

JAN 20 2023

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 to the extent
10 allowed under relevant federal law, earnings, workers'
11 compensation, disability benefits, commissions, independent
12 contractor income, and any other entitlement to money including
13 moneys payable as a pension, annuity, retirement, disability,
14 death, or other benefit, or as a return of contributions and
15 interest from the United States government, the State, or other
16 political subdivision thereof, or from any retirement,



1 disability, or annuity system established by any of [~~them~~] the
2 subdivisions pursuant to statute."

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

5 "(n) Notwithstanding any other provision of law, for
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 to the extent
10 allowed under relevant federal law, earnings, workers'
11 compensation, unemployment compensation, disability benefits,
12 commissions, independent contractor income, and any other
13 entitlement to money including moneys payable as a pension [~~or~~
14 as-an], ~~annuity [~~or~~], retirement [~~or~~], disability [~~or~~], death,~~
15 or other benefit, or as a return of contributions and interest
16 [~~thereon~~] from the United States government, [~~or from~~] the
17 State, or other political subdivision thereof, or from any
18 retirement, disability, or annuity system established by any of
19 [~~them~~] the subdivisions pursuant to statute.

20 The term "employer", as used in this section, includes the
21 United States government, the State, any political subdivision



1 thereof, and any person who is or shall become obligated to the
2 obligor for payment of income."

3 SECTION 3. Section 576D-7, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The family court, in consultation with the agency,
6 shall establish guidelines to establish the amount of child
7 support when an order for support is sought or being modified
8 under this chapter. The guidelines shall be based on specific
9 descriptive and numeric criteria and result in a computation of
10 the support obligation.

11 The guidelines may include consideration of the following:

12 (1) All earnings, income, including tips or gratuities
13 paid directly to an individual by a customer of the
14 employer and reported or declared to the employer to
15 the extent allowed under relevant federal law, and
16 resources of both parents; provided that earnings be
17 the net amount, after deductions for taxes, and social
18 security. Overtime and cost of living allowance may
19 be deducted where appropriate;

20 (2) The earning potential, reasonable necessities, and
21 borrowing capacity of both parents;



- 1 (3) The needs of the child for whom support is sought;
- 2 (4) The amount of public assistance [~~which~~] that would be
- 3 paid for the child under the full standard of need as
- 4 established by the department;
- 5 (5) The existence of other dependents of the obligor
- 6 parent;
- 7 (6) To foster incentives for both parents to work;
- 8 (7) To balance the standard of living of both parents and
- 9 child and avoid placing any below the poverty level
- 10 whenever possible;
- 11 (8) To avoid extreme and inequitable changes in either
- 12 parent's income depending on custody; and
- 13 (9) If any obligee parent [~~with~~] who has a school age
- 14 child or children in school [~~), who~~] is mentally and
- 15 physically able to work [~~7~~] but remains at home and
- 16 does not work, thirty [~~or less~~] or fewer hours of
- 17 weekly earnings at the minimum wage may be imputed to
- 18 [~~that~~] the parent's income."

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



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

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

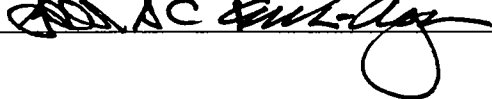
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S.B. NO. 1070

1 SECTION 7. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: ~~AC~~ 



S.B. NO. 1070

Report Title:

Child Support; Spousal Support; Assignments; Income Withholding;
Tips

Description:

Amends the definition of "income" to include tips or gratuities for the purposes of determining child and spousal support amounts, assignments, and withholdings.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

