



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SIXTH LEGISLATURE, 2012

ON THE FOLLOWING MEASURE:

H.B. NO. 1932, RELATING TO CHILD SUPPORT ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, February 2, 2012

TIME: 8:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Garry L. Kemp, Administrator, Child Support Enforcement Agency

Chair Mizuno and Members of the Committee:

The Department of the Attorney General (The "Department") has no objection to this bill.

This bill amends section 657-5.5, Hawaii Revised Statutes, by removing the statute of limitations on the collection of unpaid child support.

The Department and the Child Support Enforcement Agency strongly believe that parents should support their children, and that payment of child support should be made in a timely manner. When an obligor parent fails to pay his child support, it places an additional burden on the custodial parent and deprives the child or children of any benefit that the support would have provided had it been paid in a timely fashion. Even though the unpaid amount remains owed to the custodial parent, it cannot substitute for the actual payments that are received when they become due.

If the statute of limitations is eliminated, there may be a concern in cases where other state child support agencies are involved. Under the Uniform Interstate Family Support Act, the statute of limitations under the laws of this State or the state that issued the child support order, whichever is longer, applies. It is conceivable that other states may not recognize the fact that under Hawaii law, there would be no statute of limitations. In addition, obligees may attempt to forum shop to try to collect long overdue amounts and obligors may try to avoid this jurisdiction so that a shorter time frame would apply.

Whether to hold obligor parents responsible for the support of their children by eliminating the statute of limitations or to allow some kind of finality by maintaining a limitation

as in other types of judgments is a public policy issue that should be decided upon by the Legislature.