

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO PAYMENTS OF SUPPORT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 571-52, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:  
3           "(e) As used in this section:  
4           "Employer" includes the United States government, the  
5 State, any political subdivision thereof, and any person who is  
6 or shall become obligated to the obligor for payment of income.  
7           "Income" includes salaries, wages, including tips or  
8 gratuities paid directly to an individual by a customer of the  
9 employer and reported or declared to the employer, earnings,  
10 workers' compensation, disability benefits, commissions,  
11 independent contractor income, and any other entitlement to  
12 money including moneys payable as a pension, annuity,  
13 retirement, disability, death, or other benefit, or as a return  
14 of contributions and interest from the United States government,  
15 the State, or other political subdivision thereof, or from any  
16 retirement, disability, or annuity system established by any of  
17 them pursuant to statute."



1 SECTION 2. Section 571-52.2, Hawaii Revised Statutes, is  
2 amended by amending subsection (n) to read as follows:

3 "(n) Notwithstanding any other provision of law, for  
4 purposes of this section, the term "income" shall include  
5 without limitation, salaries, wages, including tips or  
6 gratuities paid directly to an individual by a customer of the  
7 employer and reported or declared to the employer, earnings,  
8 workers' compensation, unemployment compensation, disability  
9 benefits, commissions, independent contractor income, and any  
10 other entitlement to money including moneys payable as a pension  
11 or as an annuity or retirement or disability or death or other  
12 benefit, or as a return of contributions and interest thereon  
13 from the United States government, or from the State or other  
14 political subdivision thereof, or from any retirement,  
15 disability, or annuity system established by any of them  
16 pursuant to statute.

17 The term "employer", as used in this section includes the  
18 United States government, the State, any political subdivision  
19 thereof and any person who is or shall become obligated to the  
20 obligor for payment of income."



1 SECTION 3. Section 576D-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The family court, in consultation with the agency,  
4 shall establish guidelines to establish the amount of child  
5 support when an order for support is sought or being modified  
6 under this chapter. The guidelines shall be based on specific  
7 descriptive and numeric criteria and result in a computation of  
8 the support obligation.

9 The guidelines may include consideration of the following:

- 10 (1) All earnings, income, including tips or gratuities  
11 paid directly to an individual by a customer of the  
12 employer and reported or declared to the employer, and  
13 resources of both parents; provided that earnings be  
14 the net amount, after deductions for taxes, and social  
15 security. Overtime and cost of living allowance may  
16 be deducted where appropriate;
- 17 (2) The earning potential, reasonable necessities, and  
18 borrowing capacity of both parents;
- 19 (3) The needs of the child for whom support is sought;



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- 1           (4) The amount of public assistance which would be paid
- 2                   for the child under the full standard of need as
- 3                   established by the department;
- 4           (5) The existence of other dependents of the obligor
- 5                   parent;
- 6           (6) To foster incentives for both parents to work;
- 7           (7) To balance the standard of living of both parents and
- 8                   child and avoid placing any below the poverty level
- 9                   whenever possible;
- 10          (8) To avoid extreme and inequitable changes in either
- 11                   parent's income depending on custody; and
- 12          (9) If any obligee parent (with a school age child or
- 13                   children in school), who is mentally and physically
- 14                   able to work, remains at home and does not work,
- 15                   thirty (or less) hours of weekly earnings at the
- 16                   minimum wage may be imputed to that parent's income."

17           SECTION 4. Section 576E-16, Hawaii Revised Statutes, is  
18 amended by amending subsection (f) to read as follows:

19           "(f) Notwithstanding any other provision of law, for the  
20 purposes of this section, the term "income" shall include,  
21 without limitation, salaries, wages, including tips or



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1 gratuities paid directly to an individual by a customer of the  
 2 employer and reported or declared to the employer, earnings,  
 3 workers' compensation, unemployment compensation, disability  
 4 benefits, commissions, independent contractor income, and any  
 5 other entitlement to money including moneys payable as a pension  
 6 or as an annuity or retirement or disability or death or other  
 7 benefit, or as a return of contributions and interest thereon  
 8 from the United States government, or from the State or  
 9 political subdivision thereof, or from any retirement,  
 10 disability, or annuity system established by any of them  
 11 pursuant to statute."

12 SECTION 5. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

15 SECTION 6. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*J. P. Lemi Egles*  
*Daniel O'Connell*

~~*Scott ...*~~  
*Karl ...*  
*...*

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Randy H. Bob

Michelle Kadani

Erin E. Hovoy

Mike Hubbard



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**Report Title:**

Child Support; Spousal Support; Assignment; Income Withholding;  
Tips

**Description:**

Includes tips or gratuities paid directly to an individual by a customer of the employer and reported or declared to the employer under the definition of income used to calculate payments of child or spousal support.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

