



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, February 23, 2018 at 9:55 am

State Capitol, Conference Room 211

By

Catherine H. Remigio

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2749, S.D.1, Relating to Child Support Guidelines.

Purpose: Amends the child support guidelines requirements to provide for more opportunity for the public to be involved in the review of the guidelines and to require consideration of additional factors relating to the situation of the parents.

Judiciary's Position:

The Judiciary respectfully opposes this Bill in its current form, and submits proposed modifications to address our concerns. We note that the modifications proposed herein have been reached after negotiation with the Department of the Attorney General and allows the Child Support Enforcement Agency to be in compliance with the Final Rule.

We respectfully propose the following modifications to the Bill:

1. On Page 3, lines 12-15: the lines should read: "...other relevant background factors in the case [;] . ~~[provided that]~~ Incarceration ~~[shall]~~ may not be treated as voluntary unemployment in establishing or modifying an order of support. The factors listed above shall be considered if imputation of income is determined to be appropriate for incarcerated individuals."



2. On Page 5, line 4: the line should read: "...compliance with an order of support; as provided by Agency."
3. On Page 5, lines 5 and 6: the lines should read: "(2) Analyze case data, gathered through sampling or other methods, as provided by the Agency, on the application of and deviations from the...".
4. On Page 5, lines 11-13: the lines should read: "...support amount. The analysis shall also include a comparison of payments on child support orders by case characteristics, as provided by the Agency, including whether the order was...".
5. Add a new section to this bill to amend HRS § 571-52.5 by adding a new subsection (b). HRS § 571-52.5 should read:

[§571-52.5] Guidelines to determine child support amounts.

(a) When the court establishes or modifies the amount of child support required to be paid by a parent, the court shall use the guidelines established under section 576D-7, except when exceptional circumstances warrant departure.

(b) Whenever the court imputes income, deviates from the guidelines, or the child support order is issued by default, it shall note the same, including the amount of income imputed and the child support amount that would have been required under the guidelines, in the order for income withholding issued at the time that child support is ordered.

With these modifications, the Judiciary would respectfully support the Bill, as amended.

Thank you for the opportunity to provide testimony in this matter.