



Family Court of the First Circuit – THE JUDICIARY • STATE OF HAWAI'I
RONALD T.Y. MOON KAPOLEI COURTHOUSE • 4675 KAPOLEI PARKWAY • KAPOLEI, HAWAI'I 96707-3272

MATTHEW J. VIOLA
SENIOR JUDGE

JAMES S. KAWASHIMA
CIRCUIT COURT JUDGE

JORDON J. KIMURA
CIRCUIT COURT JUDGE


DISTRICT FAMILY JUDGES
ROBERT J. BROWN
REBECCA A. COPELAND
BRIAN A. COSTA
JESSI L.K. HALL
LESLEY N. MALOIAN
DYAN M. MEDEIROS
J. ALBERTO MONTALBANO
COURTNEY N. NASO
ELIZABETH PAEK-HARRIS
ANDREW T. PARK
NATASHA R. SHAW

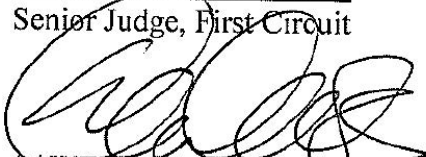
March 20, 2024


MEMORANDUM


TO: ALL PERSONS USING THE CHILD SUPPORT GUIDELINES

FROM: THE SENIOR FAMILY COURT JUDGES


/s/ MATTHEW J. VIOLA
Senior Judge, First Circuit


/s/ WENDY M. DeWEESE
Senior Judge, Third Circuit


/s/ MICHELLE L. DREWYER
Senior Judge, Second Circuit


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

RE: 2024 CHILD SUPPORT GUIDELINES (Effective April 1, 2024)

Section 576D-7(a) of the Hawai'i Revised Statutes (2022) 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 2024 Hawai'i Child Support Guidelines ("Guidelines") with six appendices:

APPENDIX A-1	CHILD SUPPORT GUIDELINES WORKSHEET
APPENDIX A-2	EXTENSIVE TIME-SHARING WORKSHEET
APPENDIX A-3	EXCEPTIONAL CIRCUMSTANCES FORM

APPENDIX A-4	NON-TAXABLE & NET SELF-EMPLOYED INCOME WORKSHEET
APPENDIX A-5	SELF-EMPLOYED CALCULATION WORKSHEET
APPENDIX B	TABLE OF INCOMES

In consultation with Lynette J. Lau, Administrator of the Hawai'i Child Support Enforcement Agency ("CSEA"), the Family Court of Hawai'i has adopted the attached Guidelines. The Guidelines will be effective **April 1, 2024**, and will supersede all earlier guidelines and amendments. The 2024 Guidelines will apply statewide to all proceedings involving child support orders entered on or after April 1, 2024, in the Family Courts, the Office of Child Support Hearings ("OCSH"), and CSEA. Parties may stipulate to use the 2024 Guidelines before April 1, 2024.

The 2024 Guidelines are grounded in applicable case law, statutes, and rules. The 2024 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. Special consideration was placed on making the instructions understandable to self-represented litigants and people who are not lawyers. As a result, minor grammatical changes were made throughout the 2024 Guidelines to simplify the language.

The 2024 Guidelines update all figures used in earlier versions. The major updates are:

- Base Primary Support The base primary support is \$455 [monthly difference between 1 and 2-person household per the 2022 Federal Poverty Guidelines ("FPG")]. This is an increase of \$40 from the 2020 Guidelines (\$415).
- Minimum Child Support The minimum child support amount is \$91. This is 20% of the base primary support of \$455. This is an increase of \$8 from the 2020 Guidelines (\$83).
- Standard of Living Adjustment ("SOLA") Income SOLA income is gross income minus \$1,303. The \$1,303 is the monthly amount of a 1-person household per the FPG ($\$15,630 \div 12$). This is an increase of \$140 from the 2020 Guidelines (\$1,163).
- Self-Support (Set Aside) Amount The self-support amount is \$1,693. The self-support amount is the product of \$1,303 (the monthly 1-person household per the 2022 FPG) when multiplied by 130% with **no** federal, state, and FICA estimated taxes deducted. This is the most significant increase from the 2020 Guidelines (\$900).
- Self-Employed Individuals The calculation of income for Self-Employed Individuals includes the updated 2022 SOLA Income, Self-Support Reserve, and estimated taxes as of January 1, 2022.

Further, the 2024 Guidelines address the requirements of the “Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs” (“Final Rule”) under 45 C.F.R. § 302.56. The Final Rule mandated changes to increase reliable child support for children by setting child support orders based on the noncustodial parent’s earnings, income, or other evidence of ability to pay. The 2024 Guidelines incorporate the Final Rule by:

- Considering the non-custodial parent’s earnings, income, other evidence of ability to pay, and basic subsistence needs and incorporating a self-support reserve;
- Requiring a parent’s specific circumstances be considered when that parent’s income is imputed;
- Requiring every order for support require one or both parents to provide private or public health insurance and/or cash medical support for the child;
- Specifying incarceration may not be treated as voluntary unemployment in establishing or modifying support orders;
- Requiring specific findings when deviating from the presumptive amount of child support; and
- Requiring future Child Support Guidelines be reviewed to follow the Final Rule.

By requiring the consideration of additional factors relating to the parents’ situations, the new guidelines are intended to generate a presumptive child support amount that is more reliable, will result in less conflict between the parents, and will improve the collection of child support.

The CSG Task Force also followed the mandate stated in endnote no. 4 of the 2020 Guidelines. The CSG Task Force used sampled case data to ensure deviations from the 2020 Guidelines were limited, ensured the support amounts were appropriate, and considered current economic data relevant to the cost of raising children.

To follow the federal Final Rule, the CSG Task Force formed the Data Analysis Committee that (a) collected case data on orders from October 2021 that either established or modified child support, (b) selected October 2021 for data sampling (the month Pandemic Unemployment Assistance benefits ended, allowing for more reliable data relating to parents’ incomes and payment compliance), and (c) collected 42 data points from child support cases in the Family Court, CSEA and OCSH for analysis.

The Data Analysis Committee prepared a Report on the 2024 Hawaii Child Support Guidelines Review, which the Task Force approved. A copy of the Report is attached. The Report reflects the Data Analysis Committee’s process, data, findings, conclusions, and recommendations.