



**STATE OF HAWAII
OFFICE OF COMMUNITY SERVICES
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.labor.hawaii.gov/ocs
Phone: (808) 586-8675 / Fax: (808) 586-8685

April 6, 2015

To: The Honorable Jill N. Tokuda, Chair
The Honorable Ronald D. Kouchi, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Wednesday, April 8, 2015
Time: 9:00 a.m.
Place: Conference Room 211, State Capitol

From: Office of Community Services (OCS)
Department of Labor and Industrial Relations (DLIR)
Leonard Hoshijo, Deputy Director

Re: Senate Concurrent Resolution 23, SD1 and Senate Resolution 6, SD1:

**REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO
ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO
DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD
ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO THE LOW-
AND MODERATE-INCOME.**

I. OVERVIEW OF PROPOSED RESOLUTIONS

SCR23, SD1 and SR6, SD1 request the Hawaii Access to Justice Commission to convene a working group composed of representatives from various government and community groups to develop a plan to determine which agency or organization should administer funding for civil legal services to low-income and moderate-income persons, and report back to the 2016 Legislature.

The proposed resolutions both note that State funding for such services in previous years has variously been in the form of Grants-in-Aid to identified non-profit organizations, and in the form of appropriations to State agencies for which purchase of services (POS) contracts were issued.

The measures also note that the Office of Community Services (OCS), which is administratively attached to the DLIR, administered appropriations for civil legal services for some thirty years and that grants-in-aid have been appropriated by the Legislature for some twenty years to various legal services organizations.

The measures note the great importance that access to civil legal services can have for people and observe with concern that available funding for such services derived from court fees has dropped precipitously in recent years.

COMMENTS ON THE PROPOSED RESOLUTIONS

OCS agrees with the concerns expressed in the measures and is willing to serve on the proposed working group.



**LEGAL AID
SOCIETY OF HAWAII**

Telephone: (808) 536-4302 • Fax: (808) 527-8088
Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375
924 Bethel Street • Honolulu, Hawaii 96813

Susan Ichinose, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

**TESTIMONY IN SUPPORT OF AND REQUESTING AMENDMENTS TO
SCR23/SR6 - REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO
ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL
SERVICES TO THE LOW- AND MODERATE-INCOME.**

Committee on Ways and Means - Room 211

Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice-Chair

April 8, 2015 at 9:00 a.m.

The Legal Aid Society of Hawaii submits strong testimony in support of SCR23/SR6 – Requesting the Hawaii Access to Justice Commission to Assemble Various State and Community Entities to Determine which Agency or Organization should Administer Funding for Civil Legal Services to the Low- and Moderate-Income. We are in strong support of these resolutions, but ask for one technical amendment to address a recommendation made by the Access to Justice Commission as represented by Gary Slovin at a prior hearing.

These resolutions are aimed at ensuring on-going general revenue funding for civil legal services which have been supported by the state for almost 40 years. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. The civil legal services provided by the two key entities featured in this current resolution, Legal Aid and Volunteer Legal Services Hawaii are critical to ensuring that the underlying principles of justice and due process are maintained in Hawaii.

By adopting these resolutions, you will help to bring together a variety of stakeholders to discuss how best to restore some of the purchase of service contract was provided for civil legal services as part of the state's base budget from 1975 to 2004. Purchase of service contracts were provided for both general civil legal services and immigration and immigrant-related civil legal services. During this entire period, the Legal Aid Society of Hawaii was the recipient of the purchase of service contract for civil legal services. Na Loio No Na Kanaka which became the Hawaii's Immigrant Justice Center received the funding for immigration and immigrant-related civil legal services beginning in or around 1985. In 2004, this funding was converted into grant-in-aids directly to the Legal Aid Society of Hawaii and to the Hawaii Immigrant Justice Center. In 2010, because of the recession and the lack of funding, the Hawaii Immigrant Justice Center merged with the Legal Aid Society of Hawaii.

Except for the two years in which grant-in-aid funding was not provided during the recession, direct civil legal services has been funded. These resolutions will enable various stakeholders to join together to discuss how to restore the state's commitment to funding civil legal services and to provide critical funding which is used to leverage over \$5 million in additional funding for civil legal services in the state.

As members of the Committee on Ways and Means, we realize that you have a difficult job in deciding how the state's limited resources should be spent. We believe that these resolutions will help to ensure access to justice in the community and to provide critical services that can make a fundamental difference to ensuring a stable society and that your other investments are well-spent:

- You invest in a child's education by supporting teachers, but how productive is that child going to be in school if his mother is being beaten on a daily basis and not protected through a restraining order and sole legal custody gained through the representation by a legal services attorney;
- You are concerned about your constituents who must face a homeless person sleeping in front of their business because they have no place to go, but what if our assistance can lead to them getting federal supplemental social security which can be used to get into a shelter and to then get health insurance which will help them get their medication which had lead them to the streets;
- You are worried about the amount of money that is going to public assistance for that mother who recently got divorced, but what if our representation could have helped her get her fair share of their property, her husband's retirement and child support, so that she would have never had to go on assistance in the first place;
- You are trying to figure out how you can increase general revenue to the state, but what if we could help an immigrant get his green card or citizenship so that he can work or build a business that will increase our state revenue; and
- You are thinking about the amount of money that we must contribute to the child welfare system, but what if our representation can help a grandparent get a guardianship or adopt a child so that the child never has to go into the system.

We ask that you support our request for these resolutions with a new section added at [page 5, line 14](#), to ensure working group members are not considered state employees:

BE IT FURTHER RESOLVED that the members of the working group should not be considered state employees based solely upon their participation in the working group; and

Thank you for this opportunity to provide testimony.

Sincerely,



M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2014 provided legal assistance to over 7,500 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.