

ACT 91

S.B. NO. 2663

A Bill for an Act Relating to Filing Fees.

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

SECTION 1. The legislature finds that having different filing fee schedules for divorce and paternity actions creates a burdensome and confusing situation for low-income litigants. Although the waiver of initial filing fees for termination of parental right actions, including paternity actions, was intended to reduce the burden on unmarried litigants who may have less ability to pay the initial filing fee, the fees to file subsequent motions still create significant ongoing expense in paternity cases. Eliminating fees to file motions and increasing the initial filing fee in paternity cases to match the filing fee in divorce cases will reduce uncertainty regarding the cost of paternity actions by requiring a single fee at the initiation of the case, as opposed to an unknown number of fees as the case progresses.

Accordingly, the purpose of this Act is to alter the filing fee schedules for actions to determine father and child relationships to achieve parity with divorce cases by:

- (1) Establishing an initial filing fee of \$100; and
- (2) Eliminating the filing fee to file motions.

SECTION 2. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The fees referred to in subsection (a) are:

- (1) Except for petitions for temporary restraining order under section 604-10.5, the fee for which shall be the same as that provided in section ~~[607-5(b)(19);]~~ 607-5(b)(20), for the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (6) \$100
- (2) Intervention; answer containing one or more cross-claims or counterclaims; third-party complaint, for each such matter..... \$10
- (3) Demand for jury trial..... Fee prescribed by section 607-5
- (4) Filing of notice of appeal, to be paid in addition to the deposit of appellate court costs \$100
- (5) Making of a copy; comparing of copy with original..... Fees prescribed by section 92-21
- (6) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed Amounts necessary to cover actual costs or disbursements
- (7) Administrative costs associated with the processing of traffic citations that involve stopping (when prohibited), standing, or parking..... \$10 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (8) Administrative costs associated with the processing of traffic citations which do not involve stopping, standing, or parking..... \$40 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (9) Administrative costs associated with the processing of traffic citations issued for violations of a statute or ordinance relating to vehicles or their drivers, or owners, except those as provided by paragraphs (7) and (8)..... \$30 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (10) Administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties and political subdivisions of the State, those commenced by a petition for temporary restraining order under section 604-10.5, and those commenced and conducted in the small claims division of the district court..... \$20.”

SECTION 3. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) **PART I**

Action or proceeding, general:

- (1) Civil action or special proceeding, unless another item in part I applies \$200
- (1a) Petition for conversion of nonjudicial foreclosure to judicial foreclosure \$250
- (2) Appeal to a circuit court \$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees \$125

Trusts:

- (4) Proceeding for (A) appointment of trustee; (B) appointment of successor; (C) resignation of trustee; (D) instructions; (E) approval of investment; (F) approval of sale, mortgage, lease, or other disposition of property; (G) approval of compromise of claim, for each such matter \$100
- (5) Proceeding for (A) removal of trustee; (B) order requiring accounting; (C) invalidation of action taken by trustee; (D) termination of trust, for each such matter \$100
- (6) Accounting, this fee to be paid for each account filed and to include the settlement of the account \$10
- (7) Vesting order no charge under part I
- (8) Allowance of fees of trustees, attorneys, or other fees for services incurred in a proceeding for which a fee has been paid under this section no charge under part I
- (8a) Registration of a trust, or release of registration, under chapter 560 \$3
- (9) Any other proceeding relating to a trust \$15

Conservatorship:

- (10) Proceeding for (A) appointment; (B) appointment of successor; (C) resignation; (D) instructions, unless included in one of the foregoing proceedings; (E), (F), (G) approval of any matter listed in (E), (F), or (G) of item (4) in relation to a trust, for each such matter \$100
- (11) Proceeding of the nature listed in (A), (B), (C), or (D) of item (5) in relation to a trust, for each such matter \$15
- (12) Accounting, same as provided by item (6) in relation to a trust \$10
- (13) Any other proceeding relating to a conservatorship no charge under part I

Guardianship:

- (13a) Guardianship, including all matters of the nature listed in items (4) to (9), whether in family or circuit court \$100

Probate (decedents' estates). These fees include all matters of the nature listed in items (4) to (9), without additional charge:

- (14) Probate, administration, domiciliary foreign personal representative, or ancillary administration, this fee to be paid once only for each decedent's estate \$100

Family court cases:

- (15) Matrimonial action (annulment, divorce, separation, or separate maintenance) \$100
- (16) Adoption \$100

- (17) Guardianship, including all matters of the nature listed in items (4) to (9)..... As provided in item ~~[13(a)]~~ 13a
- (18) Termination of parental rights, except determinations of father and child relationship pursuant to section 584-6..... no charge under part I
- (19) Determinations of father and child relationship pursuant to section 584-6..... \$100
- ~~[(19)]~~ (20) Any other family court proceeding, except motions or other pleadings in matrimonial, adoption, determinations of father and child relationship pursuant to section 584-6, and guardianship actions, but including without limitation custody proceedings even if in the form of an habeas corpus proceeding \$15”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)