

## ACT 137

H.B. NO. 1857

A Bill for an Act Relating to Child Support Enforcement.

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

SECTION 1. Section 576D-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The agency shall:

- (1) Establish a state parent locator service for the purpose of locating absent and custodial parents;
- (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 parent is collecting unemployment compensation and, if so, to arrange, either through agreement with the parent or by bringing legal process, to have a portion of the compensation withheld, to fulfill the parent’s 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,] upon the agency being authorized to provide Title IV-D services, and shall include provisions on advance notice to the debtor parent whose information is being reported of the procedures, which shall be in full

- compliance with the State's procedural due process requirements, to contest the accuracy of the information[;]. The agency may require payment of a reasonable fee by any consumer reporting agency that requests information on the account status of a child support obligor, provided that all fees collected shall be deposited to the general fund;
- (7) Establish and utilize procedures which will [impose] enforce 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 over-payments 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;
  - (10) Establish and utilize procedures for periodic review and modification of child support orders in accordance with Title IV-D; and
  - (11) Perform other duties required under Title IV-D."

SECTION 2. Section 576D-10.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The [lien] child support order shall be recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court[.] after filing in the office of the clerk of the circuit court. The lien shall become effective immediately upon [its] recordation of the child support order and shall attach to all interests in real property then owned or subsequently acquired by the obligor including any interests not recorded with the bureau of conveyances or filed in the land court.”

SECTION 3. Section 576D-11, Hawaii Revised Statutes, is amended to read as follows:

“**§576D-11 Staff.** The [head of the appropriate department] attorney general shall appoint, [pursuant] without regard to chapters 76 and 77, an administrator; an assistant administrator who shall serve as controller and whose duties shall include but not be limited to designing and implementing controls over all financial management systems, including electronic data processing systems, and developing an appropriate staffing plan; and a staff attorney to serve as the supervisor of the administrative process activities and staff. In addition, the attorney general shall appoint, pursuant to chapters 76 and 77, [and such] other personnel as may be required to discharge the functions of the child support enforcement agency. The staff attorney shall not be considered to be a deputy attorney general under chapter 28. The [head of the appropriate department] attorney general shall commission child support enforcement investigators who shall have and may exercise all the powers and authority of a police officer or a deputy sheriff to fulfill their official responsibilities; provided that persons so appointed and commissioned shall not carry firearms. The duties of the commissioned investigators shall be to locate absent parents, to establish paternity, and to obtain and enforce court orders of support. The child support enforcement agency shall have access, including automated inquiry

access, to the records of any agency, board, commission, authority, court, or committee of the State or [its political subdivisions] the counties notwithstanding any provisions for confidentiality, except that the child support enforcement agency shall be subject to the same restrictions on disclosure of the records as the originating agency pursuant to section 92F-19(b).”

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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 9, 1995.)