

JAN 19 2024

A BILL FOR AN ACT

RELATING TO COMPENSATION FOR COURT-APPOINTED REPRESENTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-87, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) The court shall determine the amount of reasonable
4 compensation paid to appointed counsel and guardian ad litem,
5 based on the following rates:

6 (1) [~~\$90~~] \$150 an hour for in-court or out-of-court
7 services provided by an attorney licensed to practice
8 law in the State; and

9 (2) [~~\$60~~] \$100 an hour for[+]

10 ~~(A) Out-of-court services provided by an attorney~~
11 ~~licensed to practice law in the State; and~~

12 ~~(B) All]~~ all services provided by a person who is not
13 an attorney licensed to practice law in the
14 State, whether performed in-court or
15 out-of-court.

16 (c) The maximum allowable fee shall not exceed the
17 following schedule:



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1 (1) Cases arising under chapters [†]587A[†] and 346,
2 part X:

3 (A) Predisposition
4 [~~\$3,000;~~] \$4,500; and

5 (B) Postdisposition review hearing
6 [~~\$1,000;~~] \$1,500; and

7 (2) Cases arising under chapters 560, 571, 580, and
8 584
9 [~~\$3,000.~~] \$4,500.

10 Payments in excess of any maximum provided for under
11 paragraphs (1) and (2) may be made whenever the court in which
12 the representation was rendered certifies, based upon
13 representations of extraordinary circumstances, attested to by
14 the applicant, that the amount of the excess payment is
15 necessary to provide fair compensation in light of those
16 circumstances, and the payment is approved by the administrative
17 judge of that court."

18 SECTION 2. In accordance with section 9 of article VII, of
19 the Constitution of the State of Hawaii and sections 37-91 and
20 37-93, Hawaii Revised Statutes, the legislature has determined
21 that the appropriation contained in this Act will cause the
22 state general fund expenditure ceiling for fiscal year 2024-2025



S.B. NO. 2376

Report Title:

Judiciary Package; Family Courts; Court-appointed Counsel;
Guardian Ad Litem; Fees; Appropriation; General Fund
Expenditure Ceiling Exceeded

Description:

Increases the rate of compensation and maximum allowable amounts per case for court-appointed counsel and guardian ad litem in family court proceedings. Appropriates moneys. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025.

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