



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

ON THE FOLLOWING MEASURE:

S.B. 2869, RELATING TO SPOUSAL SUPPORT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 18, 2022

TIME: 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

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

Chair Keohokalole 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 Karl Rhoads, Chair,
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

Re: **SB 2869 – RELATING TO SPOUSAL SUPPORT**

Hearing: Friday, February 18, 2022, 9:30 a.m., Via Videoconference

Position: Support.

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee on Judiciary:

The Health Committee of the Democratic Party of Hawai'i supports SB 2869. 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

SB-2869

Submitted on: 2/15/2022 10:26:25 PM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

Strongly SUPPORT SB 2092 Child Torture

Johnnie-Mae L. Perry

Name: Glenda Pinheiro
Phone: 808-927-0042
Email: glendapinheiro57@icloud.com
Senate Bill: SB2869
House Bill: HR2476

Position: Support

I support the passing of SB2869 and companion bill HB2476 as it will hold my ex-husband accountable for paying the court ordered alimony, in which he has neglected.

I have exhausted all my resources only to realize that he does not intend to abide by the law nor comply with the court mandate.

It has been a struggle to survive and at this point garnishment is the only option. Please pass this bill.

SB-2869

Submitted on: 2/17/2022 10:52:19 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy & Zeb Jones	Individual	Support	No

Comments:

SB2869 / Relating to Spousal Support

Aloha Senate Chair Rhoads, Vice Chair Keohokalole, and Honorable Committee Members:

We submit this testimony in SUPPORT of SB 2869, which relates to effectively simplifying enforcement of spousal support orders.

The Hawai`i courts and Child Support Enforcement Agency (CSEA) clearly play vital roles in ensuring that children in divorce cases receive all necessary support in cases of divorce. However, involving these entities in cases dealing solely with spousal support can often—in addition to overburdening these understaffed entities—also unnecessarily complicate these matters for all parties. With this testimony, we support modification of the Hawai`i Revised Statutes and inclusion of the language suggested by SB2869 – that is: “...provided that orders solely for the support or maintenance of a spouse or former spouse may be enforced directly pursuant to chapters 651, 652, and 653, if elected by the spouse or former spouse, and payments shall not be assigned to the child support enforcement agency or other entity.” This could effectively simplify the spousal support process.

For the above reasons, we urge your honorable members to please adopt the above language and pass SB2869 out of your committee. Mahalo again for this opportunity to present this testimony supporting SB2869.

With warm aloha,

Nancy & Zeb Jones

Cell: 808-228-3450