

JAN 18 2013

A BILL FOR AN ACT

RELATING TO FAMILY COURTS.

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

1 SECTION 1. Chapter 571, Hawaii Revised Statutes, is
2 amended by adding a new section to part V to be appropriately
3 designated and to read as follows:

4 "§571- Spousal support and maintenance; veterans
5 disability benefits. In determining whether to award an
6 allowance for the support and maintenance of a spouse or former
7 spouse, or the amount of any such allowance, the court shall not
8 consider any federal disability benefits awarded to the obligor
9 for service-connected disabilities pursuant to title 38 United
10 States Code chapter 11."

11 SECTION 2. Section 580-47, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Upon granting a divorce, or thereafter if, in
14 addition to the powers granted in subsections (c) and (d),
15 jurisdiction of those matters is reserved under the decree by
16 agreement of both parties or by order of court after finding
17 that good cause exists, the court may make any further orders as
18 shall appear just and equitable (1) compelling the parties or



1 either of them to provide for the support, maintenance, and
2 education of the children of the parties; (2) compelling either
3 party to provide for the support and maintenance of the other
4 party; (3) finally dividing and distributing the estate of the
5 parties, real, personal, or mixed, whether community, joint, or
6 separate; and (4) allocating, as between the parties, the
7 responsibility for the payment of the debts of the parties
8 whether community, joint, or separate, and the attorney's fees,
9 costs, and expenses incurred by each party by reason of the
10 divorce. In making these further orders, the court shall take
11 into consideration: the respective merits of the parties, the
12 relative abilities of the parties, the condition in which each
13 party will be left by the divorce, the burdens imposed upon
14 either party for the benefit of the children of the parties, the
15 concealment of or failure to disclose income or an asset, or
16 violation of a restraining order issued under section 580-10(a)
17 or (b), if any, by either party, and all other circumstances of
18 the case. In establishing the amounts of child support, the
19 court shall use the guidelines established under section 576D-
20 7. Provision may be made for the support, maintenance, and
21 education of an adult or minor child and for the support,
22 maintenance, and education of an incompetent adult child whether



1 or not the petition is made before or after the child has
2 attained the age of majority. In those cases where child
3 support payments are to continue due to the adult child's
4 pursuance of education, the agency, three months prior to the
5 adult child's nineteenth birthday, shall send notice by regular
6 mail to the adult child and the custodial parent that
7 prospective child support will be suspended unless proof is
8 provided by the custodial parent or adult child to the child
9 support enforcement agency, prior to the child's nineteenth
10 birthday, that the child is presently enrolled as a full-time
11 student in school or has been accepted into and plans to attend
12 as a full-time student for the next semester a post-high school
13 university, college, or vocational school. If the custodial
14 parent or adult child fails to do so, prospective child support
15 payments may be automatically suspended by the child support
16 enforcement agency, hearings officer, or court upon the child
17 reaching the age of nineteen years. In addition, if applicable,
18 the agency, hearings officer, or court may issue an order
19 terminating existing assignments against the responsible
20 parent's income and income assignment orders.

21 In addition to any other relevant factors considered[7] and
22 subject to the limitation set forth in section 571-____, the



1 court, in ordering spousal support and maintenance, shall
2 consider the following factors:

- 3 (1) Financial resources of the parties;
- 4 (2) Ability of the party seeking support and maintenance
5 to meet his or her needs independently;
- 6 (3) Duration of the marriage;
- 7 (4) Standard of living established during the marriage;
- 8 (5) Age of the parties;
- 9 (6) Physical and emotional condition of the parties;
- 10 (7) Usual occupation of the parties during the marriage;
- 11 (8) Vocational skills and employability of the party
12 seeking support and maintenance;
- 13 (9) Needs of the parties;
- 14 (10) Custodial and child support responsibilities;
- 15 (11) Ability of the party from whom support and maintenance
16 is sought to meet his or her own needs while meeting
17 the needs of the party seeking support and
18 maintenance;
- 19 (12) Other factors which measure the financial condition in
20 which the parties will be left as the result of the
21 action under which the determination of maintenance is
22 made; and



1 (13) Probable duration of the need of the party seeking
2 support and maintenance.

3 The court may order support and maintenance to a party for
4 an indefinite period or until further order of the court;
5 provided that in the event the court determines that support and
6 maintenance shall be ordered for a specific duration wholly or
7 partly based on competent evidence as to the amount of time
8 which will be required for the party seeking support and
9 maintenance to secure adequate training, education, skills, or
10 other qualifications necessary to qualify for appropriate
11 employment, whether intended to qualify the party for a new
12 occupation, update or expand existing qualification, or
13 otherwise enable or enhance the employability of the party, the
14 court shall order support and maintenance for a period
15 sufficient to allow completion of the training, education,
16 skills, or other activity, and shall allow, in addition,
17 sufficient time for the party to secure appropriate employment."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act does not apply to any action filed
21 before its effective date.



S.B. NO. 547

1 SECTION 5. This Act shall take effect on July 1, 2013.

2

INTRODUCED BY: Will Ege
Josh



S.B. NO. 547

Report Title:

Spousal Support and Maintenance; Veterans Disability Benefits

Description:

Prohibits courts from considering a person's federal veterans disability benefits in determining whether to award support and maintenance allowances or the amount of such allowance to the person's spouse or former spouse. Effective July 1, 2013.

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

