
HOUSE RESOLUTION

REQUESTING THE JUDICIARY TO ASSESS THE FAMILY COURT SERVICES AND PROCESSES.

1 WHEREAS, Senate Resolution No. 40, Regular Session of 2004,
2 authorized the House of Representatives Committee on Human
3 Services to convene interim hearings on the Hawaii Family Court;
4 and

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6 WHEREAS, the House of Representatives Committee on Human
7 Services formed a task force to explore issues related to, among
8 other things, alternative dispute resolution in the Family
9 Court; and

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11 WHEREAS, Family Court Rule 53.1 grants judges discretion to
12 order the parties to participate in an alternative dispute
13 resolution process, subject to conditions set by the court; and

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15 WHEREAS, the Committee found that the experience for many
16 Family Court participants is adversarial and litigious and that,
17 despite evidence that children recover more quickly from a
18 parent's divorce or separation when less emotional trauma is
19 associated with the process, some parties are either unwilling
20 or unable to work together to minimize the effects of a family
21 court action on their children; and

22
23 WHEREAS, in fiscal year 2004, over 32,000 cases were filed
24 in the Family Court, including more than 5,500 divorce actions,
25 for a total caseload of 49,880 cases; and

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27 WHEREAS, although the majority of divorces pending in
28 fiscal year 2004 were concluded on the uncontested divorce
29 calendar without a hearing, judicial resources remain strained
30 in the family court; and

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32 WHEREAS, the Superior Court of Arizona, Family Court
33 Department of Maricopa County, Arizona is a model for innovative
34 family court programs that maximize limited judicial resources
35 and for streamlined, user-friendly court processes; and



1 WHEREAS, the Maricopa County Family Court implemented a
2 variety of new procedures and programs after a study identified
3 the lack of a uniform case management system and the resultant
4 backlog of cases as the two most egregious problems facing the
5 family court; and
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7 WHEREAS, the Presiding Judge of the Maricopa County Family
8 Court collaborated with family court judges and staff to develop
9 and implement a uniform case management system to streamline the
10 family court process and eliminate the backlog and delay
11 plaguing the court; and
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13 WHEREAS, the Maricopa County Family Court has implemented a
14 differentiated case management model that employs the following
15 elements: early active judicial management, a focus on final
16 resolution, required litigant preparation for conferences,
17 targeted use of ancillary referrals, early firm trial dates, and
18 user-friendly processes to manage and resolve each category of
19 family court cases in a uniform manner; and
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21 WHEREAS, in an effort to make the family court process more
22 convenient for litigants and to expedite the entry of a default
23 or consent decree, the Maricopa County Family Court created an
24 innovative program known as the Decree on Demand program; and
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26 WHEREAS, the Decree on Demand program enables parties to
27 answer questions designed to verify that all legal requirements
28 appear to have been satisfied and schedule a hearing at their
29 convenience, as early as the next court day, by calling a
30 dedicated telephone line or using the Internet; and
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32 WHEREAS, specially-trained family court staff conduct a
33 final file review prior to the Decree on Demand hearing, to
34 examine final paperwork, to allow litigants to correct any
35 deficiencies that can be cured with available forms, and to
36 calculate child support prior to a hearing with a Court
37 Commissioner; and
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39 WHEREAS, the Maricopa County Family Court also implemented
40 the Early Resolution Triage Program to aid self-represented
41 parties in contested cases to obtain a full and final settlement
42 of all issues if possible, to assist the parties to memorialize
43 all agreements, and to facilitate the entry of a Consent Decree
44 if the parties reach full agreement; and



1 WHEREAS, under the Early Resolution Triage Program,
2 contested self-represented cases in which a response is filed
3 are scheduled for an Early Resolution Conference with an
4 Attorney Case Manager, who is an attorney trained to mediate and
5 conduct settlement conferences in family court cases; and
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7 WHEREAS, Attorney Case Managers also manage unresolved
8 custody and child support issues, evaluate the need for
9 pre-trial custody and child support services, initiate referrals
10 and services appropriate to prepare the case for trial, and
11 determine if cases involve complex issues or will require
12 additional trial time that may involve judicial management by
13 the judicial officer assigned to the case; and
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15 WHEREAS, the Maricopa County Family Court philosophy of
16 early intervention, encouraging settlement, and maximizing
17 judicial resources through targeted ancillary service referrals
18 with the underlying objective to do no harm, is suited to
19 incorporation into Hawaii's Family Court system; now, therefore,
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21 BE IT RESOLVED by the House of Representatives of the
22 Twenty-third Legislature of the State of Hawaii, Regular Session
23 of 2006, that the Judiciary is requested to identify the
24 programs and processes it has adopted to improve the provision
25 of its services since the conclusion of the interim hearings
26 held pursuant to Senate Resolution No. 40, Regular Session of
27 2004; and
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29 BE IT FURTHER RESOLVED that the Family Court further is
30 requested to assess its current case management system and to
31 determine which programs and court processes of the Maricopa
32 County Family Court, if any, should be implemented by Hawaii's
33 Family Court; and
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35 BE IT FURTHER RESOLVED that the Judiciary is requested to
36 report its findings to the Legislature no later than twenty days
37 before the convening of the Regular Session of 2007; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Resolution be transmitted to the Chief Justice of the Hawaii



1 Supreme Court, the Senior Judge of the Family Court, and the
2 Administrative Director of the Courts.

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OFFERED BY:

Ali G. Gurbak.

MAR 15 2006

