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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 to the extent  
10 permitted under relevant federal law, earnings, workers'  
11 compensation, disability benefits, commissions, independent  
12 contractor income, and any other entitlement to money including  
13 moneys payable as a pension, annuity, retirement, disability,  
14 death, or other benefit, or as a return of contributions and  
15 interest from the United States government, the State, or other  
16 political subdivision thereof, or from any retirement,



1 disability, or annuity system established by any of them  
2 pursuant to statute."

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

5 "(n) Notwithstanding any other provision of law, for  
6 purposes of this section, the term "income" shall include  
7 without limitation, 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 to the extent  
10 permitted under relevant federal law, earnings, workers'  
11 compensation, unemployment compensation, disability benefits,  
12 commissions, independent contractor income, and any other  
13 entitlement to money including moneys payable as a pension or as  
14 an annuity or retirement or disability or death or other  
15 benefit, or as a return of contributions and interest thereon  
16 from the United States government, or from the State or other  
17 political subdivision thereof, or from any retirement,  
18 disability, or annuity system established by any of them  
19 pursuant to statute.

20 The term "employer", as used in this section includes the  
21 United States government, the State, any political subdivision



1   thereof and any person who is or shall become obligated to the  
2   obligor for payment of income."

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

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

11       The guidelines may include consideration of the following:

- 12       (1)   All earnings, income, including tips or gratuities  
13             paid directly to an individual by a customer of the  
14             employer and reported or declared to the employer to  
15             the extent permitted under relevant federal law, and  
16             resources of both parents; provided that earnings be  
17             the net amount, after deductions for taxes, and social  
18             security.   Overtime and cost of living allowance may  
19             be deducted where appropriate;
- 20       (2)   The earning potential, reasonable necessities, and  
21             borrowing capacity of both parents;



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

19 SECTION 4. Section 576E-16, Hawaii Revised Statutes, is

20 amended by amending subsection (f) to read as follows:



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

16       SECTION 5. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19       SECTION 6. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21       SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

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

**Description:**

Includes in the definition of "income", tips or gratuities paid directly to an individual by a customer of the individual's employer and reported or declared to the employer to the extent permitted under relevant federal law, for the purposes of calculating the amount of child support and from which assignments and withholdings for payments of child or spousal support are made. Effective 7/1/2050. (SD1)

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

