



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2476, RELATING TO SPOUSAL SUPPORT.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

**DATE:** Tuesday, February 15, 2022      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Mark T. Nugent, Deputy Attorney General

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Chair Yamane and Members of the Committee:

The Department of the Attorney General appreciates the intent of the bill and provides the following comments.

The purpose of this bill is to allow obligees under an order solely for spousal support to elect to enforce the order pursuant to chapter 651, 652, or 653, Hawaii Revised Statutes (HRS), rather than through the clerk of the court or the child support enforcement agency. Current law prohibits the Child Support Enforcement Agency (CSEA) from enforcing an order solely for spousal support. For example, 45 Code of Federal Regulations section 302.31(a)(2) only allows the CSEA to enforce spousal support if a child support obligation is simultaneously being enforced.

By stating that spousal support orders "may be enforced directly" pursuant to chapter 651, 652, or 653, HRS, if elected by the spouse or former spouse, in which case no payments shall be assigned or made to the CSEA, this bill appears to suggest that spouses or former spouses have a choice between enforcing directly or through CSEA. To avoid this ambiguity and to prevent any potential conflict with federal law, we recommend that the wording in section 1 on page 1, lines 13 through 17, be revised to remove the reference to CSEA and to read as follows: "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 chapter 651, 652, or 653, in which case no assignment shall be made to the clerk of the court."

We also recommend that the wording in section 1 on page 2, lines 1 through 6, be amended to read as follows: "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 chapter 651, 652, or 653, or to the child support enforcement agency if for the support of a child or if child support and spouse support are contained in the same order."

We recommend that the wording in section 1 on page 4, lines 14 through 18, be amended to remove the reference to CSEA and to read as follows: "provided that orders solely for the support or maintenance of a spouse or former spouse may be enforced directly pursuant to chapter 651, 652, or 653, if elected by the spouse or former spouse, and payments shall not be assigned to the clerk of the court."

Finally, pursuant to section 576E-2, HRS, CSEA does not have the authority to issue administrative orders solely for spousal support. Therefore, we recommend that section 2 of this bill be deleted.

Thank you for the opportunity to provide testimony.



To: The Honorable Ryan I. Yamane, Chair,  
The Honorable Adrian K. Tam, Vice Chair  
House Committee on Health, Human Services & Homelessness

Re: **HB 2476 – RELATING TO SPOUSAL SUPPORT**

Hearing: Tuesday, February 15, 2022, 9:00 a.m., Conference Rm. 329 & Videoconference

Position: Support.

Aloha Chair Yamane , Vice Chair Tam, and Members of the Committee on Health, Human Services, and Homelessness:

The Health Committee of the Democratic Party of Hawai‘i supports HB 2476. This measure would allow obligees under an order solely for spousal support to elect to enforce the order pursuant to Chapter 652 of the Hawaii Revised Statutes, rather than through the clerk of the court or the Child Support Enforcement Agency.

This measure will make it easier and faster for the obligee to receive spousal support by garnishment through the obligor’s employer. Compliance by the employer will then operate as a discharge of the employer’s liability to the obligor-employee for that portion of the obligor-employee’s income withheld and transmitted accordingly to the obligee.

Please support and pass this bill.

Respectfully submitted,

Melodie Aduja  
Chair, Health Committee  
Democratic Party of Hawaii