



Family Court of the First Circuit — THE JUDICIARY • STATE OF HAWAII
KAPOLEI COURT COMPLEX, 4675 KAPOLEI PARKWAY, KAPOLEI, HAWAII 96707-4372

SABRINA S. MCKENNA
SENIOR JUDGE

EDWIN C. NACINO
CIRCUIT COURT JUDGE

EDWARD H. KUBO
CIRCUIT COURT JUDGE

District Family Judges
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PAUL T. MURAKAMI
BODE A. UALE

August 1, 2010

MEMORANDUM

TO: ALL PERSONS UTILIZING THE CHILD SUPPORT GUIDELINES

FROM: THE SENIOR FAMILY COURT JUDGES

/s/ SABRINA S. MCKENNA
SABRINA S. MCKENNA
Senior Judge, First Circuit

/s/ SHACKLEY F. RAFFETTO
SHACKLEY F. RAFFETTO
Senior Judge, Second Circuit

/s/ GREG K. NAKAMURA
GREG K. NAKAMURA
Senior Judge, Third Circuit

/s/ RANDAL G.B. VALENCIANO
RANDAL G.B. VALENCIANO
Senior Judge, Fifth Circuit

RE: 2010 CHILD SUPPORT GUIDELINES (*Effective August 29, 2010*)

Section 576D-7(a) of the Hawai‘i Revised Statutes (2006) provides that “[T]he Family Court, in consultation with the [Child Support Enforcement] agency, shall promulgate guidelines to establish the amount of child support when an order for support is sought or being modified under this chapter.”

Attached are the 2010 Hawai‘i Child Support Guidelines (“Guidelines”) with five (5) appendices:

Appendix A Child Support Guidelines Worksheet
Appendix B Extensive Time-Sharing Worksheet
Appendix C Exceptional Circumstances Form
Appendix D Table of Incomes
Appendix E Checklist of Essential Information.

In consultation with Mr. Garry Kemp, Administrator of the Hawai'i Child Support Enforcement Agency, the Family Courts of Hawai'i have adopted the attached Guidelines. These Guidelines will be effective August 29, 2010, and will supersede all prior guidelines and amendments. These 2010 Guidelines will apply, statewide, to all divorce, paternity, and other proceedings involving child support orders entered on or after August 29, 2010, in both the Family Courts and the Office of Child Support Hearings ("OCSH"). Prior to August 29, 2010, parties may stipulate to the application of these 2010 Guidelines.

These Guidelines continue to refine the goals of all previous Guidelines by focusing on the needs of children while fairly apportioning costs between the parents and ensuring that children share in the good fortune of parents whose incomes allow them to have more than a minimum standard of living. These Guidelines also attempt to better explain and to further simplify the calculation of child support obligations.

This is a list of the major changes:

These Guidelines contain all new worksheets—Appendix A, "Child Support Guidelines Worksheet", Appendix B, "Extensive Time-Sharing Worksheet", and Appendix C, "Exceptional Circumstances Form". These are the first Guidelines to be promulgated with official uniform electronic worksheets, which will be available on the Judiciary website by the effective date.

The Table of Incomes, Appendix D, has been updated to reflect the 2009 Federal Poverty Guidelines ("FPG") amounts for Hawai'i (resulting in an increase of \$295 for each parent's basic self-support—this figure is the difference between the 2009 individual FPG of \$1038/month and the previous 1996 individual FPG of \$743/month).

A new form, Appendix E, "Checklist of Essential Information", is designed to assist Guidelines users.

The minimum child support is increased from \$50 to \$70 except that exceptional circumstances may apply (Guidelines, page 27 for definition of "minimum child support", page 14 for "exceptional circumstances", and Appendix C for the "Exceptional Circumstances Form").

"Joint custody" is an important statutory concept (HRS §571-46.1) designed to promote meaningful contact with both parents. However, a more quantitative method is needed to establish child support obligations. These Guidelines use "overnights" as the basic measure. Under the general heading of "extensive time-sharing", the Guidelines recognize the three major divisions of "equal time-share", "extensive time-share", and "split custody" (Guidelines, Appendix B, the "Extensive Time-Sharing Worksheet", pages 9 to 13 guiding the use of that Worksheet, and pages 24-25 for definitions of various types of "custody").

In response to new federal requirements, these new Guidelines (a) govern the determination of a "cash medical support" amount when there is no private health insurance, (b) set "10% of net income" as a reasonableness standard for private insurance costs, and (c) define acceptable

“accessibility” to medical care (Guidelines, pages 19 and 27 define these new concepts, and pages 5-6 explain the relevant part of the Guidelines Worksheet).

There is an updated guide to determine the net income of self-employed individuals (Guidelines, pages 20-24 for the formula, and pages 25 to 27 for definitions of “income”).

We heartily thank the following members of the Hawai‘i Child Support Guidelines Task Force who have been working on these Guidelines since the statutorily mandated review began in 2008:

Judge Aley K. Auna, Jr., Family District Court Judge, Third Circuit, Hawai‘i
Stephen P. Duck, Esq., Supervising Attorney, Family Law Unit, Legal Aid Society of Hawai‘i
Judge Kenneth E. Enright (retired), former Family District Court Judge, First Circuit, O‘ahu
Geraldine N. Hasegawa, Esq., Deputy Attorney General, Supervisor, Hawai‘i Family Support Unit, Family Law Division
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Rhoda Ann N. Kealoha-Spencer, Esq., Family Court, Law Clerk, First Circuit
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Elizabeth Paek, Esq., private practice, volunteer Law Clerk and staff for the Task Force for the Chambers of the Senior Family Court Judge of the First Circuit
John W. Schmidtke, Jr., Esq., private practice, Chair of the Executive Committee of the Task Force
Owen K. Tamamoto, Esq., Supervisor, Office of Child Support Hearings, Dept. of the Attorney General
Judge Keith E. Tanaka, Family District Court Judge, Second Circuit, Maui
Judge Frances Q. F. Wong (retired), Chair of the Task Force, former Deputy Chief Judge and Senior Family Court Judge, First Circuit, O‘ahu
Keith M. Yamanaka, Esq., Staff Attorney and Supervisor, CSEA Administrative Processing Branch and Assistant Administrator in Charge of Policy, Dept. of the Attorney General.

Child support is a complex area that is made all the more complicated because of the infinitely variable fact patterns presented to the Family Courts and the OCSH. Each succeeding set of Guidelines has been an improvement and we hope this set similarly will be an improvement. Your feedback is welcomed; please send your comments to the chambers of the Senior Family Court Judge of the First Circuit on O‘ahu. Thank you.