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Of Counsel © May 1989

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1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

1989 AUG -2 A 8:42  
*N. Anaya*  
N. ANAYA  
CLERK

Attorney for Plaintiff

**IN THE FAMILY COURT OF THE FIRST CIRCUIT**

**STATE OF HAWAII**

<b>LYLA BONNIE HEE,</b>	)	FC-D No. 88-2586
	)	
Plaintiff,	)	ORDER FOR INCOME ASSIGNMENT
	)	
v.	)	
	)	
<b>CLAYTON HOWE WAH HEE,</b>	)	Contested divorce proceedings:
	)	April 11 and 12, 1989
Defendant.	)	
_____)		The Honorable Evelyn B. Lance

**ORDER FOR INCOME ASSIGNMENT**

1. **Name and address of Employer:**  
State of Hawaii United Public Workers, Local 646  
1426 North School Street  
Honolulu, Hawaii 96817
2. **Name, address and social security number of Assignor:**  
Clayton Howe Wah Hee  
638 Apuakea Street  
Kaneohe, Hawaii 96744  
Social Security No. 575-62-6183
3. **Date current child support order was announced:**  
June 19, 1989
4. **Amount to be withheld each month:**  
See provisions which follow.
5. **Withheld amounts to be made payable to and sent to:**  
**CHILD SUPPORT ENFORCEMENT AGENCY**  
(Mail) P. O. Box 1860, Honolulu, Hawaii 96805-1860  
(Office) 614 Cooke Street, Honolulu, Hawaii 96813  
(Please note Case Number and Assignor's Name on check)

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An order was announced in this case on JUNE 19, 1989.  
Said order obligates Defendant (hereinafter referred to as "Assignor") to pay child support for Kaohukauikalai Abraham Mathias Hee born September 21, 1966 ("the child"). The specific provisions of said order are as follows.

- (a) Beginning with a first payment on June 1, 1989 Defendant shall pay to Plaintiff the sum of \$160.00 per month for the support, maintenance and education of the child, to be paid on the first day of each month.
- (b) Payments of child support shall continue for the child until the child attains age eighteen years, or graduates from high school, or discontinues high school, whichever occurs last. Child support for the child shall further continue uninterrupted so long as the child continues his education post high school on a full-time basis at an accredited college or university, or in a vocational or trade school, or until the child attains the age of 23 years, whichever occurs first.
- (c) The payments due through the payment due September 1, 1989 shall be made directly to Plaintiff. Thereafter, in compliance with Act 200 of 1988, all payments for child support shall be payable to and made through the Child Support Enforcement Agency, P. O. Box 1860, Honolulu, Hawaii 96805-1860, and shall be made pursuant to an Order for Income Assignment which shall be filed concurrently herewith. Child support may be paid directly to the child after the child attains the age of eighteen. When called upon to determine that Defendant's obligation of child support for the child has terminated, the Child Support Enforcement Agency and Defendant's employer may accept a written declaration signed under penalty of perjury by both parties to that effect, and a further order of the Family Court shall not be required.
- (d) For so long as he shall owe child support, whenever Defendant changes employment, or experiences a change in income, Defendant shall promptly so advise Plaintiff and the Child Support Enforcement Agency in writing, indicating the name and address of the new employer (if employment has changed) and Defendant's new current gross monthly income from all sources (if income has changed).

- (e) **The Child Support Enforcement Agency is hereby made a party hereto for the limited issue of child support.**
- (f) **Child support is subject to the further order of the Family Court.**

**Hawaii Revised Statutes Section 571-52, as amended by Act 200, Fourteenth Legislature, State of Hawaii, effective June 7, 1988, requires the entry of an income assignment order herein. Now therefore, in furtherance thereof,**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above-described Employer, and each of Assignor's Successive Employers shall:**

(a) **Withhold from any salary, wages, or other income otherwise owed to Assignor all of such amounts as shall then be currently due from Assignor as and for child support by income assignment under the terms of the child support order described above. Said assignment may not be in excess of the maximum amounts permitted under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. §1673(b);**

(b) **Begin withholding such amount no later than the first pay period occurring within fourteen days following the date a certified copy of this Order for Income Assignment is mailed or delivered to Employer/Successor Employer. Withholding by the employer shall continue throughout the employment of Assignor or until the further order of the Court, all subject to the terms of the child support order described above;**

(c) **Transmit the withheld amounts to the official designated above in part 5 within ten days after Assignor is paid. If Employer/Successor Employer is required to withhold amounts from the earnings or income of more than one employee, then Employer/Successor Employer may remit a sum total of the amounts in one check, with a listing of the amounts applicable to each employee;**

(d) **Inform the Court immediately of any change which would affect Employer/Successor Employer's ability to comply with this Summary Order, including Assignor's last known address and the name and address of Assignor's new Employer (if Assignor ceases to be employed by**

**Employer).**

**Compliance by Employer with this Order for Income Assignment shall operate as a discharge of Employer's liability to Assignor for that portion of Assignor's earnings withheld and transmitted to the Child Support Enforcement Agency whether or not employer has withheld the correct amount.**

**Hawaii Revised Statutes Section 571-52.2(f) provides in part:**

**For each payment made pursuant to an assignment order, the person making such payment may deduct and retain as an administrative fee the additional amount of \$2.00 from the income owed to the obligor. Any assignment made pursuant to an assignment order shall have priority as against any garnishment, attachment, execution, or other assignment order, or any other order unless otherwise ordered by the Court, and the same shall not be subject to any of the exemptions or restrictions contained in part III of Chapter 651, and Chapters 652 and 653.**

**Hawaii Revised Statutes Section 571-52.2(g) provides:**

**Any employer who fails to comply with an order of assignment of future income, as provided for under this Section, shall be liable to the obligee or the obligee's assignee for whom support was required to be paid, for the full amount of all sums ordered to be withheld and transmitted and not otherwise done so.**

**It shall be unlawful for any employer to refuse to hire a prospective employee, to discharge an employee, or to take any other disciplinary action against an employee, based in whole or in part, upon an authorized income assignment. Any employer violating this Statute shall be guilty of a misdemeanor under Section 710-1077(1)(g). Pursuant to Hawaii**

Revised Statutes Sections 706-640 and 706-663, conviction of a misdemeanor may result in the employer being sentenced to pay a fine or being sentenced to imprisonment.

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DATED: Honolulu, Hawaii, \_\_\_\_\_.

*Emley Blaise*  
JUDGE OF THE ABOVE-ENTITLED COURT