
A BILL FOR AN ACT

RELATING TO THE SPOUSE AND CHILD ABUSE SPECIAL FUND.

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

1 SECTION 1. Congress passed the Family First Prevention
2 Services Act of 2018 (Family First) as part of the Bipartisan
3 Budget Act of 2018, Public Law 115-123. Family First changes
4 the way states may spend and claim funds pursuant to Title IV-E
5 of the Social Security Act. Previously, Title IV-E funds could
6 only be used for foster care maintenance, adoption assistance,
7 kinship guardianship assistance, and related training and
8 administrative expenses.

9 Under Family First, states with an approved Title IV-E plan
10 now have the option to use Title IV-E funds for prevention
11 services that would allow children who have been abused or
12 neglected or are at risk of being abused or neglected to remain
13 with their parents or relatives. States can get reimbursed for
14 certain twelve-month periods of prevention services.

15 The department of human services seeks to retain Family
16 First federal reimbursements and all Title IV-E federal



1 reimbursements to secure a stable source of funding for child
2 abuse and neglect prevention, intervention, and other services.

3 Currently, the department of human services is not allowed
4 to retain reimbursements received for a prior fiscal year, and
5 instead is required to deposit these reimbursements into the
6 general fund. The department of human services returned
7 approximately \$4,068,161 to the general fund in state fiscal
8 year 2016-2017 and approximately \$6,736,894 to the general fund
9 in state fiscal year 2017-2018 in Title IV-E federal
10 reimbursements. The ability to retain Title IV-E federal
11 reimbursements will assist to stabilize funding for prevention
12 services; allow the State to maintain and develop its own
13 evidence based, child abuse and prevention and intervention
14 programs suited for Hawaii's diverse and unique communities; and
15 improve and increase the State's capacity to prevent, reduce,
16 and appropriately respond to the impacts of spousal and child
17 abuse in our community.

18 The purposes of this Act are to:

19 (1) Exempt the spouse and child abuse special fund from
20 the administrative expense assessment set forth in
21 section 36-30, Hawaii Revised Statutes;



- 1 (2) Amend section 346-7.5, Hawaii Revised Statutes, to
2 allow the spouse and child abuse special fund to
3 receive Title IV-E federal reimbursements received in
4 the fiscal year following the year in which the Title
5 IV-E funds were expended, to replace the term
6 "account" with "fund," and to delete the "department
7 of human services" from the title;
- 8 (3) Place a cap on the amount of funds that may be
9 retained in the spouse and child abuse special fund
10 and specify that funds in excess shall lapse to the
11 general fund; and
- 12 (4) Make conforming amendments to reflect the new title of
13 the spouse and child abuse special fund.
- 14 SECTION 2. Section 36-30, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:
- 16 "(a) Each special fund, except the:
- 17 (1) Special out-of-school time instructional program fund
18 under section 302A-1310;
- 19 (2) School cafeteria special funds of the department of
20 education;
- 21 (3) Special funds of the University of Hawaii;



- 1 (4) State educational facilities improvement special fund;
- 2 (5) Special funds established by section 206E-6;
- 3 (6) Aloha Tower fund created by section 206J-17;
- 4 (7) Funds of the employees' retirement system created by
- 5 section 88-109;
- 6 (8) Hawaii hurricane relief fund established under chapter
- 7 431P;
- 8 (9) Convention center enterprise special fund established
- 9 under section 201B-8;
- 10 (10) Hawaii health systems corporation special funds and
- 11 the subaccounts of its regional system boards;
- 12 (11) Tourism special fund established under section 201B-
- 13 11;
- 14 (12) Universal service fund established under section 269-
- 15 42;
- 16 (13) Emergency and budget reserve fund under section 328L-
- 17 3;
- 18 (14) Public schools special fees and charges fund under
- 19 section 302A-1130;
- 20 (15) Sport fish special fund under section 187A-9.5;
- 21 [†] (16) [†] Neurotrauma special fund under section 321H-4;



- 1 [+] (17) [+] Center for nursing special fund under section 304A-
2 2163;
- 3 [+] (18) [+] Passenger facility charge special fund established
4 by section 261-5.5;
- 5 [+] (19) [+] Court interpreting services revolving fund under
6 section 607-1.5;
- 7 [+] (20) [+] Trauma system special fund under section 321-22.5;
- 8 [+] (21) [+] Hawaii cancer research special fund;
- 9 [+] (22) [+] Community health centers special fund;
- 10 [+] (23) [+] Emergency medical services special fund;
- 11 [+] (24) [+] Rental motor vehicle customer facility charge
12 special fund established under section 261-5.6;
- 13 [+] (25) [+] Shared services technology special fund under
14 section 27-43;
- 15 [+] (26) [+] Nursing facility sustainability program special fund
16 established pursuant to [+]section 346F-4[+];
- 17 [+] (27) [+] Automated victim information and notification system
18 special fund established under section 353-136;
- 19 [+] (28) [+] Hospital sustainability program special fund under
20 [+]section 346G-4[+]; [and]



1 [H] (29) [H] Civil monetary penalty special fund under section
2 321-30.2 [7]; and

3 (30) Spouse and child abuse special fund under section 346-
4 7.5,

5 shall be responsible for its pro rata share of the
6 administrative expenses incurred by the department responsible
7 for the operations supported by the special fund concerned."

8 SECTION 3. Section 235-102.5, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) Notwithstanding any law to the contrary, any
11 individual whose state income tax refund for any taxable year is
12 \$5 or more may designate \$5 of the refund to be paid over as
13 follows:

14 (1) One-third to the Hawaii children's trust fund under
15 section 350B-2; and

16 (2) Two-thirds to be divided equally among:

17 (A) The domestic violence and sexual assault special
18 fund under the department of health in section
19 321-1.3;



1 (B) The spouse and child abuse special [~~account~~] fund
2 under the department of human services in section
3 346-7.5; and

4 (C) The spouse and child abuse special account under
5 the judiciary in section 601-3.6.

6 When designated by a taxpayer submitting a state income tax
7 return to the department, the department of budget and finance
8 shall allocate the moneys among the several funds as provided in
9 this subsection. In the case of a joint return of a husband and
10 wife having a state income tax refund of \$10 or more, each
11 spouse may designate that \$5 be paid over as provided in this
12 subsection. The director of taxation shall revise the
13 individual state income tax form to allow the designation of
14 contributions pursuant to this subsection on the face of the tax
15 return and immediately above the signature lines. If no
16 designation was made on the original tax return when filed, a
17 designation may be made by the individual on an amended return
18 filed within twenty months and ten days after the due date for
19 the original return for such taxable year. A designation once
20 made, whether by an original or amended return, may not be
21 revoked."



1 SECTION 4. Section 338-14.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§338-14.5 Copies of certificate; fees. The fees for
4 certified copies of birth, marriage, divorce, or death
5 certificates issued by the department of health shall consist of
6 \$10 for the first copy issued and \$4 for each copy issued
7 thereafter. These fees shall be collected for each single
8 request for certified copies. All fees received for the
9 issuance of certified copies of birth, marriage, divorce, or
10 death certificates shall be remitted to the director of health.
11 Upon the receipt of remittances under this section, the director
12 of health shall deposit:

13 (1) \$1 for each certified copy to the credit of the spouse
14 and child abuse special [~~account~~] fund established
15 under section 346-7.5;

16 (2) \$1 for each certified copy to the credit of the spouse
17 and child abuse special account established under
18 section 601-3.6;

19 (3) \$1 for each certified copy to the credit of the
20 domestic violence and sexual assault special fund
21 established under section 321-1.3;



1 (4) \$1 for each certified copy to the credit of the vital
2 statistics improvement special fund established under
3 section 338-14.6; and

4 (5) The remainder of the fee for each certified copy to
5 the credit of the state general fund."

6 SECTION 5. Section 346-7.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§346-7.5 Spouse and child abuse special [~~account,~~
9 ~~department of human services.~~] fund. (a) There is established
10 within the state treasury a special fund to be known as the
11 "spouse and child abuse special [~~account",~~] fund", and to be
12 administered and expended by the department of human services.

13 (b) The proceeds of the [~~account~~] special fund shall be
14 reserved for use by the department of human services for staff
15 programs, and grants or purchases of service, consistent with
16 chapters 42F and 103F, that support or provide spouse or child
17 abuse intervention or prevention as authorized by law. These
18 proceeds shall be used for new or existing programs and shall
19 not supplant any other funds previously allocated to these
20 programs. [~~The account shall be kept separate and apart from~~
21 ~~all other funds in the treasury.~~]



1 (c) The [~~account~~] special fund shall consist of fees
2 remitted pursuant to sections 338-14.5 and 572-5, income tax
3 remittances allocated under section 235-102.5, federal
4 reimbursements received through Title IV-E of the Social
5 Security Act received in the following fiscal year from which
6 the Title IV-E funds were expended, interest and investment
7 earnings, grants, donations, and contributions from private or
8 public sources. All realizations of the [~~account~~] special fund
9 shall be subject to the conditions specified in subsection (b).

10 (d) The department of human services [~~, in coordination~~
11 ~~with the department of health,~~] shall submit an annual report to
12 the legislature, prior to the convening of each regular session,
13 providing an accounting of the receipts of and expenditures from
14 the [~~account-~~] special fund.

15 (e) All unencumbered and unexpended moneys in excess of
16 \$ _____ in the spouse and child abuse special fund shall lapse
17 to the credit of the general fund. Upon dissolution of the
18 spouse and child abuse special fund, any unencumbered moneys in
19 the fund shall lapse to the general fund."

20 SECTION 6. Section 572-5, Hawaii Revised Statutes, is
21 amended by amending subsections (a) and (b) to read as follows:



1 "(a) The department of health shall appoint, and at its
2 pleasure remove, one or more suitable persons as agents
3 authorized to grant marriage licenses under this chapter in each
4 judicial circuit. The agents may issue licenses from any state
5 facility when deemed necessary by the director. Any agent
6 appointed under this subsection and receiving an application for
7 a marriage license shall collect from the applicant for the
8 license \$60, of which the agent, except those provided for in
9 subsection (b), shall retain \$9 for the agent's benefit and
10 compensation and shall remit \$51 to the director of health.
11 Upon the receipt of remittances under this subsection, the
12 director of health shall deposit:

- 13 (1) \$32 for each license issued to the credit of the
14 general fund of the State;
- 15 (2) \$4.50 for each license issued to the credit of the
16 spouse and child abuse special [~~account~~] fund
17 established under section 346-7.5;
- 18 (3) \$4.50 for each license issued to the credit of the
19 spouse and child abuse special account established
20 under section 601-3.6; and



1 (4) \$10 for each license issued to the credit of the birth
2 defects special fund established under section 321-
3 426.

4 (b) The department may appoint, as regular employees under
5 the civil service and classification laws, the number of
6 suitable persons as agents authorized to grant marriage licenses
7 for whom provision has been made in the general appropriation
8 act. In the case of these agents, the full amount collected
9 from applicants shall be remitted to the director of health.
10 Upon the receipt of remittances under this subsection, the
11 director of health shall deposit:

12 (1) \$41 for each license issued to the credit of the
13 general fund of the State;

14 (2) \$4.50 for each license issued to the credit of the
15 spouse and child abuse special [~~account~~] fund
16 established under section 346-7.5;

17 (3) \$4.50 for each license issued to the credit of the
18 spouse and child abuse special account established
19 under section 601-3.6; and



1 (4) \$10 for each license issued to the credit of the birth
2 defects special fund established under section 321-
3 426."

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on January 1, 2050.



Report Title:

Spouse and Child Abuse Special Fund

Description:

Amends the name and purpose of the Spouse and Child Abuse Special Account to allow DHS to retain Federal reimbursements for expenditure of funds for child and spousal abuse prevention and intervention under Title IV-E of the Social Security Act, up to a specified maximum amount. Exempts the fund from administrative expense assessments. (SB1231 HD2)

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