

JAN 21 2022

A BILL FOR AN ACT

RELATING TO PAYMENTS OF SUPPORT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-52, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) As used in this section:

4 "Employer" includes the United States government, the
5 State, any political subdivision thereof, and any person who is
6 or shall become obligated to the obligor for payment of income.

7 "Income" includes salaries, wages, including tips or
8 gratuities paid directly to an individual by a customer of the
9 employer and reported or declared to the employer, earnings,
10 workers' compensation, disability benefits, commissions,
11 independent contractor income, and any other entitlement to
12 money including moneys payable as a pension, annuity,
13 retirement, disability, death, or other benefit, or as a return
14 of contributions and interest from the United States government,
15 the State, or other political subdivision thereof, or from any
16 retirement, disability, or annuity system established by any of
17 them pursuant to statute."



1 SECTION 2. Section 571-52.2, Hawaii Revised Statutes, is
2 amended by amending subsection (n) to read as follows:

3 "(n) Notwithstanding any other provision of law, for
4 purposes of this section, the term "income" shall include
5 without limitation, salaries, wages, including tips or
6 gratuities paid directly to an individual by a customer of the
7 employer and reported or declared to the employer, earnings,
8 workers' compensation, unemployment compensation, disability
9 benefits, commissions, independent contractor income, and any
10 other entitlement to money including moneys payable as a pension
11 or as an annuity or retirement or disability or death or other
12 benefit, or as a return of contributions and interest thereon
13 from the United States government, or from the State or other
14 political subdivision thereof, or from any retirement,
15 disability, or annuity system established by any of them
16 pursuant to statute.

17 The term "employer", as used in this section includes the
18 United States government, the State, any political subdivision
19 thereof and any person who is or shall become obligated to the
20 obligor for payment of income."



1 SECTION 3. Section 576B-102, Hawaii Revised Statutes, is
2 amended by amending the definition of "income" to read as
3 follows:

4 "Income" includes earnings, including tips or gratuities
5 paid directly to an individual by a customer of the employer and
6 reported or declared to the employer, or other periodic
7 entitlements to money from any source and any other property
8 subject to withholding for support under the law of this State."

9 SECTION 4. Section 576D-7, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The family court, in consultation with the agency,
12 shall establish guidelines to establish the amount of child
13 support when an order for support is sought or being modified
14 under this chapter. The guidelines shall be based on specific
15 descriptive and numeric criteria and result in a computation of
16 the support obligation.

17 The guidelines may include consideration of the following:

- 18 (1) All earnings, income, including tips or gratuities
19 paid directly to an individual by a customer of the
20 employer and reported or declared to the employer, and
21 resources of both parents; provided that earnings be



- 1 the net amount, after deductions for taxes, and social
2 security. Overtime and cost of living allowance may
3 be deducted where appropriate;
- 4 (2) The earning potential, reasonable necessities, and
5 borrowing capacity of both parents;
- 6 (3) The needs of the child for whom support is sought;
- 7 (4) The amount of public assistance which would be paid
8 for the child under the full standard of need as
9 established by the department;
- 10 (5) The existence of other dependents of the obligor
11 parent;
- 12 (6) To foster incentives for both parents to work;
- 13 (7) To balance the standard of living of both parents and
14 child and avoid placing any below the poverty level
15 whenever possible;
- 16 (8) To avoid extreme and inequitable changes in either
17 parent's income depending on custody; and
- 18 (9) If any obligee parent (with a school age child or
19 children in school), who is mentally and physically
20 able to work, remains at home and does not work,



1 thirty (or less) hours of weekly earnings at the
2 minimum wage may be imputed to that parent's income."

3 SECTION 5. Section 576E-16, Hawaii Revised Statutes, is
4 amended by amending subsection (f) to read as follows:

5 "(f) Notwithstanding any other provision of law, for the
6 purposes of this section, the term "income" shall include,
7 without limitation, salaries, wages, including tips or
8 gratuities paid directly to an individual by a customer of the
9 employer and reported or declared to the employer, earnings,
10 workers' compensation, unemployment compensation, disability
11 benefits, commissions, independent contractor income, and any
12 other entitlement to money including moneys payable as a pension
13 or as an annuity or retirement or disability or death or other
14 benefit, or as a return of contributions and interest thereon
15 from the United States government, or from the State or
16 political subdivision thereof, or from any retirement,
17 disability, or annuity system established by any of them
18 pursuant to statute."

19 SECTION 6. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 7. New statutory material is underscored.

2 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~AC~~ *AC*



S.B. NO. 2342

Report Title:

Child Support; Spousal Support; Assignment; Income Withholding; Guidelines in Establishing Amount of Child Support; Tips

Description:

Includes tips or gratuities paid directly to an individual by a customer of the individual's employer and reported or declared to the employer in the definition of income used to calculate the amount of child support and from which assignments and withholdings for payments of child or spousal support are made.

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