

STAND. COM. REP. NO.

2743

Honolulu, Hawaii

MAR 03 2022

RE: S.B. No. 2869
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2869 entitled:

"A BILL FOR AN ACT RELATING TO SPOUSAL SUPPORT,"

begs leave to report as follows:

The purpose and intent of this measure is to allow obligees under an order solely for spousal support to elect to enforce the order pursuant to chapters 651, 652, and 653, Hawaii Revised Statutes, rather than through the clerk of the court or the Child Support Enforcement Agency.

Your Committee received testimony in support of this measure from the Health Committee of the Democratic Party of Hawai'i and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that currently spousal support orders are enforced by the clerk of the court and the Child Support Enforcement Agency in cases where there is an order for both spousal and child support. These entities are often overburdened by spousal and child support orders and at times collection is complicated and slow. This measure will make it easier and faster for the obligee to receive spousal support by garnishment through the obligor's employer.



Your Committee has amended this measure by:

- (1) Adopting the recommendations proposed by the Department of the Attorney General as follows:
 - (A) Clarifying that for orders solely for the support or maintenance of a spouse or former spouse, the spouse or former spouse may elect to enforce the order pursuant to chapters 651, 652, or 653, Hawaii Revised Statutes, in which case no assignment shall be made to the clerk of the court;
 - (B) Specifying that the assignment of the amounts shall be to the clerk of the court where the order is entered if for the support or maintenance of a spouse or former spouse, unless the spouse or former spouse elects to enforce the order pursuant to chapters 651, 652, or 653, Hawaii Revised Statutes;
 - (C) Clarifying that for each payment made pursuant to an assignment order solely for the support or maintenance of a spouse or former spouse may be enforced directly pursuant to chapters 651, 652, and 653, Hawaii Revised Statutes, if elected by the spouse or former spouse, and payments shall not be assigned to the clerk of the court; and
 - (D) Deleting section 2 of this measure amending section 576E-16, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2869, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2869, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2869	Committee Referral: JDC	Date: 02-18-22
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	-	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes