

ACT 126

H.B. NO. 566

A Bill for an Act Relating to the Family Court.

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

SECTION 1. Section 576-37.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§576-37.5]]~~ **Interstate request for income withholding.** (a) Upon receipt by the agency, as defined in [Section 576D-1,] Chapter 576E, of a request from another state for enforcement of a support order by income withholding, which request is accompanied by a certified copy of the support order, the agency may enter an income withholding order as authorized in section 576E-16 [or forward the request and support order to the court for filing].

(b) [If the request is forwarded to the court, the certified copy of the support order shall be filed with the court. The support order so filed has the same effect and shall be enforced in the same manner as a support order rendered by a court of this state or by the agency. The agency shall notify the obligor that unless the obligor contests it, an order for income withholding pursuant to the procedures in section 571-52.3, shall automatically issue thirty days after the mailing of the notice.

An obligor may contest the issuance of an income withholding order under this section by filing with the agency a statement of objections within twenty days from the date of receipt of the notice of the pending order for income withholding. If no such statement of objections is received, the court shall issue an income withholding order upon the expiration of the thirty day period. If a statement of objections is made within this time, the agency shall notify the court to set the matter for a hearing. At the hearing, the court shall determine whether an income withholding order shall issue and the amount thereof. The only basis for contesting a withholding under this section is a mistake of fact, which, for purposes of this section, means an error in the amount of current or overdue support or in the identity of the alleged absent parent.] The obligor shall be notified of the agency's intent to withhold the obligor's wages not less than fourteen days prior to the enforcement of the support order. That notification shall be by certified mail with return receipt requested, and notice shall be deemed complete upon deposit in the mails, postage prepaid, addressed to the obligor's last known address."

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 Statutory material to be repealed is bracketed.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

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

(Approved June 7, 1989.)