



GOV. MSG. NO. 820

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 16, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 16, 2008, the following bill was signed into law:

SB2977 SD1 HD2 CD1

A BILL FOR AN ACT RELATING TO CHILD
SUPPORT ENFORCEMENT.
(ACT 178)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 576D-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) The agency shall:
4 (1) Establish a state parent locator service for the
5 purpose of locating absent and custodial parents;
6 (2) Cooperate with other states in:
7 (A) Establishing paternity, if necessary;
8 (B) Locating an absent parent who is present in the
9 [State] state and against whom any action is
10 being taken under a Title IV-D program in any
11 other state; and
12 (C) Securing compliance by [~~such~~] an absent parent
13 with a support order issued by a court of
14 competent jurisdiction in another state;
15 (3) Perform periodic checks of whether a parent is
16 collecting unemployment compensation and, if so, to
17 arrange, either through agreement with the parent or
18 by bringing legal process, to have a portion of the



1 compensation withheld, to fulfill the parent's child
2 support obligations;

3 (4) Notify annually each custodial parent, guardian,
4 protective payee, or other person having custody of
5 the child of an Aid to Families with Dependent
6 Children family of the amount of child support
7 collected on behalf of the child in the family. For
8 the purpose of this section, "Aid to Families with
9 Dependent Children family" means a family [~~which~~] that
10 receives financial assistance under the federal Aid to
11 Families with Dependent Children program or its
12 successor;

13 (5) Establish and [~~utilize~~] use procedures [~~which~~] that
14 shall require a debtor parent to give security, post
15 bond, or give some other guarantee to secure payment
16 of delinquent child support. The procedures shall
17 apply to all debtor parents of children described
18 under section 576D-3. The procedures shall include
19 advance notice to the debtor parent in full compliance
20 with the State's procedural due process requirements.
21 The agency shall develop guidelines, which are



1 available to the public, to determine whether the case
2 is inappropriate for application of this requirement;

3 (6) Establish and [~~utilize~~] use procedures by which
4 information regarding the name of the debtor parent
5 and the amount of delinquent child support owed by a
6 debtor parent residing in the [~~State~~] state will be
7 made available to any consumer reporting agency as
8 defined in section 603(f) of the Fair Credit Reporting
9 Act. The procedures shall be effectuated upon the
10 agency being authorized to provide Title IV-D
11 services, and shall include provisions on advance
12 notice to the debtor parent whose information is being
13 reported of the procedures, which shall be in full
14 compliance with the State's procedural due process
15 requirements, to contest the accuracy of the
16 information;

17 (7) Establish and [~~utilize~~] use procedures [~~which~~] that
18 will enforce liens against the real and personal
19 property of a debtor parent who owes overdue support
20 and who resides or owns property in the [~~State.~~]
21 state. The agency shall further establish guidelines
22 [~~which~~] that are available to the public to determine



1 whether the case is inappropriate for application of
2 this paragraph;

3 (8) Establish and [~~utilize~~] use procedures for the
4 notification of a custodial parent that any income tax
5 refund setoff under section 231-53 shall be [~~credited~~
6 ~~to child support debts for past public assistance or~~
7 ~~foster care maintenance before any other debt;~~]
8 retained by the State in cases where medical support
9 rights have been assigned to the State and the income
10 tax refund setoff is applied to amounts designated in
11 the child support order for medical purposes;

12 (9) Establish and [~~utilize~~] use procedures for prompt
13 reimbursements of overpayments of child support debts
14 from income tax refund setoffs under section 231-53.
15 The procedures shall provide for the reimbursements to
16 be made by the custodial parent or agency;

17 (10) Establish and [~~utilize~~] use procedures for periodic
18 review and modification of child support orders in
19 accordance with Title IV-D;

20 (11) Provide notice not less than once every three years to
21 those parents subject to an order of support informing
22 the parents of their right to request the agency to

1 review and, if appropriate, adjust the order of
2 support pursuant to the guidelines established under
3 section 576D-7;

4 (12) Establish and operate a state case registry [~~which~~
5 that contains records of:

6 (A) Each case in which services are being provided by
7 the agency under the state plan; and

8 (B) Each support order established or modified in the
9 [~~State~~] state on or after October 1, 1998.

10 [~~Such~~] The records shall use standardized data
11 elements for both parents, including but not limited
12 to names, residential and mailing addresses, telephone
13 numbers, driver's license numbers, names, addresses,
14 and telephone number of the party's employer, social
15 security numbers and other uniform identification
16 numbers, dates of birth, and case identification
17 numbers, and contain [~~such~~] any other information as
18 required by the United States Secretary of [~~the~~
19 ~~Department of~~] Health and Human Services. In each
20 case with respect to subparagraph (A) and where a
21 support order has been established, the case record
22 shall include the amount of monthly or other periodic



1 support owed under the order, and other amounts,
2 including but not limited to arrearages, due under the
3 order, the amounts collected under the order, the
4 birthdate of any child for whom the order requires the
5 provision of support, and the amount of any lien
6 imposed;

7 (13) Perform other duties required under chapter 576B, the
8 Uniform Interstate Family Support Act; and

9 (14) Perform other duties required under Title IV-D."

10 SECTION 2. Section 576D-11, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§576D-11 Staff.** The attorney general shall appoint,
13 without regard to chapter 76 [~~an administrator, an assistant~~]:

14 (1) An administrator;

15 (2) An assistant administrator who shall serve as
16 controller and whose duties shall include but not be
17 limited to designing and implementing controls over
18 all financial management systems, including electronic
19 data processing systems, and developing an appropriate
20 staffing plan; [~~and a~~]

21 (3) An assistant administrator who shall serve as the
22 policy administrator and whose duties shall include



1 but not be limited to developing and implementing
2 comprehensive policy and planning documents to guide
3 operations to successful outcomes, including federal
4 performance reporting and interstate activities; and

5 (4) A staff attorney to serve as the supervisor of the
6 administrative process activities and staff.

7 In addition, the attorney general shall appoint, pursuant to
8 chapter 76, other personnel as may be required to discharge the
9 functions of the child support enforcement agency. The staff
10 attorney shall not be considered to be a deputy attorney general
11 under chapter 28."

12 SECTION 3. Section 576E-6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§576E-6 Request for hearing; how made.** (a) Except as
15 provided in subsection (b), any party who is aggrieved by the
16 proposed order of the agency may, within ten days of service of
17 a notice described in section 576E-5, obtain a hearing by
18 sending a written request for hearing to the agency at the
19 address from which the notice was sent.

20 (b) In the case of a proposed order to modify child
21 support resulting from the agency's [~~periodic~~] review of support
22 orders, a party aggrieved by the proposed order may request a



1 hearing within thirty days of service of a notice described in
2 section 576E-5.

3 (c) The agency, on its own behalf, may request a hearing
4 after the commencement of an administrative proceeding pursuant
5 to section 576E-5.

6 [+e+] (d) Notice of the hearing under this section shall
7 be served in accordance with section 576E-4."

8 SECTION 4. Section 576E-7, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§576E-7 Failure to request hearing; effect.** If the
11 parties fail to request a hearing pursuant to section 576E-6,
12 the agency or a hearings officer shall sign the proposed order
13 as the final order in the action."

14 SECTION 5. Effective October 1, 2008, personnel employed
15 by the family support division of the county of Kauai whose
16 functions, duties, responsibilities, and activities relate to
17 child support enforcement shall be transferred to the department
18 of the attorney general. There is established two temporary
19 civil service positions in the department of the attorney
20 general to carry out the purposes of this Act.

21 Such employees holding civil service status shall be
22 transferred to similar or corresponding positions in the



1 department of the attorney general, subject to state personnel
2 laws and this Act, without loss of salary, seniority, prior
3 service credit, any vacation and sick leave credits previously
4 earned, and other rights, benefits, and privileges; provided
5 that the employees possess the minimum qualifications for the
6 class and/or position to which transferred or appointed, as
7 applicable; provided further that subsequent changes in status
8 may be made pursuant to applicable civil service and
9 compensation laws.

10 All appropriations, records, equipment, machines, files,
11 supplies, contracts, books, papers, documents, maps, computer
12 software and data, and other personal property made, used,
13 acquired, or held by the family support division of the county
14 of Kauai on September 30, 2008, relating to the functions
15 transferred to the department of the attorney general shall be
16 transferred with the functions to which they relate on October
17 1, 2008.

18 The provisions of this section are to be liberally
19 construed to effectuate its purposes.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 7. This Act shall take effect on July 1, 2008.



S.B. NO. 2977
S.D. 1
H.D. 2
C.D. 1

APPROVED this 16 day of JUN, 2008



GOVERNOR OF THE STATE OF HAWAII