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## A BILL FOR AN ACT

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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 576B-102, Hawaii Revised Statutes, is  
2 amended by amending the definition of "income" to read as  
3 follows:

4       "\"Income\" includes earnings, including tips or gratuities  
5 paid directly to an individual by a customer of the employer and  
6 reported or declared to the employer, or other periodic  
7 entitlements to money from any source and any other property  
8 subject to withholding for support under the law of this State."

9       SECTION 4. Section 576D-7, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11       "(a) The family court, in consultation with the agency,  
12 shall establish guidelines to establish the amount of child  
13 support when an order for support is sought or being modified  
14 under this chapter. The guidelines shall be based on specific  
15 descriptive and numeric criteria and result in a computation of  
16 the support obligation.

17       The guidelines may include consideration of the following:

- 18       (1) All earnings, income, including tips or gratuities  
19 paid directly to an individual by a customer of the  
20 employer and reported or declared to the employer, and  
21 resources of both parents; provided that earnings be



1 the net amount, after deductions for taxes, and social  
2 security. Overtime and cost of living allowance may  
3 be deducted where appropriate;

4 (2) The earning potential, reasonable necessities, and  
5 borrowing capacity of both parents;

6 (3) The needs of the child for whom support is sought;

7 (4) The amount of public assistance which would be paid  
8 for the child under the full standard of need as  
9 established by the department;

10 (5) The existence of other dependents of the obligor  
11 parent;

12 (6) To foster incentives for both parents to work;

13 (7) To balance the standard of living of both parents and  
14 child and avoid placing any below the poverty level  
15 whenever possible;

16 (8) To avoid extreme and inequitable changes in either  
17 parent's income depending on custody; and

18 (9) If any obligee parent (with a school age child or  
19 children in school), who is mentally and physically  
20 able to work, remains at home and does not work,



thirty (or less) hours of weekly earnings at the  
minimum wage may be imputed to that parent's income."

SECTION 5. Section 576E-16, Hawaii Revised Statutes, is  
amended by amending subsection (f) to read as follows:

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

SECTION 6. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.



# H.B. NO. 2374

1 SECTION 7. New statutory material is underscored.

2 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Sam B/R*

JAN 26 2022



# H.B. NO. 2374

**Report Title:**

Child Support; Spousal Support; Assignment; Income Withholding;  
Guidelines in Establishing Amount of Child Support; Tips

**Description:**

Includes tips or gratuities paid directly to an individual by a customer of the individual's employer and reported or declared to the employer in the definition of income used to calculate the amount of child support and from which assignments and withholdings for payments of child or spousal support are made.

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

