

A Bill for an Act Relating to Fees for Support Enforcement Services.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“§346- Legal services regarding paternity and child support.** In accordance with state child support enforcement services, the department of social services and housing may make legal services available to establish paternity and to establish and enforce child support obligations. The services shall be available to persons not receiving aid to families with dependent children, upon application by the persons. The department may adopt rules to require payment of fees for the services; provided that the department shall not require payment of fees for the services from persons not receiving aid to families with dependent children but whose income and resources would make them eligible for financial assistance.”

SECTION 2. Section 584-9, Hawaii Revised Statutes, is amended to read:

**“§584-9 Parties; guardian ad litem for minor presumed or alleged father; county attorney or corporation counsel to represent [mother;] custodial parent or agency<sup>1</sup>; notice to parents. (a)** The child may be made a party to the action and may be represented by his general guardian or a guardian ad litem appointed by the court. The child’s mother or father shall not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 584-4, and each man alleged to be the natural father, shall be made parties, or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard.

**(b)** If it appears to the satisfaction of the court that a man alleged or presumed to be the father is a minor, the court shall cause notice of the pendency of the proceedings and copies of the pleadings on file to be served upon the legal parents or guardian of the minor and may appoint a guardian ad litem to represent the minor in the proceedings. If the legal parents or guardian of any such minor cannot be found, the notice may be served in such manner as the court may direct pursuant to sections 634-21 to 634-24. The court may align the parties.

**(c)** The county attorney or corporation counsel shall represent the child’s [mother or her] custodial parent, or the custodial parent’s personal representative or parent if the [mother] custodial parent has died[.], or any agency authorized to seek the determination and establishment of paternity or maternity under chapter 346, if an application for services is made. Fees may be charged of the applicant as provided for by the provisions of chapter 346.”

SECTION 3. Section 576-25, Hawaii Revised Statutes, is amended to read:

**“§576-25 Officials to represent plaintiff.** Where in any case initiated in a court of this State the plaintiff is unable to hire private counsel, the county attorney or corporation counsel upon request of the department of social services and housing shall represent the plaintiff[;], except that fees may be charged as provided for by the provisions of chapter 346; the county attorney or corporation counsel of each county shall represent the plaintiff in any case in which the State is the responding state, provided[,] that in the latter case the plaintiff may employ private counsel and in such event the county attorney or corporation counsel shall not be obligated to act save as requested by the court.”

SECTION 4. Section 580-15, Hawaii Revised Statutes, is amended to read:

**ACT 230**

**“§580-15 County attorneys to represent court.** The county attorneys of Maui and Kauai and the corporation counsels of the city and county of Honolulu and the county of Hawaii, within their respective counties, shall when and to the extent authorized by their respective county governing bodies and upon request of the family court represent the court in any contempt proceeding for the enforcement of any order or decree for support of a spouse or child support or both[.], except that fees may be charged as provided for by the provisions of chapter 346.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.<sup>2</sup>

SECTION 6. This Act shall take take effect upon its approval.

(Approved May 31, 1984.)

**Notes**

1. Underscoring missing.
2. Edited pursuant to HRS §23G-16.5.