
A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1 SECTION 1. Section 571-87, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§571-87 Appointment of counsel and guardian ad litem;**
4 **compensation.** (a) When it appears to a judge that a person
5 requesting the appointment of counsel satisfies the requirements
6 of chapter 802 for determination of indigency, or the court in
7 its discretion appoints counsel under chapters 587 and 346, part
8 X, or that a person requires appointment of a guardian ad litem,
9 the judge shall appoint counsel or a guardian ad litem to
10 represent the person at all stages of the proceedings, including
11 appeal, if any. Appointed counsel and the guardian ad litem
12 shall receive reasonable compensation for necessary expenses,
13 including travel, the amount of which shall be determined by the
14 court, and reasonable fees pursuant to subsection (b). All of
15 these expenses and fees shall be [~~certified~~] ordered by the
16 court and paid upon vouchers approved by the judiciary and
17 warrants drawn by the comptroller.



1 (b) The court shall determine the amount of reasonable
2 compensation paid to appointed counsel and guardian ad litem,
3 based on the rate of [~~\$40~~] \$90 an hour for [~~out-of-court~~] legal
4 services, and \$60 an hour for [~~in-court~~] non-legal services
5 [~~with a maximum fee in accordance with~~]; provided that the
6 maximum allowable fee shall not exceed the following schedule:

- 7 (1) Cases arising under chapters 587 and 346, part X:
 - 8 (A) Predisposition..... [~~\$1,500+~~] \$3,000;
 - 9 (B) Postdisposition review hearing... [~~\$500+~~] \$1,000;
- 10 (2) Cases arising under chapters 560, 571, 580, and
11 584..... [~~\$1,500.~~] \$3,000.

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

20 (c) The judiciary shall submit to the department of budget
21 and finance, for inclusion in the department's budget request
22 for each fiscal biennium, the amount required for each fiscal



1 year for the payment of fees and expenses pursuant to this
2 section."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$, or so much
5 thereof as may be necessary for fiscal year 2007-2008, and the
6 same sum, or so much thereof as may be necessary for fiscal year
7 2008-2009, for the purposes of this Act.

8 The sums appropriated shall be expended by the department
9 of budget and finance for the purposes of this Act.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory language is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2008;
13 provided that section 2 shall take effect July 1, 2007.



REPORT Title:

Court-Appointed Counsel & Guardian Ad Litem Fees; Family Court

Description:

Increases fees for court-appointed counsel and guardians ad litem in family court cases. Requires the judiciary to provide the department of budget and finance with fees-related information so that the department can approve the necessary vouchers. (SD2)

