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## A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1           SECTION 1. Chapter 580, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:  
4           "§580-       Spousal support and maintenance; veterans  
5 disability benefits. In determining whether to order 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



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



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



1 terminating existing assignments against the responsible  
2 parent's income and income assignment orders.

3 In addition to any other relevant factors considered~~[7]~~ and  
4 subject to the limitation set forth in section 580- , the  
5 court, in ordering spousal support and maintenance, shall  
6 consider the following factors:

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



1           the needs of the party seeking support and  
2           maintenance;

3           (12) Other factors which measure the financial condition in  
4           which the parties will be left as the result of the  
5           action under which the determination of maintenance is  
6           made; and

7           (13) Probable duration of the need of the party seeking  
8           support and maintenance.

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



1 skills, or other activity, and shall allow, in addition,  
2 sufficient time for the party to secure appropriate employment."

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

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

7 SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

*Rory A. Smith S/R*

JAN 26 2015



# H.B. NO. 807

**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 the allowance to the person's spouse or former spouse.

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

