

H .B. NO. 1245

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 576E-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§576E-6~~ Request for hearing; how made. (a) Except as
4 provided in subsection (b), any party who is aggrieved by the
5 proposed order of the agency may, within ten days of service of
6 a notice described in section 576E-5, obtain a hearing by
7 sending a written request for hearing to the agency at the
8 address from which the notice was sent.

9 (b) In the case of a proposed order to modify child
10 support resulting from the agency's [~~periodic~~] review of support
11 orders, a party aggrieved by the proposed order may request a
12 hearing within thirty days of service of a notice described in
13 section 576E-5.

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

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

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 Statutory material to be repealed is bracketed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

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

4
5 INTRODUCED BY: Calvin H. Bay
6 BY REQUEST

JAN 22 2007

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JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT.

PURPOSE: To clarify that parties have thirty (30) days to request a hearing whenever modification has been initiated through the administrative process and to allow the Child Support Enforcement Agency the opportunity to request an administrative hearing.

MEANS: Amend section 576E-6, Hawaii Revised Statutes.

JUSTIFICATION: This measure clarifies the present section of the law relating to the number of days that a party has to request an administrative hearing for modification purposes. The Deficit Reduction Act of 2005 requires the states to perform a review of TANF cases every three years effective October 1, 2007. If the term, "periodic", is left in the statute, it would cause confusion between the actions initiated because of the federally required "periodic" review of TANF cases and those reviews initiated at the request of one of the parties. Also, by allowing the agency to make a request for hearing, the administrative process will be more expeditious when new information is received after the parties have been initially served with a proposed administrative order.

Impact on the public: This proposal would benefit the public by clarifying and making consistent the number of days a party has to request an administrative hearing for modification purposes. It would also expedite the administrative process and make the process more efficient.

Impact on the department and other agencies: This measure would assist in making the child support enforcement process more consistent and would help to eliminate some of the problems and delays currently experienced by the Child Support

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Enforcement Agency in the child support enforcement process.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG 500

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE
DATE: Upon approval.