
HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO ADOPT GUIDELINES WHEN MAKING A DISPOSITION OF PROPERTY RELATING TO THE DISSOLUTION OF MARRIAGE, TO REFRAIN FROM INDEMNIFYING A VETERAN'S SPOUSE OR FORMER SPOUSE FOR ANY PRE-JUDGMENT OR POST-JUDGMENT WAIVER OR REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY FOR SERVICE-CONNECTED DISABILITY PAY RECEIVED BY THE VETERAN.

1 WHEREAS, veterans of the United States military deserve
2 respect and consideration because they have worked hard and
3 sacrificed much in service to and for the common good of their
4 nation; and

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6 WHEREAS, the compensation received by United States
7 military veterans for retirement, retainer, and service-
8 connected disabilities should not be lightly taken away from
9 them; and

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11 WHEREAS, when a veteran receives a disability rating, the
12 veteran may collect disability benefits; however, to prevent
13 double-dipping, the veteran is required to waive the veteran's
14 retirement salary to the extent the veteran receives disability
15 benefits; and

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17 WHEREAS, if the veteran is divorced and receives a
18 disability rating after the divorce, then the foregoing waiver
19 of the veteran's retirement salary can lower the amount of
20 spousal support payment to the former spouse, since disability
21 pay cannot be awarded to an ex-spouse; and

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23 WHEREAS, under these circumstances, courts have required
24 the veteran to indemnify the former spouse for the difference in
25 spousal support payment caused by the veteran's receipt of the
26 disability benefit; and



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1 WHEREAS, this effectively penalizes disabled veterans, many
2 of whom are living on a fixed income, for their receipt of
3 benefits earned in service to their country; now, therefore,
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5 BE IT RESOLVED by the House of Representatives of the
6 Twenty-ninth Legislature of the State of Hawaii, Regular Session
7 of 2017, the Senate concurring, that the Judiciary is requested
8 to adopt guidelines so that, in making a disposition of property
9 relating to the dissolution of marriage, courts do not:

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11 (1) Indemnify a veteran's spouse or former spouse; or

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13 (2) Award any other income or property of the veteran to
14 the veteran's spouse or former spouse,

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16 for any pre-judgment or post-judgment waiver or reduction in
17 military retirement or retainer pay related to service-connected
18 disability pay received by the veteran pursuant to title 38
19 United States Code chapter 11; and

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21 BE IT FURTHER RESOLVED that a certified copy of this
22 Concurrent Resolution be transmitted to the Chief Justice of the
23 Hawaii Supreme Court.
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OFFERED BY:

MAR 10 2017

