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Excellence In Family Law

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Address:

Kailua Professional Cntr II
40 Aulike St., Ste 314
Kailua, HI 96734

Tel: 808-263-6900
Fax: 808 263-6982
HMFamilylaw.com

Attorneys:

Steven L. Hartley
Elsa F. M. McGehee
Seth R. Harris
Mari L. Kishimoto

Paralegal Staff:

Kalani Kim
Elsie Miyashiro

Office Manager:

Stephanie Suzuki

Admin Assistant:

Eileen Tortuga

Intake Coordinator:

Renee Salmo

If you have any questions or need
more information regarding child
support go to
www.courts.state.hi.us or call
the Child Support Enforcement
Agency at 692-8265

Legal Insights

By Steven L Hartley

The most important thing to remember in cases dealing with child support is the child. Both parties can do a lot to ensure that the children are truly placed first. The paying party needs to remember that the child support, whether or not they agree to the amount ordered, is for the children and not the opposing party. The party receiving the child support needs to remember that the child support, whether or not they agree to the amount ordered, is for the children and not a penalty or weapon to use against the opposing party.

There is nothing the Family Court frowns on more than parents who use their children, knowingly or not, as pawns in their cases. This applies as much to child support issues as it does to custody. Asking for sole physical custody or joint physical custody simply to reduce one's child support obligation is not acceptable or appropriate. In the long run, it will likely cost the responsible party a lot more time and money in litigation costs and expenses than the child support decrease is worth.

The Hawaii Family Court has an award-winning program called Kids First that is required in all cases involving minor children. But this court required program couldn't begin to do all that is necessary to keep our children happy and healthy. It is up to the parties in these cases to make sure that they are putting the children first at all times. This is the only way to ensure that the children involved in these cases will have the opportunity to grow up healthy and well adjusted.

Our children already face a lot of difficult obstacles in their everyday lives, from the recent school furloughs to the financial crises that most parents are experiencing, and they don't need us, their parents, to add to these obstacles by fighting over child support issues. It is incumbent on all parents more than ever before to keep the children first. If you are dealing with a child support issue, educate yourself about the law and resources that are available to you before starting a contested case that will inevitably hurt the children more than anyone else in the end.

If you have any questions regarding any family law matters, please call us at (808) 263-6900 or visit our website at www.HMFamilylaw.com

IN A NUTSHELL: CHILD SUPPORT

Child support in Hawaii is federally mandated in all family law cases involving minor children and is calculated using the Child Support Guidelines Worksheet ("CSGW"). The CSGW calculates child support using the basic support needs for children in accordance with the federal poverty guidelines, which is \$250.00 per child per month. A standard of living adjustment ("SOLA") is added to the basic support amount along with any monthly health care and day care expenses paid for the children.

The parties' gross incomes from all sources are used in the calculation of child support and each party's individual obligation is proportionate to his or her income. Under current law, the parent who has physical custody of the child is the recipient of the child support and is responsible for using the support to pay for the child's daily expenses and needs.

If the parents involved in the case share joint physical custody or the non-custodial parent has 143 or more overnight visits with the child per year, the paying party's child support will be reduced under the CSGW to account for such. The amount calculated under the CSGW is legally presumed to be the amount needed by the child unless the paying party can prove that there are special circumstances that warrant a lesser amount.

Child support can be ordered through the Family Court or the Child Support Enforcement Agency ("CSEA") and can be paid via an Order for Income Assignment or directly between the parties if approved by the CSEA or Family Court. The CSEA and Family Court share concurrent jurisdiction over child support related matters, including the enforcement of child support obligations. The CSEA is an administrative agency that works with the Office of Child Support Hearings ("OCSH") to address contested child support issues. The OCSH uses administrative hearing officers to preside over contested child support matters. As such, the process is less formal than Family Court and is often used by parties without attorneys.

When calculating child support, it is important to use the parties' most current "regular and consistent" incomes. Parties can save a lot of wasted time and money by having their pay statements, W-2 forms and tax returns organized and ready to verify their claimed incomes.

Finally, if the parties elect to handle child support directly between them, as opposed to using the CSEA as the collection conduit, they both should keep records and receipts of all direct child support paid or received in case there is a dispute later on.