

ACT 41

S.B. NO. 203

A Bill for an Act Relating to Public Assistance for Children.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-37.1, Hawaii Revised Statutes, is amended to read:

“~~[[~~§346-37.1~~]]~~ Payment of public assistance for child constitutes debt to department by natural or adoptive parents. (a) Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid[,] or as established pursuant to subsection (b), except that debts under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status, and, provided that where there has been a family court order, the debt shall be limited to the amount provided for by [said] the order.

(b) If there is no existing court order, the debt may be established by agreement of the parties or by order of the family court wherein the following criteria shall be considered:

- (1) All earnings, income, and resources of the absent parent or parents including real and personal property;**
- (2) The earnings potential, reasonable necessities, and borrowing ability of the absent parent or parents;**
- (3) The needs of the child for whom the support is sought;**
- (4) The amount of assistance which would be paid to the child under the full standard of need as established by the department; and**
- (5) The existence of other dependents.**

These criteria shall be applied so as to ensure, at a minimum, that the child for whom support is sought benefits from the income and resources of the absent parent or parents on an equitable basis in comparison with any other minor child of the absent parent.”

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SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 18, 1983.)