

House District _____

Senate District _____

THE TWENTY-SIXTH LEGISLATURE
HAWAII STATE LEGISLATURE
APPLICATION FOR GRANTS & SUBSIDIES
CHAPTER 42F, HAWAII REVISED STATUTES

Log No: 32-0

For Legislature's Use Only

Type of Grant or Subsidy Request:

GRANT REQUEST - OPERATING

GRANT REQUEST - CAPITAL

SUBSIDY REQUEST

Rec'd

JAN 28 2011

"Grant" means an award of state funds by the legislature, by an appropriation to a specified recipient, to support the activities of the recipient and permit the community to benefit from those activities.

"Subsidy" means an award of state funds by the legislature, by an appropriation to a recipient specified in the appropriation, to reduce the costs incurred by the organization or individual in providing a service available to some or all members of the public.

"Recipient" means any organization or person receiving a grant or subsidy.

STATE DEPARTMENT OR AGENCY RELATED TO THIS REQUEST (LEAVE BLANK IF UNKNOWN): _____

STATE PROGRAM I.D. NO. (LEAVE BLANK IF UNKNOWN): _____

1. APPLICANT INFORMATION:

Hawaii Family Law Clinic

Legal Name of Requesting Organization or Individual:

Db/a: Ala Kuola

Street Address: 550 Halekauwila Street, #210, Hon HI 96813

Mailing Address: same as above

2. CONTACT PERSON FOR MATTERS INVOLVING THIS APPLICATION:

Name EDWIN K. FLORES

Title Executive Director

Phone # 808-545-1880

Fax # 808-5451887

e-mail edkflores@yhao.com

3. TYPE OF BUSINESS ENTITY:

- NON PROFIT CORPORATION
- FOR PROFIT CORPORATION
- LIMITED LIABILITY COMPANY
- SOLE PROPRIETORSHIP/INDIVIDUAL

6. DESCRIPTIVE TITLE OF APPLICANT'S REQUEST:

DOMESTIC ABUSE/VIOLENCE - TEMPORARY RESTRAINING ORDERS

4. FEDERAL TAX ID #: _____

5. STATE TAX ID #: _____

7. AMOUNT OF STATE FUNDS REQUESTED:

FY 2011-2012: \$ 282,000.00

8. STATUS OF SERVICE DESCRIBED IN THIS REQUEST:

- NEW SERVICE (PRESENTLY DOES NOT EXIST)
- EXISTING SERVICE (PRESENTLY IN OPERATION)

SPECIFY THE AMOUNT BY SOURCES OF FUNDS AVAILABLE AT THE TIME OF THIS REQUEST:

STATE \$ 0
 FEDERAL \$ 0
 COUNTY \$ 15,000
 PRIVATE/OTHER \$ 0

TYPE NAME & TITLE OF AUTHORIZED REPRESENTATIVE:

[Redacted Signature]

EDWIN K. FLORES EXECUTIVE DIRECTOR

Jan 28 2011

AUTHORIZED SIGNATURE

NAME & TITLE

DATE SIGNED

Hawai'i Family Law Clinic, dba



**The Twenty-Sixth Legislature
Hawaii State Legislature**

Application for Grants & Subsidies

Chapter 42F, Hawaii Revised Statutes

Hawaii Family Law Clinic dba Ala Kuola

A Temporary Restraining Order (TRO) can be defined as an order of protection for victims of abuse against their alleged abusers in the Family Court. For victims of domestic violence (DV), a TRO is a legal shield from further abuse, and it can sometimes mean the difference between life and death.

Persons who can seek a TRO in the Family Courts must be spouses, former spouses, persons who have a child(ren) in common, parents/legal guardians on behalf of children or incapacitated persons/persons related by blood, persons jointly residing or formerly residing in the same household, and persons who have or have had a dating relationship.

TRO's are critical to ensuring the safety of DV victims, but the process of obtaining one within the family justice system in Hawaii has not always been easily accessible and victim friendly. For example, in order for an individual to obtain services from the Adult Client Service Branch (ACSB) of the Family Court of the First Circuit, the individual must first call in advance to obtain an appointment. Appointments are only available in the morning hours, and the individual must be present at the offices of ACSB by 8:00 am on the day of the scheduled appointment. If late, the individual must schedule a new appointment.

Currently, ACSB does not provide TRO services on Tuesdays and Thursdays in Honolulu due to a lack of resources and therefore, those who reside in East Honolulu and the Windward areas must seek services at the Family Court at Kapolei.

This requirement is too restrictive for many victims because of practical and logistical issues. These issues may include child care, work commitments, transportation, and disabilities. Also, for victims who have been in hiding from their perpetrators, there is the fear of being exposed to further violence by the perpetrator if seen in public.

Furthermore, the process of obtaining a TRO can sometimes compound the mental and emotional trauma already experienced by victims. Besides physical wounds, DV victims often suffer from issues of unresolved guilt, lingering attachment to the perpetrator, and uncertainty of dealing with their children's trauma and feelings. When these issues are disregarded or handled in an insensitive manner by those assisting the victim, the process can further devastate the victim mentally and emotionally.

The founders and directors of the Hawaii Family Law Clinic, dba Ala Kuola (*A Path to Safety and Life*), a non-profit, 501(c)(3) organization, hereinafter Ala Kuola, recognized these process issues and barriers several years ago and formed an

organization dedicated to making the system more accessible and victim friendly. Its mission is to assist individuals affected by DV to obtain TRO's for protection from their abuser.

Ala Kuola has provided TRO services to the public since 2007. During this calendar year, there were approximately 2,475 cases docketed in the Court related to DV. During this period, Ala Kuola assisted 17% of this total. In 2008, approximately 2,829 were docketed of which Ala Kuola accounted for 25% of the total, in 2009, there were 2,815 docketed cases of which Ala Kuola assisted 24%, this despite the loss of one full-time staff person due to reduction in funding and not receiving further subsidies from the Judiciary. For the calendar year 2010, Ala Kuola accounted for 36% of the total cases docketed in Honolulu and approximately 15% of the total cases docketed in Kapolei.

Goal

1. To provide open intake during normal business hours, five days per week, to those who seek temporary restraining orders;
2. In certain emergent circumstances, to provide intake services to individuals who are not otherwise able to come into our business office; and
3. When requested, to refer individuals to appropriate various social services/organizations to obtain further services, etc.

Objective

To provide greater accessibility to the Courts to those individuals who wish to seek a temporary restraining order for protection.

Program Description

Ala Kuola is located in Kakaako within close proximity of the Circuit Court of the First Circuit. Ala Kuola is structured and its procedures are designed to conduct intake services throughout the business day from 8:00 a.m. to 4:30 p.m., Monday thru Friday by either accepting pre-set appointments or seeing individuals on a walk-in basis. In special circumstances, Ala Kuola may be able to conduct intake services outside of its office, in an appropriate, secure location that will not compromise the safety of the individual or Ala Kuola's staff member. Depending on the hour of day when services are requested most seeking a protective order will obtain one the very same day.

To process a TRO through Ala Kuola's Honolulu office, Ala Kuola must submit the completed petition to the ACSB Honolulu office by approximately 10:30 a.m. Ala Kuola works one-on-one with each individual to complete the TRO petition ensuring that the individual has a complete understanding of the process and

procedures. The completed petition is transmitted to the ACSB where it is then scanned and emailed to the Family Court in Kapolei for a review by a judge. The reviewed petition is returned to ACSB whether granted or denied and Ala Kuola photocopies the granted petition(s), has the document certified with the Circuit Court, and prepares the document(s) for the petitioners to pick up so it may be delivered to the police to have it served on the opposing party.

Since the Family Court's relocation to Kapolei, Ala Kuola was fortunate to obtain "temporary" office space at a Kaelaloa transitional housing shelter where TRO services are also provided. However due to staff shortage, Ala Kuola is not able to provide TRO services at this time in Kaelaloa.

Program Procedures

Ala Kuola staff screens the request to ensure the petition for a TRO is within the purview of the Family Court (a restraining case outside of HRS Section 586 is referred to District Court). Following the initial assessment, victims will be provided the Petition for A Temporary Restraining Order to complete in their own words and are provided technical assistance in completing the petition.

As mentioned, Ala Kuola's goal is to provide victims of domestic violence/abuse open and greater access to obtain protective court orders and safety against their abuser. Although faced with deadlines to submit a Petition for an Order for Protection, Ala Kuola conducts intake services throughout the business day. Intake is always conducted one-on-one to ensure the confidentiality of the individual. In special circumstances, Ala Kuola has conducted and will continue to perform its intake services outside of its office in a safe and secure location for both its staff member and the requestor. There have been several situations where Ala Kuola staff has performed intake services at various hospitals and at organization's business offices.

Ala Kuola does not serve as a victim's legal representative, nor does it act as an advocate on the victim's behalf. Although legal advice is not provided, an individual will be provided technical information to complete the TRO petition. After the petition is completed, it will be reviewed to ensure that all relevant information is included. Instructions to the Honolulu Police Department or other relevant law enforcement agencies are then completed to effectuate service of process on the respondent.

Depending on the hour of the day when services are requested, most seeking a protective order will obtain one the same day.

Pursuant to statute, court hearings on petitions for TRO's are scheduled within 15 days of the date of filing of the restraining order petition. On the dates of hearings, Ala Kuola staff will act as a neutral party to the proceeding. Staff will act as a "court

assistant” (ACSB staff is referred to as “Court Officers”). As an assistant to the victim, Ala Kuola staff can assist the victim in attempting to arrive at an agreement between the victim and perpetrator as to the issues of the TRO in order to expedite the hearing process, draft various court orders as ordered by the Court, and service of process of the Court’s orders on the involved parties.

Ala Kuola’s post-hearing responsibilities include transmittal of all court orders to HPD’s Records Division for filing.

Judiciary Furloughs

In October of 2009, the Judiciary imposed furloughs of staff which forced the closure of the Court two Fridays a month. Without the availability to obtain a protective order, Judge Francis Wong, through Chief Justice Ronald Moon, entered into an agreement with Ala Kuola to assist the Judiciary in providing the TRO’s during these furlough days. Ala Kuola is not compensated for these services and has done so voluntarily as a means to bridge an otherwise serious gap in services to DV victims. In addition, since the relocation of the Family Court to Kapolei in March 2010, services to obtain a TRO is not available in downtown Honolulu on Tuesdays and Thursdays due to a lack of resources necessitating victims to set an appointment with the ACSB office located in Kapolei.

On April 16, 2010, Senior Judge Sabrina S. McKenna filed with the Family Court of the First Circuit an Order designating the Hawaii Family Law Clinic dba Ala Kuola a non-judicial agency to assist petitioners in completing petitions for domestic abuse protection orders.

Ala Kuola provides services five day a week throughout the business day. Ala Kuola’s procedure for the processing of temporary restraining orders on “furlough Friday’s” varies according to the preference of the Family Court Judge assigned for the day. This may either result in meeting with the Judge in Honolulu, in Ala Kuola’s office or the taking of the TRO’s to the Kapolei Court for review and processing. When the Judges indicates that TRO’s will be process in Kapolei, Ala Kuola’s staff transports the documents in their private vehicles, awaits review and processing by the Judge, and returns the documents to its office in Honolulu for distribution to the petitioners.

Court Hearings:

Ala Kuola has approximately five (5) years of experience in assisting the Family Court with regard to disposition of cases on the domestic violence calendar having handled well over three thousand plus cases. Ala Kuola’s staff receives extensive in-house training as well as on the job training as to court procedures and in identifying and the drafting of various court orders.

Since the parties to the proceeding are prohibited from communicating with one another, Ala Kuola's duties include but is not limited to facilitating discussion between the parties to ascertain whether an agreement can be reached which would determine whether the case proceeds to trial. At the court, Ala Kuola's staff, presents the appearances of the parties and informs the Judge as to the disposition of the case, i.e., continuance requested, agreement of the parties, no agreement. Depending on how the court decides to proceed with matter Ala Kuola's staff will draft the Court's order and explain and serve the order on the parties.

Experience and Capability:

Ala Kuola is the only public agency that assists victims of domestic abuse/violence on Oahu with the filing of TRO's and is committed to devoting its resources to promote and protect the rights of the broad spectrum of abused victims.

On April 16, 2010, Senior Judge Sabrina S. McKenna entered an order pursuant to Hawaii Revised Statutes Section 586-3(d), that the Hawaii Family Law Clinic, dba Ala Kuola be designated a non-judicial agency to assist petitioners in completing petitions for domestic abuse protection orders.

As indicated, Ala Kuola has approximately five years experience in the processing and assisting the Family Court with the disposition of TRO's. Also as stated above, the Judiciary has recognized Ala Kuola's competence and capability in seeking Ala Kuola's assistance to assist the public with the processing of TRO's in the First Circuit. Ala Kuola has been a recipient of Grant In Aid Subsidies (GIA) and has contracted with the Judiciary to provide TRO services as it currently does.

Points of Contact:

Maureen N. Keihm
Programs Specialist
First Circuit Court
777 Punchbowl Street
Honolulu, Hawaii 96813
Telephone: 539-4406

Glenn T. Komiyama
Supervisor Adult Client Services Branch
777 Punchbowl Street
Honolulu, Hawaii 96813
Telephone: 539-5952

Honorable Sabrina S. McKenna
Family Court Administrative Judge
Family Court of the First Circuit
Kapolei Court Complex
4675 Kapolei Parkway, 3rd Floor
Kapolei, Hawaii 96707-3272

Quality Assurance and Evaluation:

To measure the effectiveness of its services, Ala Kuola, as a standard practice, uses a client survey tool to gauge an individual's satisfaction with its services. Responses are compiled and analyzed to determine how services can be improved or refined. These surveys are distributed to every individual served by Ala Kuola.

Ala Kuola will also seek to meet with the Judge(s) who are assigned to the domestic abuse calendar on a quarterly basis to evaluate Ala Kuola's Court Assistants and a performance review of their work performed before the Court. This will be used as a constructive tool to better serve the Judiciary in a most expeditious way.

Coordination of Services:

In an effort to help victims to heal and restore themselves from the ills of domestic violence, Ala Kuola has and will continue to refer individuals to the services of an advocate in intimate partner matter, to legal service providers, and to health and social service agencies and service providers. The referral sources that are part of Ala Kuola's support network for victims include but is not limited to the Domestic Violence Action Center, the Legal Aid Society of Hawaii, each of the Army, Navy, Marine advocacy programs, Volunteer Legal Services Hawaii, Hawaii State Bar Association, Department of Human Services, and Neighborhood Places.

Facilities:

Ala Kuola is located in downtown Honolulu, in the Kakaako area adjacent to the First Circuit Court. Although its offices is removed from the immediate location of the Family Court in Kapolei, the procedures that Ala Kuola utilizes is conducive to its operations in serving the public. The building which houses Ala Kuola is ADA compliant and is easily accessible from all major highways/roadways.

Ala Kuola will also pursue office rental space in the Kapolei area to provide accessibility to the residents residing on the Westside should further funding become available.

Staffing:

Ala Kuola is not a large organization and has only one manager, its Executive Director, Edwin (Ed) K. Flores. Among providers in the non-profit, social service sector, it is considered a very small operation. But as a small, one manager operation, it has the advantages of being able to eliminate costly administrative salary overhead, devote more funds to direct service, and provide excellent, personalized service, in a friendly, non-threatening atmosphere; something much needed by victims of DV who often feel isolated and unsupported.

The Executive Director has overall oversight of the delivery of services. With over 24 years legal experience with an additional 6 years of experience with working with victims of domestic violence/abuse which includes but is not limited to intake, assisting with completion of ex parte petitions, court assistance, drafting of various courts orders, and referrals to appropriate agencies/organization. This Director has also attended trainings and participated in numerous webinar training sessions.

Ala Kuola's Program Coordinator provides supervision of all court assistants involved with the handling of ex parte court hearings

Staffing shall consist of the Executive Director, Executive Assistant/Court Assistant, Program Coordinator/Court Assistant, two (2) additional Court Assistants, Legal Clerk, and contracted Legal Counsel. All staff members shall be trained to include Intake services and preparations of TRO documents, competence of the TRO process, and ex parte hearing procedures which shall included familiarization of various court forms and documents.

Staff Qualifications:

All staff members acting as Court Assistants have a minimum of at least one year Experience, legal experience or experience deemed relevant by the Executive Director. All staff shall have a minimum of one year experience in providing services to the general public or experience deemed relevant but the Executive Director. Whenever possible and available, all staff should participate in but not limited to various domestic violence trainings, conferences, meetings, and workshops to further their understanding with the populations that they are working with.

Supervision and Training:

The Executive Director shall provide overall supervision of all staff in all daily activities and direct supervision to the Program Coordinator.

The Program Coordinator shall supervise all Court Assistant and be under the oversight and supervision of Ala Kuola's Legal Counsel. The Program Coordinator through Ala Kuola's Legal Counsel shall be charged with the training of all Court Assistants to ensure competent handling of all matter before the Court.

Unauthorized Practice of Law:

To address the issue of "*unauthorized practice of law*", since Ala Kuola assists with the completion with legal documents, Ala Kuola employs the services of a licensed attorney in good standing with the Hawaii Bar Association to oversee Ala Kuola's TRO process.

Financial:

See attached budget financial forms.

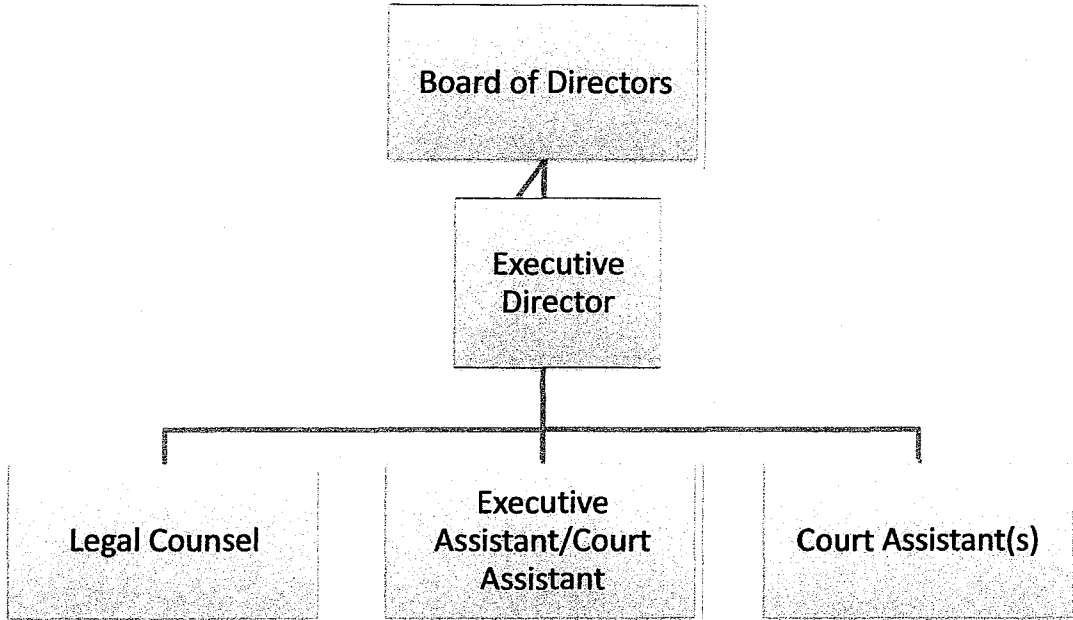
Anticipated quarterly funding request:

Quarter 1	\$75000.00
Quarter 2	\$69000.00
Quarter 3	\$69000.00
Quarter 4	\$69000.00

The Hawaii Family Law Clinic dba Ala Kuola has submitted a Request for Proposal with the Judiciary for funding 2011-2015 - (application pending review)

Litigation:

The Hawaii Family Law Clinic dba Ala Kuola is not involved in any litigation nor has any actions been brought.



BUDGET REQUEST BY SOURCE OF FUNDS
(Period: July 1, 2011 to June 30, 2012)

App Hawaii Family Law Clinic dba Ala Kuola

BUDGET CATEGORIES	Total State Funds Requested (a)	(b)	(c)	(d)
A. PERSONNEL COST				
1. Salaries	177,900			
2. Payroll Taxes & Assessments	21,988			
3. Fringe Benefits	16,800			
TOTAL PERSONNEL COST	216,688			
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island				
2. Insurance	2,000			
3. Lease/Rental of Equipment	6,000			
4. Lease/Rental of Space	24,225			
5. Staff Training	2,556			
6. Supplies	3,914			
7. Telecommunication	7,200			
8. Utilities				
9 Mileage and Parking	360			
10 CPA/Accounting	4,000			
11 Legal Counsel	6,000			
12 IT	2,000			
13				
14				
15				
16				
17				
18				
19				
20				
TOTAL OTHER CURRENT EXPENSES	58,255			
C. EQUIPMENT PURCHASES	7,057			
D. MOTOR VEHICLE PURCHASES				
E. CAPITAL				
TOTAL (A+B+C+D+E)	282,000			
SOURCES OF FUNDING		Budget Prepared By:		
(a) Total State Funds Requested		Edwin K. Flores 808-545-1880		
(b)		[Redacted] or print) Phone		
(c)		[Redacted] Date 1/28/11		
(d)		[Redacted] rized Official		
TOTAL BUDGET	282,000	Edwin K. Flores Executive Director Name and Title (Please type or print)		

BUDGET JUSTIFICATION PERSONNEL - SALARIES AND WAGES

Hawaii Family Law Clinic dba Ala Kuola

Period: July 1, 2011 to June 30, 2012

POSITION TITLE	FULL TIME EQUIVALENT	ANNUAL SALARY A	% OF TIME ALLOCATED TO GRANT REQUEST B	TOTAL STATE FUNDS REQUESTED (A x B)
Executive Director	1	\$59,000.00	100.00%	\$ 59,000.00
Program Coordinator/Ct Asst.	1	\$34,000.00	100.00%	\$ 34,000.00
Admi. Asst./Ct Asst.	1	\$28,500.00	100.00%	\$ 28,500.00
Ct. Asst.	1	\$28,200.00	100.00%	\$ 28,200.00
Ct. Asst.	1	\$28,200.00	100.00%	\$ 28,200.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
TOTAL:				177,900.00
JUSTIFICATION/COMMENTS:				

BUDGET JUSTIFICATION - EQUIPMENT AND MOTOR VEHICLES

Applicant: *Hawaii Family Law Clinic*
dba Ala Kupa

Period: July 1, 2011 to June 30, 2012

DESCRIPTION EQUIPMENT	NO. OF ITEMS	COST PER ITEM	TOTAL COST	TOTAL BUDGETED
1 Book Lap top	3.00	\$1,444.00	\$ 4,332.00	4332
Time Capsuel/Server	1	\$350.00	\$ 350.00	325
Software	4	\$600.00	\$ 2,400.00	2400
			\$ -	
			\$ -	
TOTAL:	8		\$ 7,082.00	7,057

JUSTIFICATION/COMMENTS:

DESCRIPTION OF MOTOR VEHICLE	NO. OF VEHICLES	COST PER VEHICLE	TOTAL COST	TOTAL BUDGETED
			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
TOTAL:				

JUSTIFICATION/COMMENTS: