

STAND. COM. REP. NO.

289

Honolulu, Hawaii

FEB 10 , 2025

RE: H.B. No. 398
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 398 entitled:

"A BILL FOR AN ACT RELATING TO COMPENSATION FOR COURT-
APPOINTED REPRESENTATION,"

begs leave to report as follows:

The purpose of this measure is to increase the rate of compensation and maximum allowable amounts per case for court-appointed counsel and guardians ad litem in family court proceedings.

Your Committee received testimony in support of this measure from the Judiciary; Office of the Public Defender; Department of Human Services; Department of the Prosecuting Attorney of the City and County of Honolulu; Hawaii State Bar Association; Legal Aid Society of Hawai'i; and two individuals.

Your Committee finds that court-appointed guardians ad litem perform a critical role in a wide range of family court cases, including representing the best interest of children in child protective cases or child custody matters and representing persons in involuntary hospitalization and assisted community treatment proceedings. The subjects of these proceedings are the most vulnerable members of the community who are frequently unable to



advocate for themselves or meaningfully participate in court proceedings.

Your Committee further finds that court-appointed attorneys play a similar role in family court cases. These court-appointed attorneys provide constitutionally mandated representation to individuals whose parental rights are at stake in child protective cases and to minors who have been charged with violations of the law.

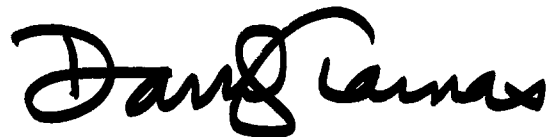
The work court-appointed guardians ad litem and counsel perform can be quite complex and is extremely important. It requires expertise and experience. This measure will help attract and retain highly competent individuals to serve as court-appointed guardians ad litem and counsel in family court cases.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 398, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 398, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



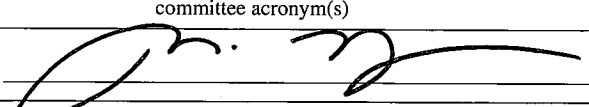
DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

HSCR 289

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 398	Committee Referral: JHA, FIN	Date: 1/30/25		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.				✓
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	9	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				