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ESTABLISHING CHILD SUPPORT

Getting An Order:

Child support starts after there has been a court order from Family Court for the non-custodial parent to pay support for children he or she is legally responsible for. In Hawai'i, child support is calculated according to Child Support Guidelines, a court formula that uses both parents' gross monthly incomes. The minimum amount of child support in Hawai'i is \$50.00 per child per month. You can pick up Family Court's Child Support Memo to get a copy of the Guidelines and more information on how to use the Guidelines. The Memo also explains what is considered income, what is not, and how to impute income if the non-custodial parent is healthy and does not work.

If you or the other parent receives welfare, there may already be a child support order. If you are married to the other parent, you can also request a child support order through a divorce, but you do not need to get a divorce to get a child support order.

If you do not have a child support order and you do not live with the other parent, you can write to the Child Support Enforcement Agency ("CSEA") closest to you to request their assistance in getting a child support order.

Oahu: 601 Kamokila Blvd, Suite 251 Maui: 35 Lunalilo Street, Suite 201
Kapolei, HI 96707 Wailuku, HI 96793
email: csea-adm@pixi.com email: mauifsu@aloha.net

Big Island: 777 Kilauea Avenue Kauai: 4180 Rice Street, Suite 104
Hilo, HI 96720 Lihue, HI 96766

In working with the CSEA, remember to keep copies of all your correspondence, and keep a log of the dates, times and names of people you talk to if you ever speak with them over the

phone. Send all mail certified, return-receipt requested.

How Child Support Works:

After child support is ordered, the non-custodial parent's employer, if s/he is employed, is ordered to pay the court-ordered support to CSEA. CSEA then should mail the child support to the custodial parent if s/he is not receiving needs-based assistance for the child(ren). Custodial parents can receive any child support received by CSEA only if they are not receiving needs-based assistance and after the welfare debt to the government has been paid off.

Custodial parents not receiving welfare assistance can now receive direct payment of child support under certain conditions.

Increasing or Decreasing Child Support Amount:

You can request an increase or decrease in your child support through CSEA or through the Family Court that originally ordered your child support. You don't need an attorney to request a change (called a modification) in your child support amount through CSEA; however, going through CSEA may take a long time. You can also change your child support amount through Family Court, but you will need to file a motion and appear before a judge to argue why your child support amount should be increased or decreased. Going through Family Court probably will be difficult, especially if the other parent disagrees with the change in child support amount.

Hearings:

If you want to change the child support amount, the other parent needs to be properly served with a notice telling the other parent the proposed new amount of child support and his or her right to request a hearing if s/he disagrees with the change in child support amount. This hearing is in front of an administrative law judge if the modification is done through CSEA. If the modification is requested through Family Court, the hearing takes place in front of a family court judge.

A Family Court judge can order any changes in the child support amount if there is a substantial change in circumstances (at least a \$10 difference in the child support amount) and if the change is in the best interests of the child(ren).

To prepare for a child support hearing, prepare your arguments why child support should be increased or decrease ahead of time. Gather together any evidence you have of your or the other parent's income, such as recent pay stubs, a detailed work history, signed statements or letters regarding income from co-workers, bosses, etc. Calculate different Child Support Guidelines ahead of time using

different probable gross monthly incomes, so you will know how much child support could be ordered.

Requesting Services From CSEA:

To request help from CSEA, you need to apply for their services in writing by filling out a service request form. You should also write to them to request their services in getting a child support order, changing your child support amount, or in enforcing your child support order. If CSEA does not have a copy of your child support order, mail CSEA a xerox copy of your order(s) for their records.

It is better to contact CSEA in writing than to call them due to their staffing shortage. You can contact CSEA at their new Kapolei address:

Child Support Enforcement Agency
601 Kamokila Boulevard, Suite 251
Kapolei, Hawai`i 96707

Fax: 692-7060

Keep Good Records:

Write a letter to CSEA and keep a copy for your records regarding any of the following:

1. Changes in your mailing address and phone number;
2. Changes in the other parent's income and copies of any evidence; and
3. Changes in your or the other parent's employer, mailing address, and income change.

Enforcing Child Support Orders:

Be your own detective. If you are owed back child support, if safe, find out from the other parent's friends and relatives where the other parent works, how much s/he earns, any valuable assets, and write to CSEA with this information.

Requesting Records from CSEA:

You can request an Accounting Statement from CSEA if you want to know how much child support CSEA has received, how much it has mailed to the custodial parent, and if any tax returns or other assets were taken for child support. You can either write your own letter or use Legal Aid's sample letter. For a sample of this accounting request form, please call Legal Aid intake.

For an Accounting Statement, write to CSEA at:

PO Box 1860

Honolulu, HI 96805-1860
Attn: Financial Branch

Or fax your request to (808)692-7082.

License Cancellation:

The government can cancel your driver's or other professional licenses if you owe back child support and have not made a payment plan with CSEA. If you receive a letter regarding license cancellation, read it, and make a payment plan by the deadline. If you disagree with how much you owe, request a hearing in writing by the letter's deadline.

Sample letter to CSEA to request child support

(Your name
and address)

Child Support Enforcement Agency

Insert Address Here

(date)

RE: A request for a support order

Dear Child Support Enforcement Agency Intake Staff,

This letter is a request for a child support order. It is to my understanding that CSEA will help me in acquiring child support.

The person I am requesting child support from is (name of the child's other parent). S/he is my (describe the relationship). S/he is (give physical description and nationality). His/her social security number or driver's license number is (state numbers here). I believe s/he works at (name, address, phone number of work or his/her previous work place) and his/her job title is (job title). S/he lives at (his/her most recent place of residence). The following people might know how to locate him/her: (give names and addresses of his parents, siblings or other close relatives).

We had a relationship for (length of relationship). During that time we had (names and ages of children). I would like your help in getting this child support order so that I can provide for all the needs of my children.

Thank you for your time and consideration. If you need to reach me, my phone number during the day is (fill in). Please notify me immediately if you need any more information, or if you have any questions, or if you cannot process my request for any reason.

Thank you,
(sign here)
(print your name)

Send your letter to CSEA by certified mail and keep a copy for your records.
