

JAN 24 2018

A BILL FOR AN ACT

RELATING TO CHILD SUPPORT.

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

1 SECTION 1. Section 346-29, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) In determining the needs of an applicant or recipient
4 for public assistance by the department, the department shall:

5 (1) Disregard the amounts of earned or unearned income as
6 required or allowed by federal acts and other
7 regulations, to receive federal funds and disregard
8 from gross earned income twenty per cent plus \$200 and
9 a percentage of the remaining balance of earned income
10 consistent with federal regulations and other
11 requirements;

12 (2) Consider as net income in all cases the income as
13 federal acts and other regulations require the
14 department to consider for receipt of federal funds
15 and may consider the additional income and resources
16 as these acts and regulations permit to be considered;



- (3) For households with minor dependents, disregard assets in determining the needs of persons for financial assistance; provided that the amount to be disregarded shall not exceed standards under federally funded financial assistance programs. This paragraph shall not apply to persons eligible for federal supplemental security income benefits, aid to the aged, blind or disabled, or general assistance to households without minor dependents. In determining the needs of persons eligible for federal supplemental security income benefits, aid to the aged, blind or disabled, or general assistance to households without minor dependents, the department shall apply all the resource retention and exclusion requirements under the federal supplemental security income program;
- (4) Apply the resource retention requirements under the federal supplemental security income program in determining the needs of a single person for medical assistance only;
- (5) Apply the resource retention requirements under the federal supplemental security income program in



1 determining the needs of a family of two persons for
2 medical assistance only and an additional \$250 for
3 each additional person included in an application for
4 medical assistance only;

5 (6) Disregard amounts of emergency assistance granted
6 under section 346-65;

7 (7) Not consider as income or resources any payment for
8 services to or on behalf of, or any benefit received
9 by, a participant under the first-to-work program of
10 part XI, other than wages. Wages earned by a
11 participant while participating in the first-to-work
12 program shall be considered income of the participant,
13 unless the wages are excluded or disregarded under any
14 other law;

15 (8) Not consider as income or resources payment made to
16 eligible individuals, eligible surviving spouses,
17 surviving children or surviving parents as specified
18 under title I of the Civil Liberties Act of 1988,
19 Public Law 100-383, which made restitution to
20 individuals of Japanese ancestry who were interned
21 during World War II;



1 (9) Allow the community spouse of an individual residing
2 in a medical institution to maintain countable
3 resources to the maximum allowed by federal statutes
4 or regulations with provisions for increases, as
5 allowed by the Secretary of Health and Human Services
6 by means of indexing, court order, or fair hearing
7 decree, without jeopardizing the eligibility of the
8 institutionalized spouse for medical assistance;

9 (10) Allow an individual residing in a medical institution
10 to contribute toward the support of the individual's
11 community spouse, thereby enabling the community
12 spouse to maintain the monthly maximum income allowed
13 by federal statutes or regulations, with provisions
14 for increases as allowed by the Secretary of Health
15 and Human Services by means of indexing, court order,
16 or fair hearing decree;

17 (11) Consider the transfer of assets from the applicant's
18 name to another name within the specified time period
19 as required by federal regulations, known as the
20 "lookback" period, prior to the application for
21 medical assistance for care in a nursing home or other



1 long-term care facility. Pursuant to rules adopted
2 under chapter 91, the director may attribute any
3 assets that have been transferred within the required
4 federal "lookback" period from the applicant if the
5 director determines that transfer of certain assets
6 was made solely to make the applicant eligible for
7 assistance under this chapter; ~~and~~

8 (12) Not consider as income or resources any funds
9 deposited into a family self-sufficiency escrow
10 account on behalf of a participant under a federal
11 housing choice voucher family self-sufficiency program
12 as required or allowed under federal law~~[-]~~; and

13 (13) Disregard any amount of child support payments passed
14 through to applicants or recipients pursuant to
15 section 346-37.1."

16 SECTION 2. Section 346-37.1, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Any payment of public assistance money made to or for
19 the benefit of any dependent child or children creates a debt
20 due and owing to the department by the natural or adoptive
21 parent, ~~[or]~~ parents, or other person who ~~[are]~~ is responsible



1 for support of [~~such~~] the children [~~except that debts~~] subject
2 to the following provisions:

3 (1) Debts under this section shall not be incurred by a
4 parent or other person who is the recipient of public
5 assistance moneys for the benefit of minor dependent
6 children for the period [~~such~~] the person or persons
7 are in such status[, ~~and, provided that where~~];


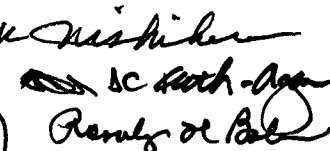
8 (2) Where there has been a family court order, the debt
9 shall be limited to the amount provided for by the
10 order[~~-~~]; and

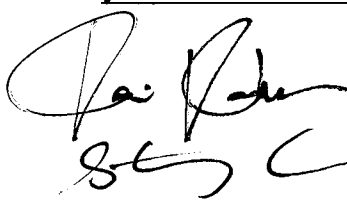

11 (3) The first \$100 collected each month for recipient
12 families with one child, and the first \$200 collected
13 each month for recipient families with more than one
14 child, shall pass through to the family receiving the
15 public benefits."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on January 1, 2019.

19 INTRODUCED BY: 

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S.B. NO. 3028

Report Title:

Child Support; Temporary Assistance for Needy Families Program

Description:

Requires certain amounts of child support moneys collected by the Department of Human Services (DHS) for public assistance of a child to pass through to the family receiving the public assistance. Requires DHS to disregard passed through child support payments when determining the needs of an applicant for or recipient of public assistance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

