## A BILL FOR AN ACT

SECTION 1. Section 571-87, Hawaii Revised Statutes, is

RELATING TO FAMILY COURT.

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## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

| Z  | amended to read as follows:                                      |
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| 3  | "§571-87 Appointment of counsel and guardian ad litem;           |
| 4  | compensation. (a) When it appears to a judge that a person       |
| 5  | requesting the appointment of counsel satisfies the requirements |
| 6  | of chapter 802 for determination of indigency, or the court in   |
| 7  | its discretion appoints counsel under chapters 587 and 346, part |
| 8  | X, or that a person requires appointment of a guardian ad litem, |
| 9  | the judge shall appoint counsel or a guardian ad litem to        |
| 10 | represent the person at all stages of the proceedings, including |
| 11 | appeal, if any. Appointed counsel and the guardian ad litem      |
| 12 | shall receive reasonable compensation for necessary expenses,    |
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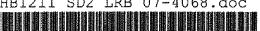
including travel, the amount of which shall be determined by the

court, and reasonable fees pursuant to subsection (b). All of

these expenses and fees shall be [certified] ordered by the

court and paid upon vouchers approved by the judiciary and

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warrants drawn by the comptroller.

| 1  | (b) The court shall determine the amount of reasonable            |
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| 2  | compensation paid to appointed counsel and guardian ad litem,     |
| 3  | based on the rate of [\$40] \$90 an hour for [out-of-court] legal |
| 4  | services, and \$60 an hour for [in-court] non-legal services      |
| 5  | [with a maximum fee in accordance with]; provided that the        |
| 6  | maximum allowable fee shall not exceed the following schedule:    |
| 7  | (1) Cases arising under chapters 587 and 346, part X:             |
| 8  | (A) Predisposition[\$1,500;] \$3,000;                             |
| 9  | (B) Postdisposition review hearing[\$500;] \$1,000;               |
| 10 | (2) Cases arising under chapters 560, 571, 580, and               |
| 11 | 584[ <del>\$1,500.</del> ] <u>\$3,000.</u>                        |
| 12 | Payments in excess of any maximum provided for under              |
| 13 | paragraphs (1) and (2) may be made whenever the court in which    |
| 14 | the representation was rendered [certifies] orders, based upon    |
| 15 | representations of extraordinary circumstances, attested to by    |
| 16 | the applicant, that the amount of the excess payment is           |
| 17 | necessary to provide fair compensation in light of those          |
| 18 | circumstances, and the payment is approved by the administrative  |
| 19 | judge of [ <del>such</del> ] <u>that</u> court.                   |
| 20 | (c) The judiciary shall submit to the department of budget        |
| 21 | and finance, for inclusion in the department's budget request     |
| 22 | for each fiscal biennium, the amount required for each fiscal     |
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- 1 year for the payment of fees and expenses pursuant to this
- 2 section."
- 3 SECTION 2. There is appropriated out of the general
- 4 revenues of the State of Hawaii the sum of \$ , or so much
- 5 thereof as may be necessary for fiscal year 2007-2008, and the
- 6 same sum, or so much thereof as may be necessary for fiscal year
- 7 2008-2009, for the purposes of this Act.
- 8 The sums appropriated shall be expended by the department
- 9 of budget and finance for the purposes of this Act.
- 10 SECTION 3. Statutory material to be repealed is bracketed
- 11 and stricken. New statutory language is underscored.
- 12 SECTION 4. This Act shall take effect on July 1, 2008;
- 13 provided that section 2 shall take effect July 1, 2007.

## REPORT Title:

Court-Appointed Counsel & Guardian Ad Litem Fees; Family Court

## Description:

Increases fees for court-appointed counsel and guardians ad litem in family court cases. Requires the judiciary to provide the department of budget and finance with fees-related information so that the department can approve the necessary vouchers. (SD2)