

JAN 24 2019

A BILL FOR AN ACT

RELATING TO CHILD SUPPORT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 576D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§576D- Travel restrictions. (a) Upon a determination
5 that an obligor is not in compliance with an order of support as
6 defined in section 576D-1 or that an individual failed to comply
7 with a subpoena or warrant relating to a paternity or child
8 support proceeding, the agency shall serve notice upon the
9 obligor or individual of the agency's intent to certify the
10 obligor or individual as noncompliant with an order of support
11 or a subpoena or warrant relating to a paternity or child
12 support proceeding, which shall direct the appropriate court or
13 other agency with respect to contempt or other appropriate
14 proceedings authority to prohibit the obligor or individual from
15 traveling outside of the State until such time that the agency
16 certifies the obligor or individual is in compliance with the
17 order of support.



1 (b) The notice shall be sent by regular mail to the
2 address of record of the obligor or individual as shown in the
3 agency's child support record. The notice shall contain the
4 following information:

5 (1) The name, social security number, if available, date
6 of birth, if known, and each applicable child support
7 case number or numbers of the obligor or individual;

8 (2) The amount of the arrears, the amount of the monthly
9 child support obligation, and reference to the support
10 order upon which the support amount and arrears are
11 based or the subpoena or warrant that the individual
12 has failed to comply with;

13 (3) A statement that the obligor or individual may contest
14 the travel restriction by requesting a hearing in
15 writing within thirty days of the date of service of
16 the notice of intent to prohibit travel outside of the
17 State;

18 (4) A statement that the obligor may contact the agency in
19 writing within thirty days of the date of service of
20 the notice and enter into a monthly payment agreement
21 for the arrears owed, and if an agreement is entered



1 into within thirty days of making contact with the
2 agency, the agency shall not pursue the travel
3 restriction;

4 (5) A statement that an individual not in compliance with
5 a subpoena or warrant relating to a paternity or child
6 support proceeding may contact the agency in writing
7 within thirty days of the date of service of the
8 notice and enter into an agreement to provide the
9 information or appear at the proceedings, and if so,
10 the agency shall not pursue the travel restriction;

11 and

12 (6) A statement that if the obligor or individual makes a
13 timely request as specified in paragraph (3), the
14 agency shall stay the action until a decision is made.

15 (c) The agency shall certify in writing to the appropriate
16 court or other agency with respect to contempt that the obligor
17 is not in compliance with an order of support, or that the
18 individual is not in compliance with a subpoena or warrant
19 relating to a paternity or child support proceeding, and shall
20 authorize the immediate restriction of travel outside of the
21 State if the obligor or individual:



1 (1) Fails to contact the agency in writing within thirty
2 days of the date of service of the notice;

3 (2) Is not in compliance with an order of support, or
4 failed to comply with a subpoena or warrant relating
5 to a paternity or child support proceeding, and does
6 not timely enter into an agreement under subsection
7 (d); or

8 (3) Is delinquent in making periodic payments on a support
9 arrearage pursuant to a written agreement with the
10 child support enforcement agency under subsection (d).

11 The agency shall provide a copy of the certification to the
12 obligor or individual. Upon receipt of the certification, the
13 appropriate court or other agency with respect to contempt shall
14 prohibit the obligor or individual from traveling outside of the
15 State. Notwithstanding the provisions of any other law to the
16 contrary, restricting travel outside of the State shall be
17 implemented by the appropriate court or other agency with
18 respect to contempt and continue in effect until the appropriate
19 court or other agency with respect to contempt receives a
20 written release of suspension or denial from the agency, the
21 office of child support hearings, or the family court.



1 (d) The obligor may enter into a payment agreement with
2 the agency if the obligor makes contact with the agency within
3 thirty days of the date of service of the notice, or the
4 individual may either enter into an agreement to provide the
5 information requested in the subpoena or appear at the
6 proceeding required by the warrant.

7 (e) If the obligor or the individual requests an
8 administrative hearing in writing within thirty days of the date
9 of service of the notice as provided in subsection (b), the
10 office shall schedule a hearing to determine whether the obligor
11 is not in compliance with a support order or whether the
12 individual is not in compliance with a subpoena or warrant
13 relating to a paternity or child support proceeding. The
14 hearing shall be conducted in accordance with chapters 91 and
15 576E. The issues before the hearings officer shall be limited
16 to whether the obligor is in compliance with an order of support
17 or whether the individual is in compliance with a subpoena or
18 warrant relating to a paternity or child support proceeding.
19 The hearings officer shall issue a written decision within ten
20 days of the hearing. If the hearings officer decides that the
21 obligor is not in compliance with a support order or that the



1 individual is not in compliance with a subpoena or warrant
2 relating to a paternity or child support proceeding, the obligor
3 or individual shall be prohibited from traveling outside of the
4 State.

5 (f) The decision of the hearings officer shall be final
6 and shall be subject to judicial review as provided in chapter
7 91. Any travel restriction under this section shall not be
8 stayed pending judicial review.

9 (g) Upon receipt of the decision of the hearings officer
10 that the obligor is not in compliance with a support order or
11 that the individual is not in compliance with a subpoena or
12 warrant relating to a paternity or child support proceeding, the
13 agency shall certify in writing to the appropriate court or
14 other agency with respect to contempt that the obligor is not in
15 compliance with an order of support, or that the individual is
16 not in compliance with a subpoena or warrant relating to a
17 paternity or child support proceeding, and shall authorize the
18 immediate prohibition of travel outside of the State by the
19 obligor or individual. The agency shall provide a copy of the
20 certification to the obligor or individual. Upon receipt of the
21 certification, the appropriate court or other agency with



1 respect to contempt shall prohibit the obligor or individual
2 from traveling outside of the State. Notwithstanding any law to
3 the contrary, a certification issued by the agency restricting
4 the travel of the obligor or individual shall be implemented by
5 the appropriate court or other agency with respect to contempt
6 and continue in effect until the appropriate court or other
7 agency with respect to contempt receives a written release of
8 suspension or denial from the agency, the office of child
9 support hearings, or the family court.

10 (h) When the conditions that resulted in the travel
11 restriction no longer exist, the agency shall provide the
12 obligor or individual with written confirmation that the obligor
13 is in compliance with the order of support or that the
14 individual is in compliance with the subpoena or warrant
15 relating to a paternity or child support proceeding, and the
16 agency, office, or the family court shall issue an authorization
17 canceling the certification in writing to the appropriate court
18 or other agency with respect to contempt.

19 (i) The agency shall adopt rules necessary for the
20 implementation and administration of this section. The
21 appropriate court or other agency with respect to contempt shall



1 adopt rules necessary for the implementation and administration
2 of this section.

3 (j) For purposes of this section, "date of service" means
4 two days following the date of mailing."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY: 



S.B. NO. 1092

Report Title:

Child Support; Delinquency; Travel Restriction

Description:

Provides due process by which the child support enforcement agency may restrict an obligor who is not in compliance with an order of support or individual who is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, from traveling outside of the State.

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