



The Judiciary, State of Hawai'i

**Testimony to the House Committee on Veterans, Military,
& International Affairs, & Culture and the Arts**

Representative Ken Ito, Chair

Representative James Kunane Tokioka, Vice Chair

Thursday, March 23, 2017 9:50 AM
State Capitol, Conference Room 429

by

Judge R. Mark Browning

Senior Family Judge and Deputy Chief Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Concurrent Resolution No. 130 and House Resolution No. 80,
Military Veterans; Service-Connected Disability Pay

Purpose: 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.

Judiciary's Position:

The Judiciary takes no position on House Concurrent Resolution No. 130 and House Resolution No. 80. However, we wish to respectfully inform the committee that we will be unable to prepare the guidelines outlined in this resolution.

Federal benefits are complex in both application and implementation. In particular, federal disability benefits for service members are difficult to understand because there are different types of benefit with different rules. Furthermore, there are federal requirements that must be met precisely.



House Concurrent Resolution No. 130 and House Resolution No. 80
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Service members' disability benefits are regularly dealt with in the context of divorce proceedings. These benefits are subject to federal and state statutes, rules, and case law. It would be highly inappropriate for a trial court to draft a blanket set of guidelines since each case must be considered on its own merits.

Thank you for the opportunity to provide testimony on this matter.

HR80

Submitted on: 3/21/2017

Testimony for VMI on Mar 23, 2017 09:50AM in Conference Room 429

Submitted By	Organization	Testifier Position	Present at Hearing
Maxine Anderson	Individual	Oppose	No

Comments: This bill penalizes dependent spouses in order to exempt veterans with service-related disabilities. The source of a person's income has NO bearing on the relevant legal matter: whether a dependent spouse is entitled to financial support. In my professional experience as a domestic violence advocate, it is hard enough in Hawaii courts to get ANY spousal support ordered even where there is abuse--this bill would make an already difficult task near to impossible. I strongly OPPOSE HR80.