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## SENATE 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 Senate Committee on Human Services to convene  
3 interim hearings on the Hawaii Family Court; and  
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5 WHEREAS, the Senate Committee on Human Services formed a  
6 task force to explore issues related to, among other things,  
7 alternative dispute resolution in the Family Court; and  
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9 WHEREAS, Family Court Rule 53.1 grants judges discretion to  
10 order the parties to participate in an alternative dispute  
11 resolution process, subject to conditions set by the court; and  
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13 WHEREAS, the Committee found that the experience for many  
14 Family Court participants is adversarial and litigious and that,  
15 despite evidence that children recover more quickly from a  
16 parent's divorce or separation when less emotional trauma is  
17 associated with the process, some parties are either unwilling  
18 or unable to work together to minimize the effects of a family  
19 court action on their children; and  
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21 WHEREAS, in fiscal year 2004, over 32,000 cases were filed  
22 in the Family Court, including more than 5,500 divorce actions,  
23 for a total caseload of 49,880 cases; and  
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25 WHEREAS, although the majority of divorces pending in  
26 fiscal year 2004 were concluded on the uncontested divorce  
27 calendar without a hearing, judicial resources remain strained  
28 in the family court; and  
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30 WHEREAS, the Superior Court of Arizona, Family Court  
31 Department of Maricopa County, Arizona is a model for innovative  
32 family court programs that maximize limited judicial resources  
33 and for streamlined, user-friendly court processes; and  
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35 WHEREAS, the Maricopa County Family Court implemented a  
36 variety of new procedures and programs after a study identified



1 the lack of a uniform case management system and the resultant  
2 backlog of cases as the two most egregious problems facing the  
3 family court; and  
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5 WHEREAS, the Presiding Judge of the Maricopa County Family  
6 Court collaborated with family court judges and staff to develop  
7 and implement a uniform case management system to streamline the  
8 family court process and eliminate the backlog and delay  
9 plaguing the court; and  
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11 WHEREAS, the Maricopa County Family Court has implemented a  
12 differentiated case management model that employs the following  
13 elements: early active judicial management, a focus on final  
14 resolution, required litigant preparation for conferences,  
15 targeted use of ancillary referrals, early firm trial dates, and  
16 user-friendly processes to manage and resolve each category of  
17 family court cases in a uniform manner; and  
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19 WHEREAS, in an effort to make the family court process more  
20 convenient for litigants and to expedite the entry of a default  
21 or consent decree, the Maricopa County Family Court created an  
22 innovative program known as the Decree on Demand program; and  
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24 WHEREAS, the Decree on Demand program enables parties to  
25 answer questions designed to verify that all legal requirements  
26 appear to have been satisfied and schedule a hearing at their  
27 convenience, as early as the next court day, by calling a  
28 dedicated telephone line or using the Internet; and  
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30 WHEREAS, specially-trained family court staff conduct a  
31 final file review prior to the Decree on Demand hearing, to  
32 examine final paperwork, to allow litigants to correct any  
33 deficiencies that can be cured with available forms, and to  
34 calculate child support prior to a hearing with a Court  
35 Commissioner; and  
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37 WHEREAS, the Maricopa County Family Court also implemented  
38 the Early Resolution Triage Program to aid self-represented  
39 parties in contested cases to obtain a full and final settlement  
40 of all issues if possible, to assist the parties to memorialize  
41 all agreements, and to facilitate the entry of a Consent Decree  
42 if the parties reach full agreement; and  
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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 Senate of the Twenty-third  
22 Legislature of the State of Hawaii, Regular Session of 2006,  
23 that the Judiciary is requested to identify the programs and  
24 processes it has adopted to improve the provision of its  
25 services since the conclusion of the interim hearings held  
26 pursuant to Senate Resolution No. 40, Regular Session of 2004;  
27 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: Elizabeth Ann Oakland  
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