The Judiciary, State of Hawai'i

Testimony to the House Committee on Veterans, Military,
& International Affairs, & Culture and the Arts
Representative Ken Ito, Chair
Representative James Kunane Tokioka, Vice Chair

Thursday. March 23, 2017 9:50 AM
State Capitol, Conference Room 429

by
Judge R. Mark Browning
Senior Family Judge and Deputy Chief Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Concurrent Resolution No. 130 and House Resolution No. 80,
Military Veterans; Service-Connected Disability Pay

Purpose: REQUESTING THE JUDICIARY TO ADOPT GUIDELINES WHEN MAKING A DISPOSITION
OF PROPERTY RELATING TO THE DISSOLUTION OF MARRIAGE, TO REFRAIN FROM INDEMNIFYING
A VETERAN'S SPOUSE OR FORMER SPOUSE FOR ANY PRE-JUDGMENT OR POST-JUDGMENT
WAIVER OR REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY FOR SERVICE-CONNECTED
DISABILITY PAY RECEIVED BY THE VETERAN.

Judiciary's Position:

The Judiciary takes no position on House Concurrent Resolution No. 130 and House
Resolution No. 80. However, we wish to respectfully inform the committee that we will be
unable to prepare the guidelines outlined in this resolution.

Federal benefits are complex in both application and implementation. In particular,
federal disability benefits for service members are difficult to understand because there are
different types of benefit with different rules. Furthermore, there are federal requirements that
must be met precisely.

Service members' disability benefits are regularly dealt with in the context of divorce proceedings. These benefits are subject to federal and state statutes, rules, and case law. It would be highly inappropriate for a trial court to draft a blanket set of guidelines since each case must be considered on its own merits.

Thank you for the opportunity to provide testimony on this matter.