



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, March 28, 2017 1:20 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by

Judge R. Mark Browning
Senior Family Judge and Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: Senate Concurrent Resolution No. 134 and Senate Resolution No. 55,
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 Senate Concurrent Resolution No. 134 and Senate Resolution No. 55. 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.



Senate Concurrent Resolution No. 134 and Senate Resolution No. 55
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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.