

JAN 18 2008

A BILL FOR AN ACT

RELATING TO COURT-APPOINTED COUNSEL AND GUARDIANS AD LITEM IN
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]~~ subsections
15 (b) ~~[-]~~ and (c). All of these expenses and fees shall be
16 certified by the court and paid upon vouchers approved by the
17 judiciary 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 \$90 an hour for legal services, and \$60 an~~
4 ~~hour for non legal services; provided that the~~] following rates:

5 (1) \$90 an hour for in court services provided by an
6 attorney licensed to practice law in the State; and

7 (2) \$60 an hour for:

8 (A) Out-of-court services provided by an attorney
9 licensed to practice law in the State; and

10 (B) All services provided by a person who is not an
11 attorney licensed to practice law in the State,
12 whether performed in-court or out-of-court.

13 (c) The maximum allowable fee shall not exceed the
14 following schedule:

15 (1) Cases arising under chapters 587 and 346, part X:

16 (A) Predisposition..... \$3,000;

17 (B) Postdisposition review hearing.... \$1,000;

18 (2) Cases arising under chapters 560, 571, 580, and
19 584..... \$3,000.

20 Payments in excess of any maximum provided for under
21 paragraphs (1) and (2) may be made whenever the court in which
22 the representation was rendered certifies, based upon



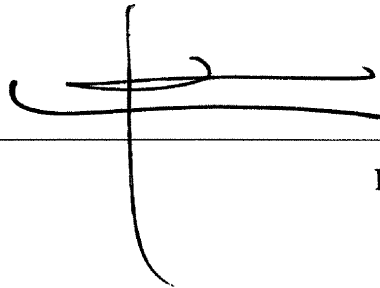
1 representations attested to by the applicant of extraordinary
2 circumstances, that the amount of the excess payment is
3 necessary to provide fair compensation in light of said
4 circumstances, and the payment is approved by the administrative
5 judge of that court."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory language is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:



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By Request



Report Title:

Family Court; Appointed Counsel & Guardian Ad Litem Fees

Description:

Clarifies compensation rates for court-appointed attorneys and Guardians Ad Litem in family court.

