

ACT 182

S.B. NO. 1262

A Bill for an Act Relating to Child Support.

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

SECTION 1. Section 576D-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§576D-6~~]]~~ **Other duties of agency.** (a) The agency shall:

- (1) Establish a state parent locator service;
- (2) Cooperate with other states in:
  - (A) Establishing paternity, if necessary;
  - (B) Locating an absent parent who is present in the State and against whom any action is being taken under a Title IV-D program in any other state; and
  - (C) Securing compliance by such an absent parent with a support order issued by a court of competent jurisdiction in another state;
- (3) Perform periodic checks of whether a debtor parent is collecting unemployment compensation and, if so, to arrange, either through agreement with the debtor parent or by bringing legal process, to have a portion of the compensation withheld, to fulfill the parent’s delinquent child support obligations;
- (4) Notify annually each custodial parent, guardian, protective payee, or other person having custody of the child of an Aid to Families with Dependent Children family of the amount of child support collected on behalf of the child in the family. For the purpose of this section,

“Aid to Families with Dependent Children family” means a family which receives financial assistance under the federal Aid to Families with Dependent Children program;

- (5) Establish and utilize procedures which shall require a debtor parent to give security, post bond, or give some other guarantee to secure payment of delinquent child support. The procedures shall apply to all debtor parents of children described under section 576D-3. The procedures shall include advance notice to the debtor parent in full compliance with the State’s procedural due process requirements. The agency shall develop guidelines, which are available to the public, to determine whether the case is inappropriate for application of this requirement;
- (6) Establish and utilize procedures by which information regarding the amount of delinquent child support owed by a debtor parent residing in the State will be made available to any consumer reporting agency. The procedures shall be effectuated after the delinquency reaches \$1,000, shall be in compliance with the limitations under Title IV-D, and shall include provisions on advance notice to the debtor parent of the procedures, which shall be in full compliance with the State’s procedural due process requirements, to contest the accuracy of the information;
- (7) Establish and utilize procedures which will impose liens against the real and personal property of a debtor parent who owes overdue support and who resides or owns property in the State. The agency shall further establish guidelines which are available to the public to determine whether the case is inappropriate for application of this paragraph;
- (8) Establish and utilize procedures for the notification of a custodial parent that any income tax refund setoff under section 231-53 shall be credited to child support debts for past public assistance or foster care maintenance before any other debt;
- (9) Establish and utilize procedures for prompt reimbursements of overpayments of child support debts from income tax refund setoffs under section 231-53. The procedures shall provide for the reimbursements to be made by the custodial parent or agency; [and]
- (10) Establish and utilize procedures for periodic review and modification of child support orders in accordance with Title IV-D; and
- [(10)] (11) Perform other duties required under Title IV-D.

(b) The procedures required under paragraphs (5), (6), (7), (8), [and] (9), and (10) shall be established by rule in accordance with chapter 91.”

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

**“§576E-6 Request for hearing; how made.** [Any] (a) Except as provided in subsection (b), any responsible parent who is aggrieved by the proposed order of the agency may, within ten days of service of a notice [pursuant to] described in section 576E-5, obtain a hearing by sending a written request for hearing to the agency office that issued the notice.

(b) In the case of a proposed order to modify child support resulting from the agency’s periodic review of support orders, a responsible parent aggrieved by the proposed order may request a hearing within thirty days of service of a notice described in section 576E-5.”

**ACT 182**

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 23, 1991.)