as opposed to via a court proceeding. However, overall, the benefits achieved through this bill outweigh the “what ifs” and implementation questions for the moment.

For the reasons stated above, the Family Law Section supports HB1025. Thank you for the opportunity to provide testimony on this bill.

Sincerely,



Lynnae Lee, Chair, Family Law Section
Tom Tanimoto, Vice-Chair, Family Law Section

NOTE: The comments and recommendations submitted reflect the position/viewpoint of the Family Law Section of the HSBA. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors, and is not being endorsed by the Hawaii State Bar Association.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 1025, RELATING TO INCOME WITHHOLDING FOR CHILD SUPPORT.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Friday, February 3, 2017

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lynette J. Lau, Administrator, Child Support Enforcement Agency

Chair Morikawa and Members of the Committee:

The Department of the Attorney General supports this administration bill.

The provisions of this bill amend sections 571-52, 571-52.2, and 576E-16 of the Hawaii Revised Statutes in order to bring the State of Hawaii into compliance with federal law.

Under 42 U.S.C. § 666(b)(6)(D), each state must have in effect laws requiring the imposition of a fine against any employer who: (a) discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding; or (b) fails to withhold support from income or pay the amounts to a child support agency.

Compliance with this requirement is necessary to maintain eligibility for federal welfare funding and federal funding of child support enforcement programs. In addition, amending the income withholding requirements increases the effectiveness of the income withholding process and protects the obligor parent from employment discrimination as a result of having an income withholding order being issued against the individual.

We respectfully ask the Committee to pass this bill.

LATE

From: mailinglist@capitol.hawaii.gov
To: HUSstestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1025 on Feb 3, 2017 09:00AM*
Date: Thursday, February 02, 2017 5:44:22 PM

HB1025

Submitted on: 2/2/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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