

MAR 10 2017

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# SENATE 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

5  
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

10  
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

16  
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

22  
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



# S.C.R. NO. 134

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 Senate of the Twenty-ninth  
6 Legislature of the State of Hawaii, Regular Session of 2017, the  
7 House of Representatives concurring, that the Judiciary is  
8 requested to adopt guidelines so that, in making a disposition  
9 of property relating to the dissolution of marriage, courts do  
10 not:

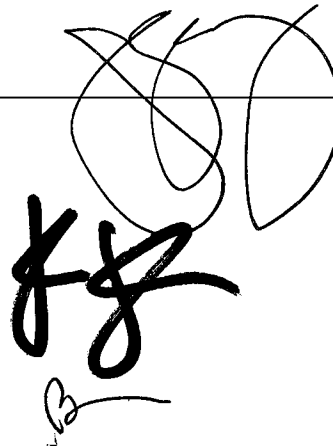
11 (1) Indemnify a veteran's spouse or former spouse; or

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

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

20 BE IT FURTHER RESOLVED that a certified copy of this  
21 Concurrent Resolution be transmitted to the Chief Justice of the  
22 Hawaii Supreme Court.  
23  
24  
25  
26  
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OFFERED BY: \_\_\_\_\_

Handwritten signature and initials in black ink, including a large stylized signature and the initials 'B' below it.