

HB1669

HD2

LATE

TESTIMONY

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A LIMITED LIABILITY LAW PARTNERSHIP

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TO: Senator Clayton Hee, Chair
Senator Maile L. S. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

FROM: Dyan M. Medeiros
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Phone: 524-5183

HEARING DATE AND TIME: March 14, 2014 at 10:00 a.m.

RE: Testimony in Support of HB1669 HD 2

Good afternoon Senator Hee, Senator Shimabukuro, and members of the Committee. My name is Dyan Medeiros. I am a partner at Kleintop, Luria & Medeiros, LLP and have concentrated my law practice in the area of Family Law for more than fifteen (15) years. I am also a past Chair of the Family Law Section of the Hawaii State Bar Association. I submit this testimony in support of HB1669 HD 2 but request that the effective date of the bill be modified to July 1, 2014.

HB1669 HD 2 would provide funding for an additional Family Court judge (and support staff) in the Family Court of the First Circuit.

There are four divisions within the Family Court of the First Circuit: the Domestic Division (which handles divorce cases), the Juvenile Division (which handles juvenile law violation/status offenses and child abuse and neglect cases), the Special Division (which handles restraining orders, paternity, adoption, involuntary commitment, and guardianship cases), and the Criminal Division (which handles orders for protection, restraining order violations, and jury trials). The Domestic Division, the Juvenile Division, and the Special Division are all housed at Family Court in Kapolei. The Criminal Division is housed at District Court. In 2013, approximately 50,000 litigants required the service of the Family Court of the First Circuit.

There are currently three (3) Domestic Division Judges who handle approximately 4,000 cases each year. In 2013, those Domestic Division Judges handled 4,560 hearings and conferences. There are four (4) Juvenile Division judges who handled 2,113 cases and 7,339 hearings in 2013. There are three (3) Special Division judges who handled 11,500 hearings in 2013. Of course, judges also need to process paperwork and handle other case-related

matters (such as reviewing files and reports). This work is not done during a hearing or conference and must be performed at other times.

Clearly, the sheer volume of cases and hearings handled by the Family Court each year requires each judge to carry a heavy caseload. Increasing caseloads cause delays in case processing and backlogs in the Court's ability to hold hearings and conferences.

Another Family Court judge would alleviate many of the delays that currently exist in Family Court cases and would allow the Family Court to improve the service it provides to our community. Delaying the effective date of this bill to July 1, 2030 delays this improvement to the detriment of our community.

This position was created years ago but never funded. HB1669 HD 2 further delays that funding. The Family Court needs a new judge and it needs that judge now, not sixteen (16) years from now.

Thank you for the opportunity to submit this testimony.

From: [Courtney N. Naso](#)
To: [JDLTestimony](#)
Subject: Testimony Re: HB 1669, HD2 (HSCR 774-14)
Date: Thursday, March 13, 2014 11:22:55 AM

Dear Senator Clayton Hee, Chair and Senator Maile S.L. Shimabukuro, Vice Chair,

This testimony is related to HB 1669, HD2 (HSCR 774-14) RELATING TO FAMILY COURT. Provides funds to the judiciary for one judge and three support staff for the family court of the first judicial circuit. Effective July 1, 2030. Appropriation. (HB1669 HD2).

Regretfully, due to a scheduling conflict, I am unable to attend hearing on March 14, 2014. Therefore, please accept this submission of my written testimony. Thank you.

I am an attorney, licensed in the States of Hawai'i and California, and my primary area of practice is in family law. I was licensed in California in 2000 and obtained my license, in my home state of Hawai'i in 2006. I am an attorney with the Law Office of Steven J. Kim, where 95% of our firm practice is in family court. My personal goal in my practice is to assist families in navigating the rough waters of their family law case in a way that does not leave the members of the family shattered at the end of the process.

As you are probably already aware, our Family Court of the First Circuit services our families on O'ahu in various types of cases, including, but not limited to, divorce, child custody, child support, paternity, domestic abuse/restraining orders, guardianship, and adoption. These types of cases typically involve delicate and emotional, and often contentious, family matters.

The parties in the above-mentioned family law cases often wait a very long time to have "their day in court" and have their matter heard by a Judge. Due to the over-burdened Family Court, it is not uncommon for cases to be assigned a long-awaited date and time for a hearing, but have it continued due to lack of time for the Family Court to appropriately hear all cases assigned on that date. As you can imagine, prolonging a hearing is devastating to families who not only want, but desperately need, Court intervention in their case. Additionally, most parties have had to arrange for child care, time off work, if represented by an attorney, they are incurring legal fees for their time spent at the courthouse, and sometimes have arranged for necessary witnesses to appear (who have also taken time away from work and maybe arranged their own child care). When a matter is continued, all the aforementioned efforts are for not and must occur a second and sometimes third time before their case is actually heard. Please understand, continuances are not due to poor scheduling of the Court calendar, but are often inevitable in order to give each case its appropriate time to be heard.

Although more Judges are necessary, having at least one additional Judge (with requisite staff) would provide a tremendous amount of relief for the Family Court and all families in need of its services.

Our Family Court Judges and staff work tirelessly to meet the needs of our O'ahu families. Additionally, family law attorneys, including myself, often assist the Family Court by volunteering our time in the Kapolei Access to Justice Room, or as Volunteer Settlement Masters to help alleviate the court backlog.

However, this is a temporary fix and only alleviates the backlog for a brief period of time.

I strongly urge you to give due and proper consideration to HB 1669, HD2 (HSCR 774-14) RELATING TO FAMILY COURT and approve the requisite funds to the judiciary for one judge and three support staff for the family court of the first judicial circuit.

Thank you for your service in our legislature.

Aloha,
Courtney

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COMMITTEE ON JUDICIARY AND LABOR

Friday, March 14, 2014 10:00 am Conference Room 016 State Capitol

Testimony of Chris Lethem in Strong Opposition of **HB 1669, HD2**

RELATING TO THE FAMILY COURT

Dear Chair Clayton Hee and members of JDL,

Thank you for the opportunity to testify in opposition of HB 1669, HD2 .

This bill was initiated to address the problems associated with Divorce and Custody cases. Judge Browning continues to lament the problems with the heavy caseload that burdens the family court. What he doesn't acknowledge is that the reason for such a heavy caseload is that the court is a victim of its own success.

Parents are enticed by lawyers to go to family court to fight over issues that are otherwise resolvable. High conflict cases which are euphemistically referred to as a "franchise" by attorneys are the consequence of the adversarial model utilized by the family court system to resolve custody cases. Moving to a collaborative model that respects the role of both parents and ensures children have equitable time to spend with both parents has shown to substantially mitigate the amount of high conflict litigation and moreover decreases the likelihood of children of divorce would end up in the Juvenile system.

The history is that decisions made by family court judges are so poorly made. That litigation often continues because of threats, intimidation and false allegations as a means to force capitulation by one party or the other.

The further we move away from the adversarial system which is completely inappropriate for families, the less need we will have for judges and supporting staff. Keep in mind that Judges are not required to have any formal training in family dynamics or child development. In a word, they are woefully unqualified to make intelligent choices about child custody issues.

We don't need more unqualified people making decisions that they are not educated to make. We need more qualified people who have the skills to help families' workout issues through collaboration and respectful negotiation. Litigation should be the last option not the first.

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March 13, 2014

Re: Testimony in Support of HB 1669.

I am a registered nurse (32 years), medical malpractice attorney (20 years), and since 2002 have volunteered as a Court Appointed Special Advocate (CASA) on behalf of Hawaii's children involved in the CPS system (however, I submit this testimony on my own behalf, not on behalf of the CASA program).

There is a tremendous need to enhance the support of Hawaii's Family Court judges. The demands placed upon our Family Court judges affects the most disenfranchised in our community, our keiki.

I have great respect and admiration for our Family Court judges past and present. Fairness and professionalism rule in their courtrooms, even in the most challenging and acrimonious of cases. Nonetheless, their caseloads make timely disposition of cases difficult. By way of example, in one of my recent cases, permanency for two small children in CPS custody took much longer than necessary, due to the backlog from the volume of cases this particular judge was assigned. Though no fault of the assigned judge, the delays caused unnecessary stress for these two small children, who were completely dependent upon the adults in their lives. As adults we can process and handle the stress caused by unavoidable delays, however, the emotional toll on our keiki is immeasurable.

HB 1669 provides a means to enhance the lives of Hawaii's keiki by providing our Family Court judges with the financial support and personnel required to process cases expeditiously. In my humble opinion, as a person "on the front lines," so to speak, we cannot afford to fail our keiki by failing to adequately support our Family Court judges by passage of this bill.

Mahalo for your time.

Respectfully submitted,



Laura Ozak, R.N., J.D.

TRINA L. YAMADA, AAL, ALC.

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March 14, 2014

TO: Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice-Chair
Committee on Judiciary and Labor

FROM: Trina L. Yamada
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HEARING DATE AND TIME: March 14, 2014 at 10:00 a.m
RE: Testimony in Support of HB1669

Good Morning Senator Hee, Senator Shimabukuro, and Members of the
Committee on Judiciary and Labor.

My name is Trina Yamada, a licensed attorney in the State of Hawaii. My concentration has been in the area of Family Law for 15 years. I was a law clerk for the Senior Judge of the Family Court for over 4 years and I have first hand knowledge of the volume of cases, hearings and trials conducted in the First Circuit, Family Court. I was also the founding Chair and Chair of the Child Law Section of the Hawaii State Bar Association from 2007 - 2010. I strongly support the passing of HB1669 to take effect on July 1, 2014.

Family court handles the most important resource in Hawaii, its children. When a couple is going through a divorce, it is the children that suffer the most. Often, due to the heightened emotions of their parents, court intervention is necessary to address the most fundamental issues, such as where the child will live or where the child will attend school. Children cannot wait months before a decision is made.

The addition of another Family Court Judge to decide these matters in a timely fashion would be in the best interests of Hawaii's children.

Thank you for the opportunity to testify in support of HB1669.



TRINA L. YAMADA