

JAN 22 2007

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# A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1           SECTION 1. Section 571-87, Hawaii Revised Statutes, is  
2 amended to read as follows:  
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,  
13 including travel, the amount of which shall be determined by the  
14 court, and reasonable fees pursuant to subsection (b). All of  
15 these expenses and fees shall be [~~certified~~] ordered by the  
16 court and [~~paid~~] made upon vouchers approved by the [~~judiciary~~]  
17 director of finance and warrants drawn by the comptroller.



1 (b) The court shall determine the amount of reasonable  
 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.....[~~\$1,500~~] \$3,000.

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, 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 [~~such~~] that 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



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, for the  
6 purposes of this Act.

7 The sum appropriated shall be expended by the judiciary.

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ , or so much  
10 thereof as may be necessary for fiscal year 2007-2008, for the  
11 purposes of this Act.

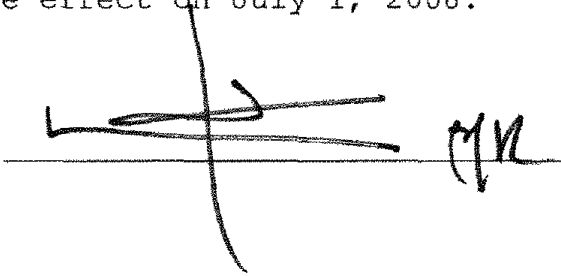
12 The sum appropriated shall be expended by the department of  
13 budget and finance.

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 Statutory material to be repealed is bracketed  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

16 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

A handwritten signature consisting of a large, stylized 'L' shape with a horizontal line through it, and the initials 'ML' to the right.

**Report Title:**

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

**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. Appropriates funds.

