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## A BILL FOR AN ACT

RELATING TO CHILD SUPPORT PAYMENTS.

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

1           SECTION 1. Section 576E-14, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:  
3           "(f) In those cases where child support payments are to  
4 continue due to the adult [~~child's pursuance of~~] child, who is  
5 under the age of nineteen years, pursuing an education, the  
6 agency, at least three months prior to the adult child's  
7 nineteenth birthday, shall send notice by regular mail to the  
8 adult child and the custodial parent that prospective child  
9 support will be suspended [~~unless proof is provided by the~~  
10 ~~custodial parent or adult child to the child support enforcement~~  
11 ~~agency, prior to the child's nineteenth birthday, that the child~~  
12 ~~is presently enrolled as a full-time student in school or has~~  
13 ~~been accepted into and plans to attend as a full-time student~~  
14 ~~for the next semester a post-high school university, college or~~  
15 ~~vocational school. If the custodial parent or adult child fails~~  
16 ~~to do so, prospective child support payments may be~~  
17 ~~automatically suspended by the child support enforcement agency~~  
18 ~~upon the child reaching the age of nineteen years.] by the~~



1 agency upon the child reaching the age of nineteen years. In  
2 addition, if applicable, the agency or hearings officer may  
3 issue an order terminating existing assignments against the  
4 responsible parent's income and income assignment orders."

5 SECTION 2. Section 580-47, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Upon granting a divorce, or thereafter if, in  
8 addition to the powers granted in subsections (c) and (d),  
9 jurisdiction of those matters is reserved under the decree by  
10 agreement of both parties or by order of court after finding  
11 that good cause exists, the court may make any further orders as  
12 shall appear just and equitable (1) compelling the parties or  
13 either of them to provide for the support, maintenance, and  
14 education of the children of the parties; (2) compelling either  
15 party to provide for the support and maintenance of the other  
16 party; (3) finally dividing and distributing the estate of the  
17 parties, real, personal, or mixed, whether community, joint, or  
18 separate; and (4) allocating, as between the parties, the  
19 responsibility for the payment of the debts of the parties  
20 whether community, joint, or separate, and the attorney's fees,  
21 costs, and expenses incurred by each party by reason of the  
22 divorce. In making these further orders, the court shall take



1 into consideration: the respective merits of the parties, the  
2 relative abilities of the parties, the condition in which each  
3 party will be left by the divorce, the burdens imposed upon  
4 either party for the benefit of the children of the parties, the  
5 concealment of or failure to disclose income or an asset, or  
6 violation of a restraining order issued under section 580-10(a)  
7 or (b), if any, by either party, and all other circumstances of  
8 the case. In establishing the amounts of child support, the  
9 court shall use the guidelines established under section 576D-  
10 7. Provision may be made for the support, maintenance, and  
11 education of an adult under the age of nineteen years or minor  
12 child and for the support, maintenance, and education of an  
13 incompetent adult child whether or not the petition is made  
14 before or after the child has attained the age of majority. In  
15 those cases where child support payments are to continue due to  
16 the adult [~~child's pursuance of~~] child, who is under the age of  
17 nineteen years, pursuing an education, the child support  
18 enforcement agency, three months prior to the adult child's  
19 nineteenth birthday, shall send notice by regular mail to the  
20 adult child and the custodial parent that prospective child  
21 support will be suspended [~~unless proof is provided by the~~  
22 ~~eustodial parent or adult child to the child support enforcement~~



1 ~~agency, prior to the child's nineteenth birthday, that the child~~  
2 ~~is presently enrolled as a full time student in school or has~~  
3 ~~been accepted into and plans to attend as a full time student~~  
4 ~~for the next semester a post high school university, college, or~~  
5 ~~vocational school. If the custodial parent or adult child fails~~  
6 ~~to do so, prospective child support payments may be~~  
7 ~~automatically suspended by the child support enforcement agency,~~  
8 ~~hearings officer, or court] by the agency upon the child~~  
9 reaching the age of nineteen years. In addition, if applicable,  
10 the child support enforcement agency, hearings officer, or court  
11 may issue an order terminating existing assignments against the  
12 responsible parent's income and income assignment orders.

13 In addition to any other relevant factors considered, the  
14 court, in ordering spousal support and maintenance, shall  
15 consider the following factors:

- 16 (1) Financial resources of the parties;
- 17 (2) Ability of the party seeking support and maintenance  
18 to meet his or her needs independently;
- 19 (3) Duration of the marriage;
- 20 (4) Standard of living established during the marriage;
- 21 (5) Age of the parties;
- 22 (6) Physical and emotional condition of the parties;



- 1           (7) Usual occupation of the parties during the marriage;
- 2           (8) Vocational skills and employability of the party
- 3           seeking support and maintenance;
- 4           (9) Needs of the parties;
- 5           (10) Custodial and child support responsibilities;
- 6           (11) Ability of the party from whom support and maintenance
- 7           is sought to meet his or her own needs while meeting
- 8           the needs of the party seeking support and
- 9           maintenance;
- 10          (12) Other factors which measure the financial condition in
- 11          which the parties will be left as the result of the
- 12          action under which the determination of maintenance is
- 13          made; and
- 14          (13) Probable duration of the need of the party seeking
- 15          support and maintenance.

16          The court may order support and maintenance to a party for  
17 an indefinite period or until further order of the court;  
18 provided that in the event the court determines that support and  
19 maintenance shall be ordered for a specific duration wholly or  
20 partly based on competent evidence as to the amount of time  
21 which will be required for the party seeking support and  
22 maintenance to secure adequate training, education, skills, or

1 other qualifications necessary to qualify for appropriate  
2 employment, whether intended to qualify the party for a new  
3 occupation, update or expand existing qualification, or  
4 otherwise enable or enhance the employability of the party, the  
5 court shall order support and maintenance for a period  
6 sufficient to allow completion of the training, education,  
7 skills, or other activity, and shall allow, in addition,  
8 sufficient time for the party to secure appropriate employment."

9 SECTION 3. Section 584-18, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11 "(b) In those cases where child support payments are to  
12 continue due to the adult [~~child's pursuance of~~] child, who is  
13 under the age of nineteen years, pursuing an education, the  
14 child support enforcement agency, three months prior to the  
15 adult child's nineteenth birthday, shall send notice by regular  
16 mail to the adult child and the custodial parent that  
17 prospective child support will be suspended [~~unless proof is~~  
18 ~~provided by the custodial parent or adult child, to the child~~  
19 ~~support enforcement agency, prior to the child's nineteenth~~  
20 ~~birthday, that the child is presently enrolled as a full-time~~  
21 ~~student in school or has been accepted into and plans to attend~~  
22 ~~as a full-time student for the next semester a post-high school~~



1 ~~university, college or vocational school. If the custodial~~  
 2 ~~parent or adult child fails to do so, prospective child support~~  
 3 ~~payments may be automatically suspended by the child support~~  
 4 ~~enforcement agency, hearings officer, or court] by the agency~~  
 5 upon the child reaching the age of nineteen years. In addition,  
 6 if applicable, the child support enforcement agency, hearings  
 7 officer, or court may issue an order terminating existing  
 8 assignments against the responsible parent's income and income  
 9 assignment orders."

10 SECTION 4. This Act does not affect rights and duties that  
 11 matured, penalties that were incurred, and proceedings that were  
 12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Cindy Evans*  
 JAN 17 2013

# H.B. NO. 188

**Report Title:**

Child Support; Post-Secondary Education; Termination

**Description:**

Repeals the requirement for a noncustodial parent to continue child support payments beyond a child's nineteenth birthday when the child is pursuing a post-secondary education.

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

