

ACT 305

S.B. NO. 255

A Bill for an Act Relating to Child Support.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

The guidelines may include consideration of the following:

- (1) All earnings, income, and resources of both parents; provided that earnings be the net amount, after deductions for taxes, and social security. Overtime and cost of living allowance may be deducted where appropriate;
- (2) The earning potential, reasonable necessities, and borrowing capacity of both parents;
- (3) The needs of the child for whom support is sought;
- (4) The amount of public assistance which would be paid for the child under the full standard of need as established by the department; [and]
- (5) The existence of other dependents of the obligor parent[.];
- (6) To foster incentives for both parents to work; and

- (7) To balance the standard of living of both parents and child and avoid placing any below the poverty level whenever possible;
- (8) To avoid extreme and inequitable changes in either parents income depending on custody;
- (9) If any obligee parent (with a school age child or children in school), who is mentally and physically able to work, remains at home and does not work, 30 (or less) hours of weekly earnings at the minimum wage may be imputed to that parent's income.
- (b) The guidelines shall be:
  - (1) Applied statewide;
  - (2) To simplify the calculations as much as practicable;
  - [(2)] (3) Applied to ensure, at a minimum, that the child for whom support is sought benefits from the income and resources of the obligor parent on a equitable basis in comparison with any other minor child of the obligor parent;
  - [(3)] (4) Established by October 1, 1986; and
  - [(4)] (5) Transmitted to the agency and all family court judges when available or updated, and shall be considered by the judges in the establishment of each child support order."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1987.)