

ACT 201

H.B. NO. 2698

A Bill for an Act Relating to Court-Appointed Counsel and Guardians Ad Litem in Family Court.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 571-87, Hawaii Revised Statutes, is amended to read as follows:

“§571-87 Appointment of counsel and guardian ad litem; compensation.

(a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under chapters 587 and 346, part X, or that a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any. Appointed counsel and the guardian ad litem shall receive reasonable compensation for necessary expenses, including travel, the amount of which shall be determined by the court, and reasonable fees pursuant to ~~[subsection]~~ subsections (b) ~~[-]~~ and (c). All of these expenses and fees shall be certified by the court and paid upon vouchers approved by the judiciary and warrants drawn by the comptroller.

(b) The court shall determine the amount of reasonable compensation paid to appointed counsel and guardian ad litem, based on the ~~[rate of \$90 an hour for legal services, and \$60 an hour for non-legal services; provided that the]~~ following rates:

- (1) \$90 an hour for in-court services provided by an attorney licensed to practice law in the state; and
- (2) \$60 an hour for:
 - (A) Out-of-court services provided by an attorney licensed to practice law in the state; and
 - (B) All services provided by a person who is not an attorney licensed to practice law in the state, whether performed in-court or out-of-court.
- (c) The maximum allowable fee shall not exceed the following schedule:
 - (1) Cases arising under chapters 587 and 346, part X:
 - (A) Predisposition \$3,000;
 - (B) Postdisposition review hearing..... \$1,000;
 - (2) Cases arising under chapters 560, 571, 580, and 584 \$3,000.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies, based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of that court.

(d) Nothing in this section shall preclude the judiciary from contracting for court-appointed counsel and guardian ad litem services pursuant to chapter 103D and based on contract amounts guided by the rates in subsection (b)."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2008.

(Approved June 24, 2008.)