

ACT 304

H.B. NO. 662

A Bill for an Act Relating to Family Law.

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

SECTION 1. Chapter 576D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§576D- Liens.** (a) Whenever any obligor through judicial or administrative process has been ordered to pay an allowance for the support, maintenance, or education of a child, or for the support and maintenance of a spouse or former spouse in conjunction with child support, and the obligor becomes delinquent in those payments in an amount equal to or greater than the sum of payments which would become due over a three-month period, the obligor’s real and personal property shall be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver, which shall be executed in accordance with applicable state law.

(b) Whenever the dependents of the obligor receive public assistance monies, the child support enforcement agency or its designated counsel may establish the public assistance debt through an appropriate judicial or administrative proceeding. Upon the establishment of the public assistance debt, it shall be subject to collection action, and the real and personal property of the obligor shall be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver, which shall be executed in accordance with applicable state law.

(c) The lien shall be recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court. The lien shall become effective immediately upon its recordation and shall attach to all interests in real property then owned or subsequently acquired by the obligor including any interests not recorded with the bureau of conveyances or filed in the land court.

(d) No fee shall be charged the child support enforcement agency or its designated counsel for recording or filing of the liens provided for in this section or for the recording or filing of any releases requested in conjunction with the liens.

## **ACT 304**

(e) Any lien provided for by this section shall take priority over any lien subsequently acquired or recorded except tax liens.

(f) The lien shall be enforceable by the child support enforcement agency or its designated counsel or by the obligee by suit in the appropriate court or shall be enforceable as a claim against the estate of the obligor.

(g) The child support enforcement agency, its designated counsel or the obligee, where appropriate, shall issue certificates of release upon satisfaction of the lien. Certificates of release of any real property shall be recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court. Recordation of the certificate of release shall be the responsibility of the obligor.”

**SECTION 2.** New statutory material is underscored.<sup>1</sup>

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

(Approved June 13, 1989.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.