



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1953, RELATING TO CHILD SUPPORT ORDERS.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

**DATE:** Thursday, February 1, 2018                      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Russell A. Suzuki, First Deputy Attorney General, or  
Lynette J. Lau, Administrator, Child Support Enforcement Agency

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Chair Mizuno and Members of the Committee:

The Department of the Attorney General opposes this bill.

The provisions of this bill create a new section under chapter 576D and amend sections 571-52.6 and 576D-1 of the Hawaii Revised Statutes to require the Child Support Enforcement Agency (CSEA) to hold portions of child support payments and require the custodial parent to provide evidence that child support funds are being spent in compliance with an order for support.

The most significant concern is that child support orders do not specify how the child support funds are to be spent. Without such wording in the order, the CSEA will not be able to determine whether the funds are being spent in compliance with the order or what evidence is appropriate to prove compliance. Custodial parents will also have no knowledge or notice of what documentation will be necessary to prove compliance. This raises a due process issue if support amounts are withheld without an opportunity for hearing on the matter. Parties already have the right to petition the family court if they believe that the child is not being supported appropriately while in the custody of the other parent.

Since the bill places no restriction on when or how often an obligor may petition to have the custodial parent provide evidence of compliance, it is likely that the agency will be required to take action on a regular and frequent basis. Staff will have to send out notices and monitor the cases for receipt of documents proving compliance, meeting

of deadlines, and submission of subsequent court orders. Additional staffing resources that have not been budgeted for in the bill as currently drafted will be necessary to implement these requirements.

The provisions on page 3, lines 6 through 8, and page 5, lines 1 through 5, that require the CSEA to withhold the disbursement of child support payments are in conflict with federal and state laws that require child support be disbursed within two business days. If the state is not in compliance with federal regulations, federal welfare funding received by the Department of Human Services and federal funding of the child support enforcement program will be jeopardized. In addition, withholding the disbursement of the funds that are in dispute and continuing the disbursement of funds that are not in dispute (page 3, lines 11 through 13, and page 4, lines 18 through 20) will necessitate a redesign of the agency's statewide computer system and will require time and money to implement. This cost has also not been budgeted for.

Because this proposal is not a federal requirement for the child support enforcement program, any new staffing resources dedicated to this program and changes to the statewide computer system may not be eligible for federal matching funds and will have to be covered one hundred percent by state funds.

We respectfully ask the Committee to hold this bill.

**HB-1953**

Submitted on: 1/30/2018 6:54:38 PM

Testimony for HHS on 2/1/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
aimee sutherlin		Oppose	No

Comments:

I submit testimony STRONGLY AGAINST this bill SB1953. Passage of this bill would cause undue and unnecessary hardship on custodial parents. As a custodial parent, and a professional who has worked with custodial parents, I attest that this type of legislation is unnecessary and illogical. Considering today's economy, it is difficult enough to support a family, adding this burden is not beneficial to children or families.

Mahalo

Aimee Chung, MSW

**HB-1953**

Submitted on: 1/30/2018 8:28:08 PM

Testimony for HHS on 2/1/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
liz Brown	student	Oppose	No

Comments:

Not in support.

**HB-1953**

Submitted on: 1/31/2018 3:03:01 PM

Testimony for HHS on 2/1/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay		Oppose	No

Comments:

I strongly oppose this bill. It sounds very punitive against custodial parents and will likely be a time and resource drain on an already burdened child support system. While I'm sure there are a small number of parents mis-using child support funds, the vast majority of single parents in Hawaii are struggling to get by and doing the very best they can. This bill also could serve as yet one more way that perpetrators of domestic violence could use the system to continue to harass and make life difficult for their former partners whom they abused.

# hscadv



**LATE**

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE  
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: JANUARY 31, 2018

TO: STATE OF HAWAII  
HOUSE COMMITTEE ON JUDICIARY  
REP. SCOTT Y. NISHIMOTO, CHAIR  
RE. JOY A. SAN BUENAVENTURA, VICE CHAIR  
REP TOM BROWER  
REP. GREGG TAKAYAMA  
REP. CHRIS LEE  
REP. BOB MCDERMOTT  
REP. DEE MORIKAWA  
REP. CYNTHIA THIELEN

FROM: STACEY MONIZ, EXECUTIVE DIRECTOR  
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

RE: TESTIMONY IN OPPOSITION TO HB1953  
RELATING TO CHILD SUPPORT ORDERS

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony in OPPOSITION of HB1953 which would require custodial parents to prove how they are spending their child support money. The vast majority of custodial parents are working hard to meet their basic human needs and it would be an undue hardship on them to have to prove this. In regards to survivors of domestic violence, this would be a tool used by abusive non-custodial parents to use the system to continue abusing their partners.

In addition, if the State is looking to provide oversight into how custodial parents are utilizing their child support, a better use of State resources might be to focus instead on the non-custodial parents who are in noncompliance, and have them provide evidence as to why they are NOT paying child support.

As stated above, HSCADV opposes HB1953.

Thank you for your consideration of our testimony. If you would like to discuss this or have any questions, I can be reached at 808.832.9613x4 or via email at [smoniz@hscadv.org](mailto:smoniz@hscadv.org).

~ Together we can do amazing things ~

**LATE**

**HB-1953**

Submitted on: 2/1/2018 1:40:20 AM

Testimony for HHS on 2/1/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Kimura	Healthy Mothers Healthy Babies	Oppose	No

Comments:

Child support not only fosters better relationships between parents and children, it can have a significant impact on academic performance, and child support, more so than other kind of income, has a greater positive impact on educational attainment.

We know that financial stability is key, and that a lack of support can dramatically impact a child's economic self-sufficiency. According to the University of Hawai'i, Center on Family, children raised in families at or below the poverty level are more likely "to be born with low birth weight, experience poor health, have limited access to high-quality child care and education, have lower academic achievement scores, and experience behavioral problems, grade failure, and drop-out."

Ensuring that children receive access to basics needs through assurance of child support is at the core of their healthy development. According to the U.S. Census Bureau's statistics on poverty:

- The poverty rate of all custodial parent families with children under 21 years of age in 2015 was 26.8 percent, 10 percentage points higher than the poverty rate of all families with children under 18 years old (16.3 percent).
- Approximately 8.3 million (37.2 percent) of all children in custodial-parent families lived in poverty in 2015.
- The poverty rate of custodial-mother families in 2015 (29.2 percent) was significantly higher than the poverty rate for custodial-father families (16.7 percent).
- Custodial parents who had more children had a greater likelihood to be living below poverty. Among custodial mothers with one child, 22.1 percent were in poverty. The poverty rate increased to 30.0 percent for those with two children and 52.3 percent for custodial mothers with three or more children in their family.

We respectfully urge you not to pass this bill. Thank you for the opportunity to testify.

Lisa Kimura, Executive Director

Healthy Mothers Healthy Babies Coalition of Hawaii





# HAWAII APPLESEED CENTER FOR LAW & ECONOMIC JUSTICE

**LATE**

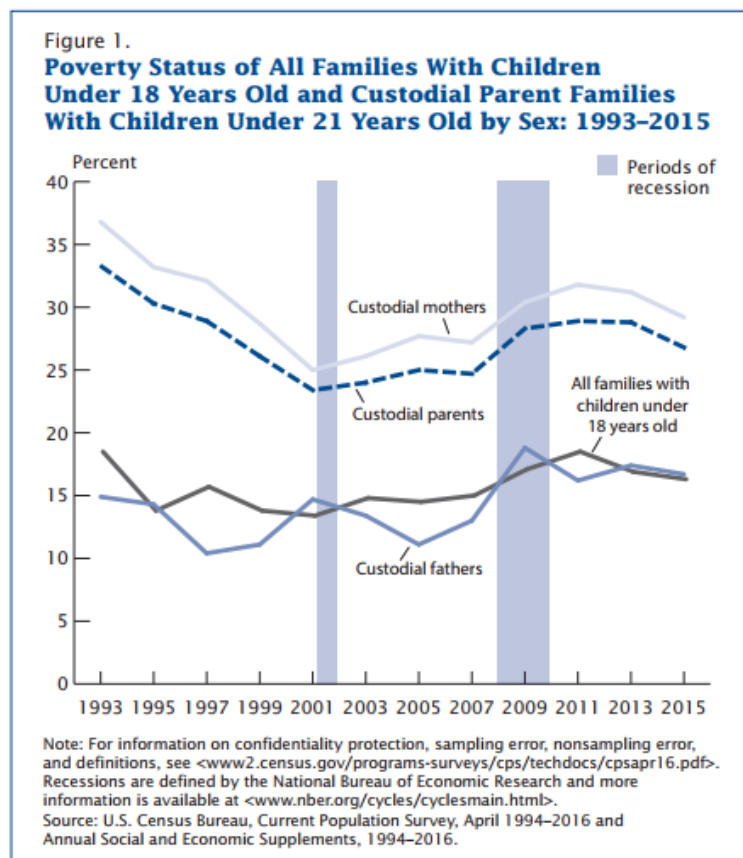
Testimony of Hawai'i Appleseed Center for Law and Economic Justice  
Opposing HB 1953 – Relating to Child Support Orders  
House Committee on Health and Human Services

Scheduled for hearing at 9:30 am on Thursday, February 1, 2018, in Conference Room 329

Dear Chair Mizuno, Vice Chair Kobayashi, and members of the Committee:

Thank you for the opportunity to testify in OPPOSITION of **HB 1953**, which would allow the child support enforcement agency (CSEA) to require a custodial parent to provide evidence that child support funds are being spent in compliance with an order of support, as well as a noncustodial parent to petition for modification of a child support order if the custodial parent does not provide the requested evidence.

Custodial parent families have some of the highest poverty rates in the nation. According to the U.S. Census Bureau, approximately 37.2 percent of children in custodial-parent families in the nation lived in poverty in 2015. The poverty rate of custodial parent families with children in 2015 was 26.8 percent, which is 64 percent higher than the poverty rate of all families with children (16.3 percent).



Child support funds are essential to prevent custodial parents and their keiki from falling into or deeper into poverty. Child support accounted for over 70.3 percent of annual income for custodial parents living below poverty who received full child support in 2013, at the national level.

Families living in poverty are more likely to live chaotic lives, moving residences more frequently – even dropping into homelessness – and often lacking access to regular bank accounts and credit. As a result, it can be extremely difficult for parents living in poverty to obtain and maintain records of all their purchases.

In addition, child support is a major portion, but not all, of the income that most custodial parents receive. How would CSEA determine which expenses were paid for with child support funds, rather than other sources of income? How many more staff would CSEA need to hire to implement the provisions of this bill?

Rather than making it harder for custodial parents to keep their child support funds, the state should focus on collecting child support payments. Since 2003 Hawai'i has ranked last in collecting child support debts. Presently, families in Hawai'i and the state are owed more than \$484 million in child support arrears.

If all the custodial parents living in poverty in the nation received full amounts of child support in 2015, the U.S. Census Bureau estimates that approximately 200,000 of them would have been raised out of poverty and its attendant negative effects on parents and keiki.

Mahalo for your consideration of this testimony.

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*The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*