

## ACT 152

H.B. NO. 3110

A Bill for an Act Relating to Child Support Enforcement.

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

SECTION 1. Section 571-52.2, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) An employer receiving an assignment order shall send the amounts withheld to the child support enforcement agency within [ten] five working days after the obligor is paid. The employer shall begin withholding no later than the first pay period occurring within fourteen days following the date a certified copy of the order is mailed to the employer. An employer who is required to withhold amounts from the income of more than one obligor may remit a sum total of the amounts in one check, with a listing of the amounts applicable to each obligor.

Within five working days after receipt of the amounts withheld by the employer, the child support enforcement agency shall disburse those amounts to the obligee for the benefit of the child.”

SECTION 2. Section 571-52.3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§571-52.3]]~~ **Immediate income withholding.** In any case where child support is an issue, and an order for child support is established or modified, and the obligor receives income on a periodic basis, the court shall concurrently enter an order for immediate income withholding which shall operate as an assignment by the person to the child support enforcement agency for the benefit of the child of such amounts at such times as may be specified in the<sup>1</sup> support order. Such order may also include child support arrears [and/or] and reimbursement of debt pursuant to section 346-37.1. The provisions of sections<sup>1</sup> 571-52.2(d), (e), (f), (g), (l), (m),<sup>1</sup> and (n) shall apply to all orders for immediate income withholding issued under this section.”

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SECTION 3. Section 576E-16, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Compliance by an employer with the income withholding order shall operate as a discharge of the employer’s liability to the responsible parent for that portion of the responsible parent’s earnings withheld and transmitted to the agency, whether or not the employer has withheld the correct amount. For each payment made pursuant to an income withholding order, the employer may deduct and retain as an administrative fee an additional amount of \$2 from the income owed to the responsible parent. Any income withholding order shall have priority as against any garnishment, attachment, execution, or other income withholding order, or any other order, unless otherwise ordered by the agency, and shall not be subject to the exemptions or restrictions contained in part III of chapter 651 and in chapters 652 and 653. An employer who fails to comply with an order entered by the agency under this section shall be liable to the obligee or the agency for the full amount of all sums ordered to be withheld and transmitted. An employer receiving an income withholding order shall transmit amounts withheld to the agency within [ten] five working days after the responsible parent is paid. The employer shall begin withholding no later than the first period commencing within fourteen days following the date a copy is mailed to the employer. An employer who is required to withhold amounts from the income of more than one employee may remit to the agency a sum total of all such amounts in one check with a listing of the amounts applicable to each employee.

Within five working days after receipt of the amounts withheld by the employer, the agency shall disburse the amounts to the obligee for the benefit of the child.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon approval.

(Approved June 15, 1990.)

### Note

1. So in Original.