



R. MARK BROWNING
SENIOR JUDGE

FA'AUUGA TO'OTO'O
CIRCUIT COURT JUDGE

JEFFREY P. CRABTREE
CIRCUIT COURT JUDGE

DISTRICT FAMILY JUDGES

JENNIFER L. CHING
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January 15, 2015

MEMORANDUM

TO: ALL PERSONS UTILIZING THE CHILD SUPPORT GUIDELINES

FROM: THE SENIOR FAMILY COURT JUDGES

R. Mark Browning
/s/ R. MARK BROWNING
R. MARK BROWNING
Senior Judge, First Circuit

Joseph E. Cardoza
/s/ JOSEPH E. CARDOZA
JOSEPH E. CARDOZA
Senior Judge, Second Circuit

Greg Nakamura
/s/ GREG NAKAMURA
GREG NAKAMURA
Senior Judge, Third Circuit

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

RE: 2014 CHILD SUPPORT GUIDELINES (Effective February 15, 2015)

Section 576D-7(a) of the Hawai'i Revised Statutes (2010) 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 2014 Hawai'i Child Support Guidelines ("Guidelines") with twelve (12) appendices:

APPENDICES

APPENDIX A-1	CHILD SUPPORT GUIDELINES WORKSHEET
APPENDIX A-2	SAMPLE CHILD SUPPORT GUIDELINES WORKSHEET
APPENDIX B-1	EXTENSIVE TIME-SHARING WORKSHEET
APPENDIX B-2	SAMPLE EQUAL TIME-SHARING CALCULATION
APPENDIX B-3	SAMPLE EXTENSIVE TIME-SHARING CALCULATION
APPENDIX B-4	SAMPLE SPLIT CUSTODY CALCULATION
APPENDIX C-1	EXCEPTIONAL CIRCUMSTANCES FORM
APPENDIX C-2	SAMPLE 70% OF NET INCOME REQUEST
APPENDIX C-3	SAMPLE ADDITIONAL LEGAL CHILDREN REQUEST
APPENDIX D	TABLE OF INCOMES
APPENDIX E	WORKSHEET FOR SELF-EMPLOYED INDIVIDUALS WITH INCOME OVER \$13,000 PER MONTH
APPENDIX F	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 these attached Guidelines. These Guidelines will be effective February 15, 2015, and will supersede all prior guidelines and amendments. These 2014 Guidelines will apply, statewide, to all divorce, paternity, and other proceedings involving child support orders entered on or after February 15, 2015, in both the Family Courts and the Office of Child Support Hearings ("OCSH"). Prior to February 15, 2015, parties may stipulate to the application of these 2014 Guidelines.

In 2010, the Child Support Guidelines Task Force provided parties with an official uniform electronic worksheet that both revolutionized and simplified the calculation of basic child support — making it easy to use, and effective. The 2014 Guidelines also makes changes to the worksheet, but pays particular attention to revamping and updating the Instructions and Appendices. A summary of modifications to the Worksheet and its attachments are contained in Exhibit "A."

The 2014 Guidelines are grounded in applicable case law, statutes, and rules. Emphasis is placed on explaining how to use/fill out the worksheet, with detailed explanations included as an appendix. Special consideration is placed on making the instructions understandable to self-represented litigants or non-attorneys. As a result, sections were added to the Guidelines, while other sections were updated and modified.

The 2014 Guidelines continue to emphasize the needs of the children, the fair apportionment of costs between parents, and the increase in the children's standard of living commensurate with the actual incomes of their parents. When applicable, policy considerations were determined in favor of the children's needs, fairness, practicality and common sense.

Specific areas of modification within the Guidelines include:

- Exceptional Circumstances — burden of proof, joint financial obligations, adult children and private education expenses (“PEX”),
- Other Child Support considerations — adult children, social security, private health insurance and cash medical support and individuals with income exceeding \$13,000 per month,
- Clarification of cash medical,
- Modification of child support, and
- Definition of Gross Income (rental income, income that is exempt or subject to lower Federal and/or State taxes, business income and annuity income), cash medical and private education expenses (PEX).

Finally, the Task Force developed a new section to the Instructions called “Practice Pointers,” to be attached to the Instructions at a later date. While the Instructions are streamlined to focus on explaining how to fill out the Worksheet, valuable common sense information was retained and added to the Practice Pointers.

**Summary of Modifications to the 2010 Child Support Guidelines Worksheet,
Extensive Time-Sharing Worksheet, Exceptional Circumstances Form and
Table of Incomes:**

- 1) The Table of Incomes/SOLA Incomes was updated to reflect current cost of living and poverty levels. This increased Base Primary Support to \$385 (previously \$360) per child, and minimum child support to \$77 (previously \$70) per child.
- 2) The Table of Incomes, which drives the calculations in the Worksheet, was extended to include incomes of up to \$999,999 per month when using the electronic Worksheet (i.e. users can now calculate child support for high income earners when no exceptional circumstances apply). In addition, the Table of Incomes is now published with the Worksheet so parties may review the basis for the calculations. The Table of Incomes is locked and cannot be edited.
- 3) The terms "Parent (A)" and "Parent (B)" replaced "Father (A)" and "Mother (B)."
- 4) The entry of Childcare/Health Insurance Expenses was simplified by eliminating the need to enter the amount twice within the Worksheet. Line 15 (Credit for Child Care Expense) and Line 16 (Credit for Health Ins/Cash Medical) can now be individually populated for Parent (A) and Parent (B). The sum of both amounts will automatically populate Lines 5 (Monthly Child Care Expense) and Line 6 (Monthly Health Insurance Expense). As a result, both Lines 5 and 6 can no longer be manually populated. This will also ensure that shared expenses are accurately reflected, and prevent numerical errors.
- 5) The Worksheet was changed to automatically populate the Summary of Child Support Payments at the bottom of the CSG Worksheet based upon which parent pays for child care and medical expenses. The yellow highlights were removed because that summary line now cannot be manually populated.
- 6) The minimum wage calculation on the Worksheet column T/U was updated to \$7.75, but this amount (as well as the number of hours) can be manually changed to reflect imputed/adjusted monthly income as applicable.
- 7) Extensive Time-Sharing was clarified so in the event that Line 29 yields a negative number, the Summary of Child Support Payments at the bottom of the page will now automatically change it into a positive number and populate the parent who pays as the one who has NO number of overnights reflected in Line 22 (i.e. the parent with the most overnights). The accompanying comment in Column W was modified to reflect the modification.
- 8) The language in the Worksheet and the Child Support Guidelines Instructions was corrected and modified to be consistent. Minor rounding issues were corrected.

Exhibit "A"
To January 15, 2014 Memorandum