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	SECT	ION 1. Section 571-87, Hawaii Revised Statutes, is
2	amended by	y amending subsections (b) and (c) to read as follows:
3	"(b)	The court shall determine the amount of reasonable
4	compensati	ion paid to appointed counsel and guardian ad litem,
5	based on t	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 no
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:

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	[ <del>\$3,000.</del> ] <u>\$4,500.</u>	
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	

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- 1 to be exceeded by \$ , or per cent. The reasons
- 2 for exceeding the general fund expenditure ceiling are that the
- 3 appropriation made in this Act is necessary to serve the public
- 4 interest and to meet the needs provided for by this Act.
- 5 SECTION 3. There is appropriated out of the general
- 6 revenues of the State of Hawaii the sum of \$1,500,000 or so much
- 7 thereof as may be necessary for fiscal year 2024-2025 for the
- 8 purchase of service contracts, guardian ad litem contracts, and
- 9 court-appointed counsel contracts pursuant to chapter 571,
- 10 Hawaii Revised Statutes.
- 11 The sum appropriated shall be expended by the judiciary for
- **12** the purposes of this Act.
- 13 SECTION 4. Statutory material to be repealed is bracketed
- 14 and stricken. New statutory material is underscored.
- 15 SECTION 5. This Act shall take effect on July 1, 2024.

**16** 

INTRODUCED BY:

By Reguest

# 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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