
A BILL FOR AN ACT

RELATING TO CHILD SUPPORT GUIDELINES.

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

1 SECTION 1. Section 571-52.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~ §571-52.5 ~~[+]~~ Guidelines to determine child support
4 amounts. (a) When the court establishes or modifies the amount
5 of child support required to be paid by a parent, the court
6 shall use the guidelines established under section 576D-7,
7 except when exceptional circumstances warrant departure.

8 (b) Whenever the court imputes income, deviates from the
9 guidelines, or a child support order is issued by default, the
10 order shall note the same, including the amount of income
11 imputed and the child support amount that would have been
12 required under the guidelines, in the order for income
13 withholding issued at the time that child support is ordered."

14 SECTION 2. Section 576D-7, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§576D-7 Guidelines in establishing amount of child
17 support. (a) The family court, in consultation with the



1 agency, shall establish guidelines to establish the amount of
2 child support when an order for support is sought or being
3 modified under this chapter. The guidelines shall be based on
4 specific descriptive and numeric criteria and result in a
5 computation of the support obligation.

6 The guidelines ~~may~~ shall include consideration of the
7 following:

- 8 (1) All earnings, income, other evidence of ability to
9 pay, and resources of both parents; provided that
10 earnings be the net amount, after deductions for
11 taxes, and social security. Overtime and cost of
12 living allowance may be deducted where appropriate;
- 13 (2) The earning potential, reasonable necessities, and
14 borrowing capacity of both parents;
- 15 (3) The needs of the child for whom support is sought ~~[+]~~,
16 including health care needs through private or public
17 health care coverage and through cash medical support;
- 18 ~~[(4) The amount of public assistance which would be paid~~
19 ~~for the child under the full standard of need as~~
20 ~~established by the department;~~



- 1 ~~(5)~~ (4) The existence of other dependents of the obligor
2 parent;
- 3 ~~[(6)]~~ (5) ~~[To foster incentives]~~ Incentives for both
4 parents to work;
- 5 ~~[(7)]~~ (6) ~~[To balance]~~ Balancing the standard of living of
6 both parents and child and avoid placing any below the
7 poverty level whenever possible;
- 8 ~~[(8)]~~ (7) ~~[To avoid]~~ Voiding extreme and inequitable
9 changes in either parent's income depending on
10 custody; and
- 11 ~~[(9)]~~ ~~If any obligee parent (with a school age child or~~
12 ~~children in school), who is mentally and physically~~
13 ~~able to work, remains at home and does not work,~~
14 ~~thirty (or less) hours of weekly earnings at the~~
15 ~~minimum wage may be imputed to that parent's income.]~~
- 16 (8) If imputation of income is authorized, the age of the
17 child and the specific circumstances of both parents
18 to the extent known, including such factors as assets,
19 residence, employment and earnings history, job
20 skills, educational attainment, literacy, age, health,
21 criminal record and other employment barriers, record



1 of seeking work, the local job market, the
2 availability of employers willing to hire the parent,
3 prevailing earnings level in the local community, and
4 other relevant background factors in the case.
5 Incarceration shall not be treated as voluntary
6 unemployment in establishing or modifying an order of
7 support. The factors listed above shall be considered
8 if imputation of income is determined to be
9 appropriate for incarcerated individuals.

10 (b) The guidelines shall be:

11 (1) Applied statewide;

12 (2) ~~[To]~~ Established to simplify the calculations as much
13 as practicable;

14 (3) Applied to ensure, at a minimum, that the child for
15 whom support is sought benefits from the income and
16 resources of the obligor parent on an equitable basis
17 in comparison with any other minor child of the
18 obligor parent;

19 (4) Established by October 1, 1986; and

20 (5) Transmitted to the agency and all family court judges
21 when available or updated, and shall be considered by



1 the judges in the establishment and modification of
2 each child support order. The most current guidelines
3 shall be used to calculate the amount of the child
4 support obligation.

5 (c) The family court [~~, in consultation with the agency,~~
6 ~~shall update~~] shall convene a guidelines reviewing committee to
7 review and revise, if appropriate, the guidelines at least once
8 every four years[~~-~~] in consultation with the agency. The review
9 shall:

- 10 (1) Consider economic data on the cost of raising
11 children; labor market data such as unemployment
12 rates, employment rates, hours worked, and earnings,
13 by occupation and skill level for the state and local
14 job markets; the impact of guidelines, policies, and
15 amounts on custodial and noncustodial parents who have
16 family incomes below two hundred per cent of the
17 federal poverty level; and factors that influence
18 employment rates among noncustodial parents and impact
19 compliance with an order of support as provided by the
20 agency;



- 1 (2) Analyze case data, gathered through sampling or other
2 methods as provided by the agency, on the application
3 of and deviations from the child support guidelines
4 and the rates of default and imputed orders of support
5 and orders that considered the basic subsistence needs
6 of the parents and child, including orders determined
7 using the minimum child support amount. The analysis
8 shall also include a comparison of payments on child
9 support orders by case characteristics as provided by
10 the agency, including whether the order was entered by
11 default, based on imputed income or based on
12 consideration of the basic subsistence needs of the
13 parents and child, including orders determined using
14 the minimum child support amount;
- 15 (3) Use the analysis of data as described in paragraph (2)
16 to ensure that deviations from the guidelines are
17 limited and that guideline amounts are appropriate;
18 and
- 19 (4) Provide a meaningful opportunity for input from the
20 public, including low-income custodial and
21 noncustodial parents and their representatives.



1 All reports of the guidelines reviewing committee, the
2 membership of the reviewing committee, the effective date of the
3 guidelines, the date of the next quadrennial review, and the
4 guidelines shall be published on the Internet and be made
5 accessible to the public by the family court.

6 (d) There shall be a rebuttable presumption, in any
7 judicial or administrative proceeding for the establishment and
8 modification of an order of support, that the amount of the
9 order that would result from the application of the child
10 support guidelines is the correct amount of child support to be
11 ordered. A written finding or specific finding on the record of
12 a judicial or administrative proceeding for the establishment or
13 modification of an order of support that the application of the
14 guidelines would be unjust or inappropriate in a particular case
15 shall be sufficient to rebut the presumption in that case;
16 provided that:

17 (1) The judicial or administrative tribunal considers the
18 best interest of the child; and

19 (2) The finding that rebuts the guidelines also states the
20 amount of support that would have been required under



1 the guidelines and includes a justification for the
2 variation from that amount.

3 ~~[(d)]~~ (e) The establishment of the guidelines or the
4 adoption of any modifications made to the guidelines set forth
5 in this section may constitute a change in circumstances
6 sufficient to permit review of the support order. A material
7 change of circumstances ~~[will]~~ shall be presumed if support as
8 calculated pursuant to the guidelines is either ten per cent
9 greater or less than the support amount in the outstanding
10 ~~[support] order[-]~~ of support. ~~[The most current guidelines~~
11 ~~shall be used to calculate the amount of the child support~~
12 ~~obligation-~~

13 ~~(e) The responsible or custodial parent]~~ (f) Both parents
14 for which child support has previously been ordered shall have a
15 right to petition the family court or the ~~[child support~~
16 ~~enforcement]~~ agency not more than once every three years for
17 review and adjustment of the ~~[child support]~~ order of support
18 without having to show a change in circumstances. ~~[The~~
19 ~~responsible or custodial parent]~~ Both parents shall not be
20 precluded from petitioning the family court or the ~~[child~~
21 ~~support enforcement]~~ agency for review and adjustment of the



1 ~~[child support]~~ order of support more than once in any three-
2 year period if the second or subsequent request is supported by
3 proof of a substantial or material change of circumstances."

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2018-2019 for
7 the purpose of collecting data to be considered in the
8 quadrennial review pursuant to section 2 of this Act.

9 The sum appropriated shall be expended by the child support
10 enforcement agency for the purposes of this Act.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2035.

14



S.B. NO. 2749
S.D. 2

Report Title:

Child Support Guidelines; Guidelines Reviewing Committee; Public Involvement; Appropriation

Description:

Amends the child support guidelines requirements to provide for more opportunity for the public to be involved in the review of the guidelines and to require consideration of additional factors relating to the situation of the parents. Appropriates funds to the Child Support Enforcement Agency to facilitate the collection of data. Effective 7/1/2035. (SD2)

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