

**ACT 80**

H.B. NO. 2385

A Bill for an Act Relating to Access to Vital Statistics Records by Child Support Enforcement Agencies.

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

SECTION 1. The legislature finds that state and county agencies need direct access to public health statistics records, commonly referred to as “vital statistics records,” maintained by the department of health’s office of health status monitor-

ing, to verify and augment their own information on parentage so that they may secure child support for eligible children. The United States Department of Health and Human Services, which provides funding for Hawaii's child support enforcement efforts and oversees the State's compliance with federal child support enforcement laws, requires direct access to these records to fulfill its funding and oversight responsibilities. Direct access to vital statistics records by these agencies will enhance the State's ability to hold parents accountable for the support of their children.

The purpose of this Act is to allow the child support enforcement agency of the State of Hawaii, through the offices of county corporations counsel, county attorneys, or the attorney general, and the federal agency providing funding and oversight for Hawaii's child support enforcement system to have direct access to public health statistics records maintained by the department of health's office of health status monitoring.

SECTION 2. Section 576D-18, Hawaii Revised Statutes, is amended to read as follows:

**“§576D-18 Investigators[-]; access to information.** (a) The attorney general shall commission child support enforcement investigators who shall have all powers and authority of a police officer or a deputy sheriff to fulfill their official responsibilities; provided that a person so appointed and commissioned shall not carry firearms.

(b) The duties of the commissioned investigators shall be to locate absent parents for the establishment of paternity, and for obtaining and enforcing orders of support.

(c) The agency and other state or territorial agencies administering a program under Title IV-D shall have access, including automated inquiry access, to the records of all entities in the State for information on the employment, compensation, and benefits of any individual member, employee, or contractor of the entity, [~~in~~ order] to accomplish the purposes of the child support program. The entities include[-] but are not limited to for-profit, nonprofit, and labor organizations, and any agency, board, commission, authority, court, or committee of the State or its political subdivisions, notwithstanding any provision for confidentiality. Subject to safeguards on privacy and confidentiality and subject to the nonliability of entities that afford access under this section, the agency and other state or territorial agencies administering a program under Title IV-D shall also have access to records held by private entities with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought consisting of:

- (1) The names and addresses of individuals and the names and addresses of the employers of such individuals as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena authorized pursuant to section 576E-2; and
- (2) Information, including information on assets and liabilities, on such individuals held by financial institutions.

(d) Other federal, state, and territorial agencies conducting activities under the Title IV-D program shall have access to any system used by the State to locate an individual for purposes relating to motor vehicles or law enforcement.

(e) Notwithstanding section 338-18, the agency, through the offices of county corporation counsels, county attorneys, or the attorney general, shall have access, including automated inquiry access, to the public health statistics records of the department of health and may make only such use of identifying information in those records as is necessary for purposes consistent with Title IV-D and applicable state laws. The United States Secretary of Health and Human Services or the

Secretary's agent, notwithstanding section 338-18, shall also have access, including automated inquiry access, to the public health statistics records of the department of health solely for purposes of funding and oversight under Title IV-D.'

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

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

(Approved May 18, 2004.)