

MAR 10 2017

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## SENATE 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

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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

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

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

10  
 11           (1) Indemnify a veteran's spouse or former spouse; or  
 12

13           (2) Award any other income or property of the veteran to  
 14 the veteran's spouse or former spouse,  
 15

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  
 20

21           BE IT FURTHER RESOLVED that a certified copy of this  
 22 Resolution be transmitted to the Chief Justice of the Hawaii  
 23 Supreme Court.  
 24  
 25  
 26

OFFERED BY: \_\_\_\_\_

The signature line contains several handwritten marks. On the left, there is a large, stylized signature. To its right, there are two large, overlapping scribbles that appear to be initials or a signature. Below the main signature, there is a smaller, less distinct mark.

