

STAND. COM. REP. NO.

1140

Honolulu, Hawaii

MAR 19 2025

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 398, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent 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, Department of Human Services, Office of the Public Defender, State Council on Developmental Disabilities, Hawaii Coalition for Child Protective Reform, Hawaii State Bar Association, West Hawaii Bar Association, and seven individuals.

Your Committee finds that guardians ad litem and court-appointed attorneys play critical roles in family court cases, with their work requiring significant expertise and experience to handle extremely complex cases. Your Committee further finds that the pool of individuals who are willing and able to serve as guardians ad litem and court-appointed attorneys is small. For example, in the First Circuit, there are only two individuals who are consistently willing and available to be appointed as



guardians ad litem in involuntary hospitalization cases and only four attorneys who are under contracts to represent parents, down from six attorneys last year. Your Committee believes that it is in the community's best interest to attract and retain highly competent individuals as guardians ad litem and court-appointed attorneys in family court cases, and that a significant increase in the rates at which the Judiciary can compensate potential guardians ad litem and appointed counsel will help increase the pool of individuals willing and able to perform this critical work. This measure will ensure that parties in these important cases have access to representation and will allow the family courts to hear these cases without unnecessary delay.

Your Committee has amended this measure by making it effective upon its approval.

Your Committee notes that any additional budget requests to fund the increased rate of compensation and maximum allowable amounts per case for court-appointed counsel and guardians ad litem in family court proceedings established by this measure should come from the normal budget process, rather than by appropriation.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



