



**Rodney A. Maile**  
ADMINISTRATIVE DIRECTOR

**Brandon M. Kimura**  
DEPUTY ADMINISTRATIVE DIRECTOR

December 21, 2018

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Scott K. Saiki  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Act 159, Session Laws of Hawai'i and Chapter 37, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Report on the Judiciary's Multi-Year Program and Financial Plan (2019-2025), Biennium Budget (2019-2021), and Variance Report (2-17-2019)*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: [http://www.courts.state.hi.us/news\\_and\\_reports/reports/reports.html](http://www.courts.state.hi.us/news_and_reports/reports/reports.html).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

Enclosure

c: Legislative Reference Bureau Library  
Office of the Clerk, Hawai'i State Senate  
Office of the Clerk, Hawai'i House of Representatives



# The Judiciary

State of Hawai`i

## **The Multi-Year Program and Financial Plan (2019-2025) Biennium Budget (2019-2021) and Variance Report (2017-2019)**

**Submitted to the  
Thirtieth State Legislature**

**December 2018**





**To the Thirtieth State Legislature of Hawai‘i  
Regular Session of 2019**

As Chief Justice of the Hawai‘i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai‘i State Legislature the Judiciary’s FB 2019-21 Biennium Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai‘i, 1974, and Chapter 37 of the Hawai‘i Revised Statutes, as amended.

Hawaii’s courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

The Hawai‘i economy and economic outlook continue to be strong and remain relatively stable as they have the last few years. However, even with that, the Hawai‘i Council on Revenues at its most recent meeting expressed some uncertainty about the future, had concerns that the economy may have reached the end of its current expansionary cycle, and indicated that the construction cycle may have reached a sustained plateau after falling from its peak several years back. Further, various state and legislative officials have indicated that even with a projected budget surplus, significant funding may be needed by the State to address other issues and concerns related to health care costs, mandated commitments, other post-employment/unfunded liabilities, and recovery from the effects of recent natural disasters in Hawai‘i.

Overall, the Judiciary is requesting 29 new permanent positions and additional funding of \$1.75 million for FY 2020 and \$2.54 million in FY 2021, which are just one percent and one and one-half percent, respectively, of the Judiciary’s current budget. Three of these positions are no-cost conversions of temporary to permanent positions for the successful and vital Hawai‘i Zero to Three and Mental Health Courts in First Circuit, and for one of two positions requested for First Circuit’s Court Interpreting Services Section which is experiencing an ever increasing workload.

The need for additional essential staffing is a major concern for the Judiciary, especially as workload continues to increase and becomes more detailed and complex, and as additional demands and requirements are placed on judges and staff. This concern especially relates to Courts of Appeal which is requesting an additional Staff Attorney position; to First Circuit which is requesting funding for an already authorized Family Court Judge and three support staff positions, as well as positions and funding for a District Court Judge and staff to handle operating a vehicle under the influence of an intoxicant (OVUII) cases and serve as a substitute Drug Court Judge when needed; and to Second and Fifth Circuits which are requesting positions and funding for a District Court Judge and a District Family Judge, respectively, and related support staff.

Issues regarding client services are also of special importance to the Judiciary. To that end, First Circuit is requesting additional positions to expand its Community Outreach Court (COC), which is providing a valuable service to communities where residentially challenged individuals reside; and for its Community Service and Restitution Unit to handle increased

workload, help with the COC, address the appointment backlog for restitution/ability to pay studies, manage community service placements, recruit agencies, and monitor work sites. Additional funding is being requested by Second Circuit for its domestic violence intervention contract to ensure continuation of these important and mandated services throughout Maui County.

The only two other general fund budget requests relate to the Judiciary's new Keahuolū Courthouse in Kona scheduled to open in FY 2020. Specifically, one groundskeeper and five additional janitor positions are needed to fully staff these type services at the new Courthouse, and additional funding is requested to support new building operating costs related to electricity and other utilities; annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment, and refuse; and other expenses such as janitorial and building maintenance supplies, and various repair and maintenance costs not covered by contract.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and services provided by the Judiciary keep expanding. CIP funds totaling \$23.3 million in FY 2020 and \$15.9 million in FY 2021 are being requested to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, the Judiciary is requesting funds for Ka'ahumanu Hale in First Circuit to upgrade and modernize fire alarm systems and elevators, both of which are more than 30 years old, are tied into each other, and which continue to malfunction with greater frequency; to repair leaks into the basement evidence storage and communications rooms; and to make atrium security renovations. For Second and Fifth Circuits, funds are needed to continue ongoing projects to improve security at Hoapili Hale (Second Circuit) and to reroof and repair leaks and damages at Pu'uhonua Kaulike (Fifth Circuit), as well as for a new project for piping renovations in the Hoapili Hale parking structure. Lastly, CIP funds are being requested to upgrade the Ali'iolani Hale air conditioning system to protect and ensure the health and well-being of its occupants and the public, and in lump sum form to allow the Judiciary to address both continuing and emergent building issues statewide.

The Judiciary recognizes that there are many competing initiatives and difficult choices to be made regarding limited available general fund and general obligation bond fund resources. We believe that our approach to our biennium budget request reflects consideration of these concerns yet still provides a great opportunity to provide the necessary court and legal services to the public and to the clients we serve.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and effective judicial system for Hawai'i. On behalf of the Judiciary, I extend my heartfelt appreciation for your continued support and consideration.

Sincerely,



MARK E. RECKTENWALD  
Chief Justice  
December 21, 2018

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# PART I



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## Introduction

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# INTRODUCTION

The mission of the Judiciary as an independent branch of government is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.

## Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services, such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

<b>Program Structure Number</b>	<b>Program Level I II III</b>	<b>Program I.D.</b>
01	The Judicial System	
01 01	Court Operations	
01 01 01	Courts of Appeal	JUD 101
01 01 02	First Circuit	JUD 310
01 01 03	Second Circuit	JUD 320
01 01 04	Third Circuit	JUD 330
01 01 05	Fifth Circuit	JUD 350
01 02	Support Services	
01 02 01	Judicial Selection Commission	JUD 501
01 02 02	Administration	JUD 601

## Contents of Document

The MULTI-YEAR PROGRAM AND FINANCIAL PLAN presents the objectives of the Judiciary programs, describes the programs recommended to implement the objectives, and shows the fiscal implications of the recommended programs for the next six fiscal years. The BIENNIUM BUDGET displays for each program the recommended expenditures for the ensuing fiscal biennium by cost category, cost element, and means of financing (MOF). The VARIANCE REPORT reports on program performance for the last completed fiscal year and the fiscal year in progress. An explanation of the sections contained in this document is as follows:

## Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

## Operating Program Plan Details

The Financial Plan and Budget is presented by major program area. Each program area includes a financial summary, followed by narratives on the program objectives, activities, policies, relationships, and types of revenues collected; major external trends; and various other information and data about the program.

## Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and MOF over the 6-year planning period.

## Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

## The Budget

The recommended levels of operating expenditures and staffing for FYs 2019-20 and 2020-21 by major programs are as follows:

### Operating Expenditures (In \$ Thousands)

Major Program	MOF	2019-20	2020-21	Total
Courts of Appeal	A	7,273	7,320	14,593
First Circuit	A	89,233	89,828	179,061
	B	4,429	4,429	8,858
Second Circuit	A	18,137	18,275	36,412
Third Circuit	A	21,730	21,761	43,491
Fifth Circuit	A	8,291	8,448	16,739
Judicial Selection Commission	A	103	103	206
Administration	A	27,669	27,670	55,339
	B	8,035	8,035	16,070
	W	<u>343</u>	<u>343</u>	<u>686</u>
<b>Total</b>	A	172,436	173,405	345,841
	B	12,464	12,464	24,928
	W	<u>343</u>	<u>343</u>	<u>686</u>

## Revenues

The projected revenues (all sources) for FYs 2019-20 and 2020-21 by major programs are as follows:

### Revenues (In \$ Thousands)

Major Program	2019-20	2020-21	Total
Courts of Appeal	85	85	170
First Circuit	35,554	35,554	71,108
Second Circuit	3,770	3,770	7,540
Third Circuit	4,592	4,592	9,184
Fifth Circuit	1,549	1,549	3,098
Administration	<u>137</u>	<u>137</u>	<u>274</u>
<b>Total</b>	<b><u>45,687</u></b>	<b><u>45,687</u></b>	<b><u>91,374</u></b>

## Cost Categories, Cost Elements, and MOF

“**Cost categories**” identifies the major types of costs and includes operating and capital investment.

“**Cost elements**” identifies the major subdivisions of a cost category. The category “operating” includes personal services, other current expenses, and equipment. The category “capital investment” includes plans, land acquisition, design, construction, and equipment.

“**MOF**” identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Thirtieth State Legislature in accordance with the provisions of Chapter 37, Hawai‘i Revised Statutes.

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## PART II



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## Operating Program Summaries

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO. I

PROGRAM STRUCTURE NO. 01

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II		
Level III		

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

**EXPENDITURES IN DOLLARS**

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	118,610,546	128,356,271	130,574,733	131,660,451	131,660	131,660	131,660	131,660
Other Current Expenses	51,986,614	53,701,614	53,707,424	53,657,044	53,657	53,657	53,657	53,657
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	5,227,946	1,176,759	961,131	894,488	894	894	894	894
Motor Vehicles	31,351	0	0	0	0	0	0	0
Total Operation Costs	175,856,456	183,234,644	185,243,288	186,211,983	186,211	186,211	186,211	186,211
Capital & Investment Costs	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
<b>Total Program Expenditures</b>	<b>183,606,456</b>	<b>191,734,644</b>	<b>208,569,288</b>	<b>202,092,983</b>	<b>193,746</b>	<b>189,211</b>	<b>189,211</b>	<b>189,211</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	1,922.50 *	1,944.00 *	1,973.00 *	1,973.00 *	1,973.00 *	1,973.00 *	1,973.00 *	1,973.00 *
	115.02 #	103.02 #	99.02 #	99.02 #	99.02 #	99.02 #	99.02 #	99.02 #
General Funds	165,446,172	170,444,379	172,436,113	173,404,808	173,404	173,404	173,404	173,404
	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	10,392,028	12,447,004	12,463,914	12,463,914	12,464	12,464	12,464	12,464
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	18,256	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
	1,964.50 *	1,986.00 *	2,015.00 *	2,015.00 *	2,015.00 *	2,015.00 *	2,015.00 *	2,015.00 *
	124.02 #	112.02 #	108.02 #	108.02 #	108.02 #	108.02 #	108.02 #	108.02 #
<b>Total Financing</b>	<b>183,606,456</b>	<b>191,734,644</b>	<b>208,569,288</b>	<b>202,092,983</b>	<b>193,746</b>	<b>189,211</b>	<b>189,211</b>	<b>189,211</b>

\*Permanent Position FTE

#Temporary Position FTE

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 01

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III		

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	102,197,502	111,405,207	113,225,874	114,310,539	114,311	114,311	114,311	114,311
Other Current Expenses	35,987,063	35,301,951	35,799,912	35,749,532	35,749	35,749	35,749	35,749
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	3,540,985	45,728	66,643	0	0	0	0	0
Motor Vehicles	31,351	0	0	0	0	0	0	0
Total Operation Costs	141,756,900	146,752,886	149,092,429	150,060,071	150,060	150,060	150,060	150,060
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>141,756,900</b>	<b>146,752,886</b>	<b>149,092,429</b>	<b>150,060,071</b>	<b>150,060</b>	<b>150,060</b>	<b>150,060</b>	<b>150,060</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	1,694.50 *	1,716.00 *	1,745.00 *	1,745.00 *	1,745.00 *	1,745.00 *	1,745.00 *	1,745.00 *
	104.54 #	92.54 #	88.54 #	88.54 #	88.54 #	88.54 #	88.54 #	88.54 #
General Funds	137,931,506	142,336,827	144,663,317	145,630,959	145,631	145,631	145,631	145,631
	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	3,825,394	4,416,059	4,429,112	4,429,112	4,429	4,429	4,429	4,429
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1,735.50 *	1,757.00 *	1,786.00 *	1,786.00 *	1,786.00 *	1,786.00 *	1,786.00 *	1,786.00 *
	104.54 #	92.54 #	88.54 #	88.54 #	88.54 #	88.54 #	88.54 #	88.54 #
<b>Total Financing</b>	<b>141,756,900</b>	<b>146,752,886</b>	<b>149,092,429</b>	<b>150,060,071</b>	<b>150,060</b>	<b>150,060</b>	<b>150,060</b>	<b>150,060</b>

\*Permanent Position FTE

#Temporary Position FTE

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 02

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III		

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
Operating Costs								
Personal Services	16,413,044	16,951,064	17,348,859	17,349,912	17,349	17,349	17,349	17,349
Other Current Expenses	15,999,551	18,399,663	17,907,512	17,907,512	17,908	17,908	17,908	17,908
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,686,961	1,131,031	894,488	894,488	894	894	894	894
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	34,099,556	36,481,758	36,150,859	36,151,912	36,151	36,151	36,151	36,151
Capital & Investment Costs	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
<b>Total Program Expenditures</b>	<b>41,849,556</b>	<b>44,981,758</b>	<b>59,476,859</b>	<b>52,032,912</b>	<b>43,686</b>	<b>39,151</b>	<b>39,151</b>	<b>39,151</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *
	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #
General Funds	27,514,666	28,107,552	27,772,796	27,773,849	27,773	27,773	27,773	27,773
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	6,566,634	8,030,945	8,034,802	8,034,802	8,035	8,035	8,035	8,035
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	18,256	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *
	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #
<b>Total Financing</b>	<b>41,849,556</b>	<b>44,981,758</b>	<b>59,476,859</b>	<b>52,032,912</b>	<b>43,686</b>	<b>39,151</b>	<b>39,151</b>	<b>39,151</b>

\*Permanent Position FTE

#Temporary Position FTE

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# PART III



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## Operating Program Plan Details

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# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	01	Courts of Appeal

## PROGRAM EXPENDITURES

### EXPENDITURES IN DOLLARS

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	6,513,275	6,862,048	6,809,754	6,861,372	6,861	6,861	6,861	6,861
Other Current Expenses	272,905	344,721	458,049	458,049	458	458	458	458
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	89,526	0	5,323	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	6,875,706	7,206,769	7,273,126	7,319,421	7,319	7,319	7,319	7,319
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>6,875,706</b>	<b>7,206,769</b>	<b>7,273,126</b>	<b>7,319,421</b>	<b>7,319</b>	<b>7,319</b>	<b>7,319</b>	<b>7,319</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	73.00 *	73.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *
	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #
General Funds	6,875,706	7,206,769	7,273,126	7,319,421	7,319	7,319	7,319	7,319
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	73.00 *	73.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *
	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #	1.00 #
<b>Total Financing</b>	<b>6,875,706</b>	<b>7,206,769</b>	<b>7,273,126</b>	<b>7,319,421</b>	<b>7,319</b>	<b>7,319</b>	<b>7,319</b>	<b>7,319</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEALS

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Median Time to Decision, Criminal Appeal (Mo)	12	12	12	12	12	12	12	12
Median Time to Decision, Civil Appeal (Mo)	12	12	12	12	12	12	12	12
Median Time to Decision, Original Proc. (Mo)	1	1	1	1	1	1	1	1

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
A01	Criminal Appeals Filed	248	250	250	249	249	248	248	248
A02	Civil Appeals Filed	511	512	512	512	511	511	511	511
A03	Original Proceedings Filed	66	70	70	69	69	68	67	66
A04	Appeals Disposed	668	669	670	671	672	674	676	678
A05	Motions Filed	2,600	2,609	2,617	2,624	2,630	2,635	2,639	2,642
A06	Motions Terminated	2,590	2,610	2,626	2,639	2,649	2,656	2,660	2,661

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	85	85	85	85	85	85	85	85
Special Fund	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	85	85	85	85	85	85	85	85

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	85	85	85	85	85	85	85	85
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	85	85	85	85	85	85	85	85

# **JUD 101 COURTS OF APPEAL PROGRAM INFORMATION AND BUDGET REQUESTS**

## **Supreme Court**

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

## **Intermediate Court of Appeals (ICA)**

The mission of the ICA is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

### **A. PROGRAM OBJECTIVES**

#### **Supreme Court**

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
  - applications for writs of certiorari
  - transfer from the ICA
  - reserved questions of law from the Circuit Courts, the Land Court, and the Tax Appeal Court
  - certified questions of law from federal courts
  - applications for writs directed to judges and other public officers
  - applications for other extraordinary writs
  - complaints regarding elections;
- To make rules of practice and procedure for all state courts;
- To license, regulate, and discipline attorneys; and
- To discipline judges.

#### **ICA**

- To promptly hear and determine all appeals from the Circuit, Family, and District Courts and from any agency where appeals are allowed by law; and
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

## **B. PROGRAM ACTIVITIES**

### **Supreme Court**

The Supreme Court is the State of Hawaii's court of last resort, and hears appeals on transfer from the ICA or on writs of certiorari to the ICA. The Supreme Court licenses and disciplines attorneys, disciplines judges, and exercises ultimate rule-making power for all courts in the State. The Supreme Court is empowered to issue all writs necessary and proper to carry out its functions.

### **ICA**

The ICA reviews, in the first instance, appeals from trial courts and from some agencies. The ICA is also authorized to entertain cases submitted without suit when there is a question of law that could be the subject of a civil suit in the Circuit Court or the Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

## **C. KEY POLICIES**

In the Supreme Court, priority is given to election contests, applications for certiorari involving direct appeals from incarcerated defendants, and applications for writs of certiorari involving the termination of parental rights.

In the ICA, direct appeals from incarcerated defendants and appeals from terminations of parental rights (in which children are awaiting a permanent placement) are accorded priority over other appeals.

## **D. IMPORTANT PROGRAM RELATIONSHIPS**

Appeals are filed in the ICA, but (1) before disposition, may be transferred to the Supreme Court, or (2) after disposition, may be reviewed by the Supreme Court upon an application for a writ of certiorari.

The Supreme Court exercises supervisory authority over all state courts by reviewing cases in the appellate process, entertaining applications for writs directed to judges, and establishing uniform rules of practice and procedure.

## **E. MAJOR EXTERNAL TRENDS**

Factors contributing to the number of appellate filings include:

- changes in population;
- availability and cost of alternative dispute resolution methods;
- perceptions of timeliness;
- perceptions of fairness in law and procedure;

- issues involving access to the courts; and
- complexity of law.

## **F. COSTS, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Courts of Appeal have operated within the funding level appropriated.

Appeal filings directly affect the workload of the Courts of Appeal.

The Courts of Appeal's goal for Fiscal Biennium 2019-21 is to timely adjudicate the caseload to the degree possible within the available resources.

## **G. PROGRAM REVENUES**

Revenues include filing fees, certification fees, and bar application fees. All revenues are deposited into the state general fund with the exception of amounts collected for deposit into the Computer System Special Fund, Indigent Legal Assistance Special Fund, and the Supreme Court Board of Examiner Trust Fund.

## **H. DESCRIPTION OF BUDGET REQUESTS**

**Staff Attorney for the ICA:** This request in funding of \$56,941 for FY 2020 and \$103,236 for FY 2021 for a staff attorney for the ICA will enhance the ICA's ability to handle its increased caseload and responsibilities under the restructured appellate system and improve the administration of law.

## **I. REASONS FOR BUDGET REQUESTS**

**Staff Attorney for the ICA:** This request of \$56,941 for FY 2020 and \$103,236 for FY 2021 to add a staff attorney to the ICA to address its increased caseload and responsibilities under the 2006 restructuring of Hawaii's appellate court system, which will serve to enhance the administration of the law throughout the judicial system.

Effective July 1, 2006, the Legislature restructured Hawaii's appellate court system to increase the ICA's caseload and responsibilities. Prior to July 1, 2006, all appeals were filed with the Hawai'i Supreme Court, which then designated a portion of those appeals to the ICA for disposition. After July 1, 2006, with a few exceptions, all appeals are filed with the ICA and the ICA is responsible for rendering a decision on these appeals, with the ICA's decisions subject to discretionary review by the Supreme Court.

The restructuring of the appellate system has significantly increased the ICA's caseload. Shortly before the restructuring, the ICA was responsible for between 40 and 45 percent of the appeals resolved each year, whereas the ICA is currently responsible for over 70 percent of the appeals resolved. The ICA also has a greater number of complex cases. Under the restructured appellate

system, the ICA is also responsible for resolving approximately 2,500 procedural and substantive motions that formerly were handled by the Supreme Court. One of the primary functions of the ICA staff attorneys is to assist the court in deciding these motions. Further, the ICA must now independently review each appeal to determine whether it has appellate jurisdiction.

When the new appellate system was instituted, the ICA was allotted four staff attorneys and a supervising staff attorney. The ICA filled all these positions by early 2008, and no additional positions have been allotted to the ICA since then.

As an appellate court, the ICA's opinions establish law that is binding upon and provides guidance to trial courts and administrative agencies. Enhancing the ICA's ability to render well-reasoned decisions more expeditiously benefits the public and improves the administration of law throughout the judicial system. A new staff attorney position will enable the ICA to resolve more appeals. It will enable high priority matters, e.g., cases involving termination of parental rights, which is necessary for a child to be adopted, criminal cases where the defendant is in custody, and other cases given priority by statute, to be resolved more expeditiously. In addition, the staff attorneys will be able to provide more services to the appellate clerk and the Appellate Mediation Program, which will serve to enhance access to justice for parties with cases in the appellate system.

**JUD 310 FIRST CIRCUIT, JUD 320 SECOND CIRCUIT,  
JUD 330 THIRD CIRCUIT, AND JUD 350 FIFTH CIRCUIT  
PROGRAM INFORMATION**

The mission of each of the four circuits is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

**A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitutions of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interests of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.

- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Courts so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Courts and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Courts by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from collisions due to unsafe driving decisions and behavior.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

#### **Land Court/Tax Appeal Court**

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

## **B. PROGRAM ACTIVITIES**

The Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts have exclusive jurisdiction in probate, trust, and conservatorship (formerly “guardian of the property”) proceedings, and concurrent jurisdiction with the Family Courts over adult guardianship (formerly “guardian of the person”) proceedings. Circuit Courts have exclusive jurisdiction in civil cases involving amounts greater than \$40,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$40,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the ICA, subject to transfer to or review by the Supreme Court. As courts of record, the Circuit Courts are responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed. Thus, document filing is an ongoing activity. In addition to the Legal Documents Branch, the Court Reporters’, Jury Pool, and Cashier’s Offices provide services critical to effective court operations.

The Chief Clerks of the Circuit Courts, with the assistance of Small Estates and Guardianship Program staff, serve as personal representatives in small estates cases and as conservators in small conservatorship cases.

Circuit Court judges refer criminal offenders to the Adult Client Services (probation) staff for presentence diagnostic evaluations. Offenders sentenced to some form of supervision are supervised by probation officers of the Adult Client Services Branch.

The Land Court and Tax Appeal Court are specialized statewide courts of record based in Honolulu. The Land Court hears and determines questions arising from applications for registration of title to fee simple land within the State, registers title to property, and determines disputes concerning land court property. The Tax Appeal Court resolves tax appeals and exercises jurisdiction in disputes between the tax assessor and taxpayer. Land Court and Tax Appeal Court matters are assigned to the appropriate judge or judges of the First Circuit Court. The Office of the Land Court and Tax Appeal Court maintains custody and control over papers and documents filed with the Land Court and Tax Appeal Court.

Circuit Court programs include alternatives to traditional dispute resolution methods. The Drug Court Programs aim to divert defendants from the traditional criminal justice path and incarceration, placing them in treatment programs under judicial supervision, rewarding good behavior, and imposing immediate sanctions for relapse into drug use. The Circuit Court’s Court Annexed Arbitration Program is designed to reduce the cost and delay of protracted civil litigation, requiring tort actions with a probable jury award value under \$150,000 to be submitted to the program and be subject to a determination of arbitrability and to arbitration under program rules.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting risks needs assessments and psychological evaluations; and supervising and treating juveniles under legal status with the court. Family Court activities also include providing Court Appointed Special Advocates.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members and household members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$40,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to petty misdemeanors, misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

In the District Court of the First Circuit, the Community Service Sentencing Program provides placement and monitoring services for offenders sentenced to perform community work by the District, Circuit, Family, and Federal Courts.

The Driver Education and Training Program refers traffic offenders to substance abuse programs, administers traffic safety educational courses, and monitors offenders' compliance of court and Administrative Driver's License Revocation requirements for the counties of O'ahu, Maui, Hawai'i, and Kaua'i.

### **C. KEY POLICIES**

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

Circuit Court decisions, when appealed, are referred to the ICA. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies that offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations that necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, the Department of the Attorney General, the Department of Transportation, the Department of Land and Natural Resources, the Department of Agriculture, the Hawaiian Humane Society, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil jury demand cases, and also works on various processes on a daily basis with the Circuit Courts. Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

## **E. MAJOR EXTERNAL TRENDS**

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police departments, and the Offices of the Prosecuting Attorneys and Public Defenders, to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Department of the Attorney General cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

## **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. While the Judiciary's budget is now some \$40 million more than it was in FY 2011, the depth of the recession, most of that increase has come from collective bargaining and salary increases. In fact, payroll is now 75% of the Judiciary's budget as compared to 69% in FY 2011, and non-payroll operating expenditure allocations have increased only \$2.7 million since then. Nevertheless in light of this, the Judiciary's goal for the upcoming biennium remains to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources, and to continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It

should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff, case disposition rates have remained at a fairly high level regardless of the relatively small increase in non-payroll operating resources. It is hoped that the continuing stability in the economy and the positive economic and revenue growth will foster further growth in funding to the Judiciary.

## **G. PROGRAM REVENUES**

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97, the Spouse and Child Abuse Special Account established by Act 232/94, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

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# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	02	First Circuit

## PROGRAM EXPENDITURES

### EXPENDITURES IN DOLLARS

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	65,509,530	71,122,105	71,989,000	72,603,292	72,604	72,604	72,604	72,604
Other Current Expenses	21,829,215	21,635,641	21,653,958	21,653,958	21,653	21,653	21,653	21,653
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	2,658,088	0	18,950	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	89,996,833	92,757,746	93,661,908	94,257,250	94,257	94,257	94,257	94,257
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>89,996,833</b>	<b>92,757,746</b>	<b>93,661,908</b>	<b>94,257,250</b>	<b>94,257</b>	<b>94,257</b>	<b>94,257</b>	<b>94,257</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	1,087.50 *	1,099.50 *	1,113.50 *	1,113.50 *	1,113.50 *	1,113.50 *	1,113.50 *	1,113.50 *
	93.58 #	81.58 #	77.58 #	77.58 #	77.58 #	77.58 #	77.58 #	77.58 #
General Funds	86,171,439	88,341,687	89,232,796	89,828,138	89,828	89,828	89,828	89,828
	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	3,825,394	4,416,059	4,429,112	4,429,112	4,429	4,429	4,429	4,429
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1,128.50 *	1,140.50 *	1,154.50 *	1,154.50 *	1,154.50 *	1,154.50 *	1,154.50 *	1,154.50 *
	93.58 #	81.58 #	77.58 #	77.58 #	77.58 #	77.58 #	77.58 #	77.58 #
<b>Total Financing</b>	<b>89,996,833</b>	<b>92,757,746</b>	<b>93,661,908</b>	<b>94,257,250</b>	<b>94,257</b>	<b>94,257</b>	<b>94,257</b>	<b>94,257</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	377	370	363	356	349	342	335	328
Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	604	594	584	574	563	552	541	530

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
T01	Civil Actions, Circuit Court	8,701	8,731	8,762	8,794	8,827	8,861	8,896	8,932
T02	Marital Actions	8,163	8,164	8,165	8,166	8,166	8,167	8,167	8,167
T03	Adoption Proceedings	479	488	496	503	509	514	518	521
T04	Parental Proceedings	3,000	3,002	3,003	3,003	3,004	3,004	3,004	3,005
A01	Civil Actions Filed, Circuit Court	1,983	2,003	2,024	2,046	2,069	2,093	2,118	2,144
A02	Criminal Actions Filed, Circuit Court	2,105	2,110	2,116	2,123	2,131	2,140	2,150	2,161
A03	Marital Actions Filed	3,360	3,371	3,383	3,396	3,410	3,425	3,441	3,458
A04	Traffic - New Filings (thousands)	314	315	315	316	316	317	317	317
A05	Traffic - Terminated (thousands)	311	311	311	312	312	313	313	314

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	26,563	26,575	26,575	26,575	26,575	26,575	26,575	26,575
Special Fund	8,961	8,979	8,979	8,979	8,979	8,979	8,979	8,979
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	35,524	35,554	35,554	35,554	35,554	35,554	35,554	35,554

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from Use of Money and Property	120	120	120	120	120	120	120	120
Revenues from Other Agencies	1,100	1,107	1,107	1,107	1,107	1,107	1,107	1,107
Charges for Current Services	17,912	17,935	17,935	17,935	17,935	17,935	17,935	17,935
Fines, Restitutions, Forfeits & Penalties	16,392	16,392	16,392	16,392	16,392	16,392	16,392	16,392
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	35,524	35,554	35,554	35,554	35,554	35,554	35,554	35,554

## **JUD 310 FIRST CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit:** In 2007, the Legislature authorized eight positions for two District Family Judges and six related court support staff with no funding. In 2012, the Judiciary received funding for four of these positions: one Judge and three court support staff. This request is for \$169,944 in FY 2020 and \$329,688 in FY 2021 to fund the other previously authorized District Family Judge and three court support staff positions. These positions are necessary to address the heavy Family Court calendars and backlog issues, as well as the continual increase and complexities of familial cases heard before the court which impact the public's access to justice and safety.

**Convert Temporary Social Worker V (Coordinator) Position for Hawai'i Zero to Three (HZTT) Program to Permanent Status:** This request for a no-cost conversion of a temporary position to permanent standing is an effort to further stabilize the Family Court's HZTT program, which provides services that focus on the well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect. Conversion of this position will help ensure continuation of valuable services to those families with extremely young children who cannot protect themselves.

**Funding for a District Court Judge and Support Staff for the First Circuit:** Funding of \$165,354 in FY 2020 and \$319,008 in FY 2021 is requested for a District Court Judge and related support staff to alleviate court congestion, backlogs, and dismissals, especially related to operating a vehicle under the influence of an intoxicant (OVUII) cases. This District Court Judge would also serve as a substitute judge for Drug Court cases.

**Establish Court Support Staff and Funding to Implement Mobile Court Operations for the Community Outreach Court (COC):** The COC is transitioning into its intended purpose of becoming a mobile justice system as required by Act 55 (2017). To do this, First Circuit is requesting \$78,791 in FY 2020 and \$139,265 in FY 2021 to establish positions for a District Court Clerk II, a Judicial Clerk II, a Court Bailiff II, and for essential court operational expenses.

**Convert Two Temporary Positions in the Mental Health Unit (MHU) to Permanent Status:** This no-cost conversion request of two temporary social worker/probation officer positions to permanent standing is an effort to establish continuity in manpower and stabilize the program to provide needed services to defendants with mental health conditions.

**Establish Two Social Worker Positions for the Adult/Juvenile Community Service and Restitution Unit (A/JCSRU):** The A/JCSRU, formerly known as the Community Service Sentencing Branch, recruits and monitors work sites, connects them with offenders ordered by the court to perform community service, and conducts various other sentencing studies and reports that are ordered by the various courts. Due to the increasing demand for community service alternative sentencing, the First Circuit is requesting \$58,982 in FY 2020 and \$108,564

in FY 2021 to establish and fund two social worker positions - a Social Worker V (supervisor) and Social Worker III (case worker).

**Convert One Budget Temporary Clerk IV Position to Permanent Status and Establish One Clerk IV Position for Court Interpreting Services Section:** The Court Interpreting Services Section is responsible for managing the significantly increasing demands in First Circuit for interpreter services, as interpreters are required to be available to all court users with limited English proficiency for any court related business. To accomplish this and meet the demands for interpreters, First Circuit is requesting a no-cost conversion of one Clerk IV budgeted temporary position to permanent status and one new Clerk IV position costing \$19,632 in FY 2020 and \$32,664 in FY 2021.

## **B. REASON FOR BUDGET REQUESTS**

**Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit:** In 2007, the First Circuit Family Court requested the creation and funding for two additional District Family Judges and six court support staff positions. In 2012, the Legislature approved funding for one District Family Judge and three court support staff positions. This request seeks \$169,944 in FY 2020 and \$329,688 in FY 2021 in funding for the remaining four positions: a District Family Judge, two Court Clerks, and one Court Bailiff.

Presently, the Family Court Judges do not have enough time to give to individual litigants and cases. This problem has continued to grow with the significant increase in pro se litigants, who require additional court time, and the increase in the complexity of the cases adding to the overall heavy caseload in Family Court. Rather than request additional resources and despite staff shortages, the Family Court Judges and staff have worked to maximize their efforts to meet the increasing demand. However, working at such a pace and overtaxing of staff for so long have come at a very high cost. The conditions noted above have resulted in delays in scheduling and hearing cases, increases in the number of ex-parte motions requesting expedited hearings, and delays in the timely processing of documents. All of this contributes to the frustration of the judges, staff, and the public, in addition to impacting the public's access to justice and safety.

The total caseload numbers, as shown later on, do not accurately reflect the number of hearings per case, the length and complexity of these cases, the impact of the large number of self-representing litigants, and the changes in state and federal laws and regulations.

The Family Court of the First Circuit is divided into four divisions - Domestic, Special, Juvenile, and Adult Criminal. The Domestic Division deals with divorces, civil union divorces, and interstate child custody cases that involve pre-divorce decree, divorce trial, and post-decree issues. The Special Division is responsible for cases involving paternities, Temporary Restraining Orders (TROs)/Orders for Protection, guardianship of minors and of incapacitated adults, involuntary and emergency mental health commitments, assisted community treatment, emergency hospitalizations, adult abuse cases, and adoptions. The Juvenile Division hears cases involving juvenile law violations, status offenses, child abuse and neglect, foster care, and the Interstate Compact on Juveniles. The Adult Criminal Division is involved with cases related to Abuse of Family Household Member charges and violations of TROs and Orders for Protection.

## **Domestic Division**

Currently, three District Family Judge positions are assigned to this division, along with regularly assigned per diem judges to handle the volume of cases/hearings.

The Domestic Division handles hearings involving issues such as child custody and visitation, custody evaluations, child support and arrearages, the Uniform Child Custody Jurisdiction and Enforcement Act, relocation issues, tax dependency, alimony, occupancy of home, property and real property division (including business valuations and divisions), division of retirement benefits, inheritance, division of stocks, division of financial accounts, payment of debts, awarding of vehicles, provision of health/dental insurance coverage for children and/or spouses, uncovered medical/dental expenses, extra-curricular activity expenses, private school expenses, post high school educational expenses, payment of taxes, need for firearms prohibition, and federal and military benefits. On any given court calendar, each judge has to decide any combination of these issues, all of which involve evidentiary hearings. This Division also handles Civil Union Actions and Proceedings.

### **Motion to Set Calendar**

One example of the backlog in the Domestic Division is with the Motion to Set calendar. Motions to Set are settlement conferences and/or trial setting conferences. When a Motion to Set is filed, litigants currently have to wait approximately two months for a hearing date, then an additional three to six months for a trial date.

### **Pre/Post Divorce Decree Motions Calendar**

Another example of the backlogs affecting litigants is on the Wednesday Pre/Post Divorce Decree calendar. In presiding over these calendars, the Domestic Division Judges decide any combination of issues mentioned in the previous paragraphs.

Each judge hears approximately 8 to 9 cases on the morning calendar and 8 to 12 cases on the afternoon calendar. So this means that on any given Wednesday, each Domestic Division Judge presides over some 16 to 21 evidentiary hearings.

Another factor to consider on the Pre/Post Divorce Decree calendars is that over 50% of the cases on Domestic Division Judge Wednesday calendars involve at least one pro se litigant. Pro se litigants take up a considerable amount of court time. Due to the sheer volume of cases on Wednesday calendars, judges either run court overtime, which exhausts court staff, or rush through cases to complete their calendars in a timely manner.

## **Special Division**

Three District Family Judge positions are currently assigned to this division, along with regularly assigned per diem judges to handle the volume of cases/hearings.

### **Uncontested Adoptions**

One example of the backlog being experienced is with the Uncontested Adoption calendar. The petitions related to adoption in Family Court are unique because these are the only documents which are screened completely from start to finish by Family Court staff. Currently, about 40 to 50 petitions are waiting to be screened before they can be set for hearing. Adoption cases are

becoming increasingly complex with having to confirm that the requirements of the Indian Child Welfare Act, the Interstate Compact on the Placement of Children, and the Hague Convention are met, consents are properly obtained from biological/birth parents in surrogacy cases, and proper documentation has been obtained in foreign adoption cases.

The lack of dedicated court time for these uncontested adoption petitions contributes to the backlog as well. Because of a lack of available calendaring time and lack of judges, and because adoptions are only one of the many cases that Special Division Judges hear, adoption hearings are held only one afternoon each week. Families wanting to adopt children are forced to wait many months to have their adoptions granted.

#### Paternity Calendar

Another example of the backlog is with the Paternity calendar. These cases involve, but are not limited to, determining the paternity of children, issues of legal and physical custody, child support, visitation, medical/dental health insurance coverage, the tax dependency exemption, payment of uncovered medical/dental expenses, child care costs, private school tuition, and extra-curricular activity expenses.

Like the Pre/Post Divorce Decree calendar, over 50% of the litigants who appear before the Special Division Judges handling the Paternity calendar are pro se litigants. As with Domestic Division Judges, the Special Division Judges spend a majority of their court time with the pro se parties.

Previously, when a paternity petition was filed, litigants had to wait approximately 10 months for a hearing date. To help alleviate this backlog, the Special Division Judges, with the help of the Senior Judge and Per Diem Judges, added additional calendars on Thursday and Friday afternoons to hear paternity cases.

Now, litigants have to wait approximately four to five months for a hearing date. However, this is still a long time to wait for litigants who need child support or medical coverage for their children, or who have not been able to see or visit with their children for weeks or months prior to coming to Court. However, since this is just a temporary fix, the backlog will continue to build again like every other calendar in Family Court.

#### TRO/Order for Protection Calendar

Special Division Judges hear TRO/Order for Protection cases on Mondays, Tuesdays, Wednesdays, and Friday mornings. Even when the judges are not in court, they are also reviewing and deciding on ex-parte (non-hearing) TRO petitions up to 4:30 p.m. daily. A Judge and court clerk are on call daily after business hours to process any late submittals. If an ex-parte TRO petition is granted, then a hearing is set. Due to the sheer amount of cases needing a hearing, Special Division Judges may go overtime and/or may rush through the cases to complete their heavy calendars while balancing the extremely real safety concerns, domestic violence dynamics, and other concerns posed in these cases.

Like the other calendars in Family Court, a majority of the litigants who appear on the TRO calendar are pro se litigants which require additional court time by the Special Division Judges.

### **Juvenile Division**

Currently, four District Family Judges are assigned to this division.

#### **Child Abuse and Neglect Cases (“CWS Cases”)**

Child Welfare Services (CWS) review cases are heard during the morning calendar, which equates to approximately a three and half hour time span Monday through Friday, and further breaks down to approximately just 15 minutes per case.

These cases involve issues including, but not limited to, child abuse and neglect, commercial sexual exploitation of children, foster care, out-of-state residential treatment placements, permanency planning, domestic violence, safety, substance abuse, mental health, the Interstate Compact for Juveniles, and termination of parental rights.

Given the gravity of the situation and the very real safety issues involved, Juvenile Division Judges balance the volume of the caseload and the seriousness of the issues while trying to build a working dynamic with the parties involved for the best interest of the children.

#### **Law Violators and Status Offenders (“Juvenile Offenders”)**

These cases involve juveniles who commit offenses for which they could be criminally charged if committed by an adult, and juveniles who commit offenses that bring them under the jurisdiction of Family Court based solely on their status as a minor such as skipping school, breaking curfew, etc. Currently, the wait for trial for a juvenile offender case is approximately three months.

Additionally, these Juvenile Division Judges also preside over our Specialty Courts: Juvenile Drug Court, Zero to Three Court, Girls Court, Girls Court for Commercially Sexually Exploited Children, Family Drug Court, and Permanency Court. A Juvenile Judge also presides over the Imua Kākou Court (Voluntary Care to age 21), which was legislatively mandated, and our newest project, Truancy Court.

### **Other Factors Affecting Family Court Judges**

#### **Family Court Litigant Demographics**

Family Court has a self-help desk called the Ho‘okele Help Desk. There are Help Desk stations located in the Ronald T.Y. Moon Kapolei Courthouse and the Ka‘ahumanu Hale Courthouse in Honolulu. In 2017, Family Court Help Desk employees assisted 56,343 litigants, and during the first ten months of 2018, serviced approximately 50,000 litigants. Assuming this same rate of assistance continues the rest of the year, the service to Family Court litigants could increase by about 5% in 2018 as compared to 2017. A majority of the phone calls and in-person help are for pro se litigants. The number of pro se litigants in need of assistance will continue to grow because of the complexity of Family Court cases.

These numbers illustrate the overwhelming volume of pro se litigants that pass through the Family Court doors on a daily basis. Over 50% of the cases involve at least one pro se litigant. Many of the cases have double pro se parties, which mean both parties choose to, or due to financial constraints are forced to, represent themselves through a Court process that is unfamiliar, intimidating, and extremely overwhelming. As a result, Family Court Judges spend a considerable amount of court time interacting with the pro se litigants in court to help them resolve their issues.

### **Family Court Hearings are Evidentiary Hearings**

Unlike any other court, the majority of the hearings held in Family Court are evidentiary hearings which involve the taking of testimony from the parties and any other necessary witnesses, and which also may involve the introduction of exhibits. These hearings are extremely time consuming and require the full attention of the judge because they involve issues directly affecting families and children.

Sometimes, as a result of the calendar, each party is allotted only 15 minutes to present his or her case. This creates an access to justice issue as Family Court litigants are not fully afforded adequate time for their respective cases.

Not only do the litigants feel “rushed”, which impedes settlement and clogs the court calendar, but more importantly, litigants are often not satisfied with their Family Court experience as the presiding judge is compelled to quickly make a decision that affects their everyday lives.

### **Conclusion**

All of these hearings held in the Domestic, Special, and Juvenile Divisions involve issues that are sensitive in nature, highly emotional, and extremely important to the parties who appear before the Family Court Judges.

More often than not, the cases cross over among Divisions. It is not uncommon for a paternity case to have a related restraining order case and related child welfare case.

Ultimately, the cases that are heard in Family Court are unique in the sense that they involve fundamental issues that affect and are at the center of people’s everyday lives – the safety and well-being of their children and families.

In conclusion, Family Court needs the additional judgeship and court staff positions to be funded in order to meet the needs of our community.

Specifically, we are requesting funding for one permanent full-time Judge to preside over Family Court hearings, and for two permanent full-time Circuit Court Clerk II positions and one permanent full-time Court Bailiff II position to assist the judge in performing his/her duties in and outside of court and to help maintain efficient and consistent court operations.

The Court Clerks take minutes of court proceedings that become part of the court record, receive and file documents and exhibits, schedule hearings, and handle inquiries and concerns from attorneys, parties, and the public. While one Court Clerk is in court with the judge, the other

Court Clerk will be in chambers, preparing documents and files for upcoming hearings, processing documents, entering minutes into the court's data base systems of HAJIS, JUSTIS, ICAL or other data base systems, and answering telephone calls from attorneys and the public. The Court Clerks also manage and complete the daily tasks that are essential to ensure court mandates are fulfilled timely and forthwith as ordered by the court.

The Court Bailiff keeps order during court proceedings and facilitates the movement of cases being heard by the judges. The Court Bailiff also assists in directing the attorneys and parties to the correct courtroom or program, keeps order in the hallways by keeping parties to restraining order cases separate while they wait for their hearing to be called, and handles the phone calls from attorneys and parties who have permission to appear by phone for their hearing.

Our Kapolei Courthouse already has a courtroom, chambers, and office space available for the additional judge and staff.

According to the Judiciary's yearly caseload statistics, during FY 2018, the judges assigned to the Domestic Division handled 3,559 new cases plus the carryover of 5,106 cases from the prior fiscal year for a total caseload of 8,665 cases. As such, each of the three Domestic Division Judges presides over trials and also has hearings to help parties reach an agreement and avoid court battles. Pre-trial and post-trial hearings are full evidentiary hearings, similar to the civil division, but without sufficient support staff and law clerks, and with no juries making dispositive decisions.

In FY 2018, the judges assigned to the Juvenile Division handled 4,517 new juvenile cases and 1,255 new "children on status" cases ("children on status" cases are defined primarily as cases where children are on probation, protective supervision, family supervision, foster custody, or permanent custody). Adding 1,032 carry-over juvenile cases and 1,182 carry-over "children on status" cases from FY 2017, the Juvenile Division Judges handled a total of 7,986 cases in FY 2018. Again, the total number of cases does not reflect that number of actual hearings held in each case. Besides the initial hearings and trial, adjudicated cases require many subsequent hearings over a number of years. Additionally, these Juvenile Division Judges preside over our various Specialty Courts, the Imua Kākou Court (Voluntary Care to 21) mandated by the Legislature, and our newest project, Truancy Court.

In FY 2018, the judges assigned to the Special Division handled 5,758 new cases including restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 2,951 cases from the prior fiscal year, for a total caseload of 8,709 cases. Although not every hearing is a trial, every hearing represents a family with all the complexities found in any family, except these families have the additional burdens that require court action, such as domestic violence.

Additionally, Family Court Judges rotate monthly being on call 24 hours a day, 7 days a week, for emergency hospitalizations and mental health commitment determinations. The judges and staff also work with the community to create solutions for problems facing our children; speak at schools; and volunteer their time, after-hours, for mock trials, moot courts, task force meetings, and other community or school efforts and activities. The circuit is divided geographically with each Family Court Judge assigned a geographic area and the judges are expected to become familiar with their area's schools, community needs, community leaders, and services.

All of the statistics do not account for one very important part of the duties of a judge, that is, preparing for cases. The judges must review and research the motions and other documents in the case file and related case files, as well as draft orders, decisions, and findings of fact and conclusions of law (Family Court Judges are without Law Clerks to assist them), and hold statutorily required teleconference calls with judges in other states regarding issues of jurisdiction. Other responsibilities assigned to Family Court Judges include: conducting status, discovery, pre-trial, settlement, and trial setting conferences; and participating in various community and other agency activities (e.g., attending school meetings with parents and students).

As a decision maker, the Family Court Judge must focus on the “best interest” of the child standard, render timely decisions, hear testimony and conduct other court activities, manage cases, and perform administrative duties. As a leader, the Family Court Judge collaborates with and convenes agencies and community stake-holder groups, works to improve the justice system, enforces accountability among stake-holders, trains and educates community participants, and improves and establishes service provisions for children and families. As a student, the Family Court Judge reviews relevant case materials; keeps current with professional journals, research articles, and appellate decisions; seeks new resources for more comprehensive servicing of children and families; meets with court personnel, other judges, and community groups/leaders; and attends judicial conferences and training workshops/sessions.

Over the last seven years, Family Court has seen an increase in the use of per diem judges. The table below shows the cost of per diem judge coverage since FY 2012:

<b>Fiscal Year</b>	<b>No. of Days</b>	<b>Cost</b>
2012	587	\$299,209
2013	657	334,485
2014	696	483,421
2015	769	544,821
2016	815	588,976
2017	1,099	810,117
2018	1,043	784,232

The increase in costs for FYs 2017 and 2018 was the result of reassignment of Family Court Judges to help cover higher than usual judicial vacancies in the Circuit and District Courts. Even with the additional judge, there will still be significant demand for per diem judge coverage as vacancies occur, and based on the need for judges to recuse themselves due to case conflicts, to attend meetings/provide services to various organizations and committees (both within the Judiciary and in the community), to attend training classes, to cover for judges temporarily reassigned to help other courts, and to sit in court when additional calendars are scheduled because of the demand for Family Court hearings. Presently, a per diem judge has been assigned

to hear divorce cases every Wednesday, Thursday, and at times Friday, in the Domestic Division since July, 2013.

The justification for the two new District Family Judge and Court Support staff positions was set forth in the Judiciary's 2007-2009 Biennium requests. It included the following:

"Family Courts throughout the country, ours being no exception, have been compared to hospital emergency rooms as people who show up there are in crises and misery, and are often at their worst. Because our Family Court hears every kind of family problem, our judges see every family emergency imaginable. Children, sometimes as young as 11 years old, are arrested and brought to Family Court for having made poor choices, and our judges must decide if the children should be sent to the Hawai'i Youth Correctional Facility, to a treatment program, or released back into the community.

What does the judge do when the parents of a 14 year old runaway girl, who is pregnant, addicted to methamphetamine and in love with her pimp, look to the court for help? Parents are also brought to Family Court for harming their children and our judges must decide whether or not to terminate their parental rights, sometimes for as long as 16 or 17 years, depending on the age of the child.

What does the judge do when an infant has been severely hurt, but no one can say for sure if either parent did it? Family members (spouses, grandparents, siblings, and grandchildren), boyfriends, and girlfriends come to our Family Court seeking orders prohibiting other family members from contacting them. What does the judge do when a wife says that yes, her husband did constantly beat her up and threaten her all the time, but he's been very nice since the TRO was issued and now she is adamant that he is not dangerous anymore? Our Family Court Judges are routinely asked to decide which parent gets to have the kids, inevitably altering forever the lives of not just the children, but of the parents as well.

What does a judge do when a divorcing parent decides to move to the mainland for a better job opportunity and wants to take the children with them, while the other parent wants to stay in Hawai'i with the children? These are gut-wrenching decisions, involving some of the most personal, emotional, and dangerous issues that exist. Yet, the painful reality, which has existed for some time now, is that the sheer volume of cases in Family Court makes it impossible to give the parties the time they want, need, and deserve, and to give the judges the time demanded by these complex and emotionally charged issues.

On any given morning (morning only, not a full day), a Family Court Judge handles between 10 and 20 Child Protective Services cases. These are cases where the judge must decide if the parents harmed their child and if so, whether to take the child from the parents. Looking at 15 cases in a morning, our Family Court Judges spend an average of just under 15 minutes per case, assuming that there are no delays that morning. Is 15 minutes a sufficient amount of time for a child?

In another real-life example, in one morning (morning only, not a full day), a Family Court Judge handles on average 12 to 15 TRO cases. These are cases where a judge must decide whether to restrain (keep away) fathers from mothers, grandchildren from grandparents, and so forth, and if so, for how long and under what conditions. Looking at 12 cases in a morning, our

Family Court Judges spend between 17 and 18 minutes per TRO case. Again, this time-frame assumes no delays. Would someone so fearful of a relative that they sought a restraining order, or someone accused by a family member of needing to be restrained, feel that 17 to 18 minutes was enough time for the entire case to be presented and decided?

In one final example, it is very common for Family Court Judges to have only one day of trial to decide which divorcing parent gets custody of the children. This unbelievably short time-frame is a by-product of high caseload volume and few Family Court Judges. Further, devoting more than one day to trial would further delay other cases.

Finally, one can only imagine the pressure our judges are under knowing that they have to make such life-altering decisions in minutes. The implications of their decisions can be severe. If a child is returned home too soon, the child might be killed. If a TRO is denied, a grandmother or mother might die. If a child is not sent to the best home possible, the child's development may be impeded forever. Add to this is the reality that many of these cases include issues of chronic drug addiction, severe domestic violence, longstanding mental illness, poverty, and homelessness."

The additional Family Court Judge is critically needed to help families truly have their day in court. Authorization to fund the remaining Family Court Judgeship and three support staff positions is therefore requested to ensure that our judges have the collective resources to devote sufficient time to litigants and that justice is properly administered in Family Court cases.

**Convert Temporary Social Worker V (Coordinator) Position for HZTT Program to Permanent Status:** The HZTT program is requesting to convert its Program Manager/Coordinator Social Worker V position from temporary to permanent status. A permanent Program Manager/Coordinator position is critical to providing quality program management while fostering the coordinated team approach needed to ensure that appropriate early intervention services are provided to infants, toddlers and their families to effectuate unification. This is a no-cost conversion as funds were previously provided for this temporary position.

This vital program addresses the complex needs of infants and toddlers, who comprise the largest single group of children in foster care in the United States and have the highest rates of victimization across all age groups. According to Department of Human Services (DHS) data in 2011, which is the latest research available, infants under one year of age constitute the largest age group in Hawai'i in foster care.

The HZTT Court began operation in 2008 through federal earmarked funding from ZERO TO THREE, a national non-profit organization based in Washington, D.C. ZERO TO THREE hired and employed a full-time Community Coordinator to work with the Hawai'i court program and launch the program. In November 2012, the federal funding source for the Coordinator position ended. Despite the loss of that funding, the HZTT program was able to obtain grant funding through the Substance Abuse and Mental Health Services Administration (SAMHSA) to fund a Case Manager position. Throughout this period of time, the HZTT program continued to work closely with the national ZERO TO THREE organization which provided technical assistance and data evaluation to Hawai'i. In July 2017, the SAMHSA grant funding ended and HZTT was without a permanent/dedicated position; however, shortly thereafter, the First Circuit was able to

fund a temporary full-time Program Manager/Coordinator position for the HZTT program. This temporary position was established to provide the continuity of services to at-risk infants and toddlers and their families that only can be made possible through the availability of dedicated staff. Although it took some time to establish and fill this temporary position, the program functioned at minimum capacity with essentially volunteer assistance over a year until the temporary position was filled in June 2018. With the addition of professional staff, albeit a temporary position, HZTT has been able to now aggressively seek more families to serve.

The HZTT Program Manager/Coordinator has been key in identifying gaps in services in HZTT cases and keeping everyone accountable and responsible, including DHS/CWS social workers, deputies attorney general, service providers, Guardians ad Litem, resource caregivers, and parents. Issues with services can compromise the intensive, prompt, and specialized services infant and toddlers need to overcome the serious medical and developmental consequences, attachment disorders, and overall well-being which are commonly exacerbated in the foster care system due to infrequent visitation, multiple placement changes, and delays in achieving permanence. The HZTT Program Manager/Coordinator plays a major role in keeping cases on the right track, moving forward, and through the collaborative and coordinated team approach, ensuring that the DHS/CWS social workers receive the support and assistance to do their job more efficiently and effectively.

The Hawaii’s Children 2015 report published by the Child Welfare League of America organization in Washington D.C. states, “The federal Child and Family Service Reviews clearly demonstrated that the more time a caseworker spends with a child and family, the better outcomes for those children and families.” The data provided in the January 2017 State of Hawai‘i DHS Data Book is quite alarming, that is, in Hawai‘i in 2016, there were a total of 1,418 confirmed cases of abuse and/or neglect, and 685 victims (48.3%) were children in the age range from 0 – 5 years. Furthermore, the report showed that 1,146 or 44.1% of all children in the foster care system were 0 – 5 years of age. The table below shows the steady pattern over the past five years of abuse/neglect cases and foster children, ages 0 – 5 years, compared to the total number of abuse/neglect cases and foster children in the State of Hawai‘i.

<b>Fiscal Year</b>	<b>Abuse/Neglect</b>	<b>Foster Care</b>
2016	48.3%	44.1%
2015	47.9%	45.7%
2014	50.8%	43.1%
2013	51.1%	41.0%
2012	50.0%	42.6%

Foster care is for children with the most serious needs, and for whom other forms of child protection intervention such as Family Supervision, and differential response, such as Voluntary Case Management and Family Strengthening Services, are not appropriate.

National research suggests that children who experience child abuse and neglect are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult, and 30% more likely to commit violent crimes.

HZTT is one of six original Safe Babies Court Team (SBCT) demonstration sites under the guidance of the Quality Improvement Center for Research-Based Infant Toddler Court Teams (QIC-ITCT). A recent evaluation of ten QIC-ITCT sites (including Hawai'i) was completed by RTI International for 2015 – 2018. Key findings from the evaluation are:

- Maltreatment reoccurrence of 251 children over a 12 month period across the ten SBCT sites was 0.7% in comparison to the national standard (set by the Children's Bureau) of 9.1% over 12 months.
- 94.2% of cases in care for less than 12 months and 79.4% in care from 12 to 23 months had no more than two placements (moves between foster homes).
- Of 137 children, 78.1% reached permanency (reunified with parents, adopted, placed with a fit and willing family member, etc.) in 12 months compared to the national standard (set by the Children's Bureau) of 40.5% within 12 months.
- Among those children identified in need of services, more than 90% received services.

While the Evaluation Report for HZTT dated July 31, 2016, by David Leake, Ph.D. MPH, Center on Disabilities Studies, University of Hawai'i at Mānoa, was an attempt to evaluate how well the HZTT was meeting its objectives, the various data systems relied upon were not "well suited" to make a clear determination. However, the report did note that "...through the addition of qualitative data from interviews with 8 clients and 8 personnel involved with HZTT, all of these interviewees stated positive views of HZTT overall, and the preponderance of their responses concerning each objective were clearly positive. We can thus conclude that HZTT has made observable progress in achieving each of its objectives: 1) reduction of alcohol or drug consequences; 2) improved reunification outcomes for families; 3) decrease in length of stay in foster care; 4) increase visitation; 5) timeliness of service procurement; and 6) increase access to services."

The interviews pointed to the effectiveness of having frequent court hearings in contributing to meeting "...all 6 objectives by alerting HZTT Court Team members to client services needs in a timely manner and ensuring that clients are aware of their requirements and maintain focus on meeting them. Another important factor is the quality of the HZTT Court Team members and their commitment to the cause of reunification. Several clients praised the previous HZTT Case Manager and their DHS Social Workers in particular, for effectively supporting them, but clients are also supported by a range of other Court Team members from other involved agencies."

The recent evaluation of the HZTT is a testament to the benefits of having such a specialty court program and the positive impact it has upon the children and families it serves. With support from the national level and the community, the HZTT has the capacity to refine and expand, and improve outcomes for Hawaii's most vulnerable population in the child protective system and their families.

Since its inception in 2008, the HZTT program has served 75 families and 104 infants and toddlers. Presently, there are 17 families and 39 children in the program; 25 of the children are ages 0-3. The current placement of children in the HZTT program is 21 in foster custody, 17 in family supervision, and one in permanent custody awaiting adoption. With a dedicated permanent Program Manager/Coordinator, more families and children will be served and a more responsive and efficient program will be ensured. Staff members will be able to commit their time and focus on achieving the goals of the HZTT program which include: going into the community to establish meaningful and productive resources for our children and their families so as to teach parenting skills and to cultivate developmentally appropriate services, securing a safe environment for our children, and facilitating eventual reunification with parents, if appropriate.

**Funding for a District Court Judgeship and Support Staff for the First Circuit:** Act 14 authorized the last District Court Judge in First Circuit by the Legislature in 1982, bringing the total number of District Court Judges on Oah‘u to 14. In order to handle OVUII caseload demands and increased case complexities, and expanding court calendars to address court congestion, the First Circuit is requesting \$165,354 in FY 2020 and \$319,008 in FY 2021 in funding for a District Court Judge, two Court Clerks, and one Court Bailiff. This District Court Judge would also serve as a substitute judge for Drug Court cases.

### **Overview**

The island of O‘ahu is separated by venue into five areas: Honolulu, ‘Ewa, Kāne‘ohe, Wahiawā, and Wai‘anae. Honolulu District Court has ten courtrooms of which eight are designated as traffic/criminal and two are designated as civil. The District Courts have exclusive jurisdiction over traffic infractions, and summary possession or ejectment (landlord-tenant) proceedings, regardless of the claim amount. The District Courts also have jurisdiction over non-jury trial civil cases where the debt, amount, damages, or value of the property claimed does not exceed \$40,000, or where the remedy sought is specific performance valued at under \$40,000; criminal offenses punishable by fine or by imprisonment not exceeding one year; cases arising from violations of a county ordinance; and petitions for TROs for relief from and for injunctions against harassment.

In Honolulu, sessions are held daily in the morning and afternoon. The criminal court calendar is comprised of traffic/criminal arraignments/pleas and trials. The civil calendar involves regular and small claims cases, TROs, and summary possession cases. Rural court schedules differ in each venue by time and day to address the needs of the community and court staffing.

### **General Duties**

As mentioned previously, the last First Circuit District Court Judge was legislatively authorized in 1982 under Act 214. Since then, recent changes in laws and procedures have caused an increase in litigation for District Court Judges, and the demand for judicial services has created a voluminous workload for both the legal and court staff. District Court Judges are required to prepare for their calendars on a daily basis, which include a multitude of trial issues, discovery, and pre-trial hearings; settlement conferences; and case status inquiries (including those involving plea agreements, motions, stipulations, and hearings to allow defendants to

waive/demand a jury trial). District Court Judges work independently in drafting orders, decisions, or findings of facts and conclusions of law with no personal judicial staff.

District Court Judges are rotated quarterly between Honolulu and the rural courts. Judges assigned to rural courts handle traffic, criminal, and civil cases on different days of the week.

Each judge is also rotationally assigned as a “Duty Judge” for a week. This seven day, 24 hour on-call assignment addresses police requests for high bail, contempt proceedings, in-custody and non-custody information charging, search warrants, arrest warrants, and judicial determination of probable cause. This rotational duty normally would preclude court coverage during the assigned week due to the volume of law enforcement requests. However, oftentimes, there is a shortage of judges which results in the Duty Judge, and sometimes the Deputy Chief Judge, taking on additional duties by presiding in court. This saves resources by not having to call in a per diem judge for the day. During such times, police requests mostly wait until the Duty Judge takes a recess or finishes court before their requests can be accommodated.

District Court Judges are also assigned additional duties when judges call-in sick, take vacation, or are assigned to temporarily fill vacancies in Circuit Court. In 2017, four of the 14 full-time District Court Judges were temporarily assigned to Circuit Court, and in 2018, a full time District Court Judge was assigned to Circuit Court for more than a year. This, in turn, required per diem judge coverage at District Court. Until all vacancies are filled in Circuit Court, the shortage of judges in District Court will continue.

In the Civil Division, one District Court Judge is required to hear landlord-tenant and small claims matters pursuant to HRS § 604-1. Although there were four designated civil judges in the past, the District Court had to shift resources from the Civil Division, leaving only two full-time judges for civil cases. However, at least three judges are needed to keep up with the pace of civil cases filed.

### **Per Diem Judges**

As the need for court services increased, the actual usage of and expenditures for District Court per diem judges increased. The table below illustrates the increase in expenditures for per diem judges between FYs 2013 and 2018:

<b>Per Diem Judge Expenditures</b>		
<b>FY</b>	<b>Expenditure</b>	<b>% Change</b>
2013	\$370,123	
2014	\$546,904	47.76%
2015	\$630,929	15.36%
2016	\$675,157	7.01%
2017	\$867,758	28.53%
2018	\$893,684	2.99%

As shown in the expenditure data, per diem judge usage has increased significantly over the last six years. Although District Court tries to utilize per diem judges as effectively as possible, these judges have limited availability and cannot be scheduled more than nine times a month. This makes it extremely difficult to use them to help provide sufficient daily coverage for all available courtrooms.

### **Support Staff**

Although judges hold the ultimate authority for judicial administration, the duties associated with daily court management are assigned to staff personnel who assist the judge in performing his/her duties in and outside of court and help maintain efficient and consistent court operations.

### **Court Clerks**

Court clerks are the primary administrative liaison between the judges and a court's administrative infrastructure, and help ensure that court services are delivered in an efficient manner. Not only do court clerks prepare the court calendar prior to each morning and afternoon session, they also transcribe minutes of court proceedings, receive and file documents and exhibits, schedule hearings, and handle inquiries and concerns from the attorneys and other parties. For the traffic/criminal division, at least two court clerks are needed in a courtroom to ensure that court services are delivered in an efficient and timely manner, as ordered by the court. While one clerk is in court with the judge, the other clerk will prepare documents, file for upcoming hearings, process documents, and enter minutes into the court's data base systems, that is, Hawai'i Judicial Information System (HAJIS), Judiciary Information Management System (JIMS) Portal, or JIMS in-court processing. However, this is the ideal situation that rarely occurs, as there are not enough court clerks to assign two court clerks to each courtroom.

Moreover, court clerks are scheduled to be in court for both the morning and afternoon sessions which severely limits their time to post court minutes. To catch up with the caseload that comes through the courtrooms each day, civil court clerks also cross train in OVUII cases to provide backup while maintaining their civil court duties. When the court clerks are scheduled to go to court back to back, judicial clerks act as support staff to input minutes, bench warrants, and penal summons. Working at such a pace for long periods overtaxes the staff and contributes to the frustration of the judges, staff, and the public.

### **Bailiffs**

District Court bailiffs are responsible for providing courtroom services to judges by maintaining order, security, and decorum in courtrooms, judicial chambers, and public waiting areas. They prepare and set up courtrooms for both morning and afternoon sessions; and ensure that each courtroom is secure and clear from contraband, weapons, sharp objects, and other unauthorized articles. The court bailiff announces the opening and adjournment of court and assists in directing the attorneys and parties to the courtroom or program, such as community service and probation. Bailiffs give instructions to litigants and defendants regarding fines and payments. Unlike court clerks, who are assigned to one specific courtroom per morning session and/or afternoon session, bailiffs are assigned to oversee and monitor foot traffic in both criminal and civil courtrooms. At District Court, bailiffs often oversee more than one courtroom per morning

session and/or afternoon session, as some defendants and attorneys are required to be present for other court related matters and need assistance to get to those courtrooms in a timely manner.

### **OVUII Congestion and Backlog**

A major contributing factor to the increase in demand for judicial services is the complexity of OVUII cases that has evolved over the years which, in turn, has generated more backlog and court delays. Appellate decisions from the last nine years have greatly impacted how OVUII cases are tried in District Court. At First Circuit District Court, trial and motion calendars may take more than one session to conclude, especially when private counsel is involved. This creates a tremendous strain on judicial resources and impact all other court functions. Between January 2009 and December 2017, 44,153 OVUII cases were initiated in the First Circuit or an average of 4,905 per year, as compared to the previous nine years (2000 to 2008) where there were a total of 29,702 cases or an average of 3,300 per year.

Because of these appellate decisions, the burden of proof required for a conviction in an OVUII case matter has substantially increased. There is pressure to ensure defendants are properly charged, aware of their rights, and that additional evidence, if any, is submitted to the court in order to meet the requisite foundation for admissibility. This invites continuous litigation from prosecutors and defense attorneys to submit lengthy suppression motions, motions for continuances due to unavailable witnesses, and/or for delays in obtaining evidence.

This means that the legal professionals and parties involved spend more time preparing for trial, and the judges need more trial time to provide fair and just review of these particular cases. In response to the increase in litigation, First Circuit District Court Judges and support staff have collaborated to maximize their efforts to alleviate the voluminous caseload. Current courtrooms and staff that were not originally intended for the OVUII calendar have been reallocated to address this issue. Although the caseload of other courtrooms vary from day to day, the First Circuit District Court has designated five “overflow” courtrooms for OVUII trial cases in Honolulu and Wai‘anae. In Honolulu, the judges provide “backup” to the OVUII calendar judge by hearing motions or taking cases that are ready for trial, if they finish their calendars early.

### **Dismissals**

Even if many cases are ready for trial, the limited number of courtrooms, judges, and staff have made it increasingly difficult to conduct trials on all these cases. When cases are getting pushed back due to the complexity of OVUII issues, this can trigger Hawai‘i Rules of Penal Procedure (HRPP) Rule 48 Dismissals. HRPP Rule 48 states that, with the exception of certain excludable periods, the court shall dismiss a case if trial is not commenced within six months, in general, from date of arrest, date of re-arrest or re-filing of charge, or date of mistrial. If the prosecution is not ready to start trial before the Rule 48 deadline, the case must be dismissed. Between FYs 2014 and 2018, 345 cases were dismissed under Rule 48.

One predominant reason for dismissals is court congestion. Defense motions can be complex and time consuming for the judges, especially motions regarding discovery, suppression, Brady material (evidence known to prosecution that is important for establishing innocence/reducing punishment of defendant that must be disclosed), mugshots, video materials, and any misconduct records of police officers. This can create a backlog of pending cases, as new OVUII cases are

filed and delays are caused by private attorneys “gaming the system” to defend their clients. This can be overwhelming for not just the court system and parties involved, but also the public.

In any given week, First Circuit’s OVUII courtrooms allot up to 210 “trial slots” to be calendared. This is in addition to status, discovery, and other pre-trial hearings. Yet, in these slots, the court may be able to hear only one trial per morning or afternoon court session.

## **Conclusion**

In order to provide fair, timely, and efficient delivery of justice, it is critical that the Judiciary adapt and accommodate the number and complexity of cases filed. The development and complexity of case law in OVUII cases is just one facet of the continuing challenges facing the courts. Other factors include court congestion, backlogs, and dismissals which all contribute to the pressures of an increasing demand for judicial services. In response, the First District Court has sustained a well-established judicial system by maximizing resources and reallocating staff to achieve its fullest potential. However, such efforts are limited by the Judiciary’s personnel and budget resources. Authorization to provide positions and funding for an additional District Court Judge and three court support staff is requested to ensure that our judges have the collective resources to not only resolve cases more expeditiously, but also to devote sufficient time to litigants and properly administer justice in District Court cases. A court system that is responsive to the community promotes confidence in our government.

**Establish Court Support Staff and Funding to Implement Mobile Court Operations for the COC:** This request seeks \$78,791 in FY 2020 and \$139,265 in FY 2021 to establish positions for a Court Clerk, Bailiff, and Judicial Clerk and pay for certain operational expenses to implement mobile court operations for the COC.

The COC started in January 2017 at Honolulu District Court as a collaborative pilot project among the Judiciary, Department of the Prosecuting Attorney of the City and County of Honolulu, and the Office of the Public Defender. While the Prosecuting Attorney’s Office received grant funds for this project, the Judiciary did not, but utilized existing resources for the project including designation of a COC Judge.

Act 55 (2017) took effect on July 1, 2017 and directed the Judiciary to administer and operate the COC in the City and County of Honolulu with the goal of helping nonviolent offenders who face problems such as drug abuse and mental health challenges to obtain basic services and necessities, like food and shelter. The COC does not want to criminalize homelessness, but rather connect homeless individuals to services through case managers, while providing accountability for outstanding charges and bench warrants that would reduce crime and recidivism. The COC is intended to function as a mobile justice system that travels to neighborhoods and communities closer to where the defendants reside. The court resolves cases against offenders who may be intimidated to appear in a traditional court setting or are unable to pay fines imposed. It was also envisioned that the COC would impose alternative sentences such

as community service and mandatory participation in programs deemed appropriate for individual offenders based on their need for specific mental health services, substance abuse treatment, sustenance, and shelter.

In December 2017, the COC expanded out of the Honolulu area to the Wahiawā District Court primarily to develop logistics needed to establish a mobile court. It was the COC's first attempt to reach a community outside of the Honolulu area and as such, was able to utilize the courtroom and resources of this rural traditional court setting. Currently, COC is held in Honolulu District Court on the second and fourth Thursday of each month, and in Wahiawā District Court on the third Tuesday of each month. As part of its expansion efforts, new procedures and logistics for the mobile court operations were created.

In September 2018, the COC held its first session in a non-traditional setting at Wai'anae Public Library. A room in the library that is normally used for community meetings, workshops, and other events, is now reserved every fourth Friday of the month for COC sessions to clear low-level, nonviolent offenses committed by homeless people on the Leeward Coast.

As of October 2018, COC has held 53 sessions with 102 participants and cleared 1,145 cases. These participants have completed a total of 2,151 hours of community service; 706 driver's license stoppers have been lifted and 15 have obtained driver's license permits; 137 bench warrants have been recalled; 585 cases have been recalled from collections; 24 have obtained housing; 13 have been sheltered; 19 were residing with family/friends; 23 have found employment, and 17 have received substance abuse assessment/treatment.

As envisioned by Act 55, the COC anticipates to be mobile in more communities throughout the First Circuit. However, additional resources are needed to operate court sessions in the non-traditional court settings. Court personnel (clerks and bailiffs) currently assigned to regular court operations need to be pulled out to provide court services at such non-traditional court settings which creates a staffing shortage for the courtrooms and calendars at the courthouses. Court clerks author the official record of all actions in the court minutes; judicial clerks process motions, calendar cases, and update court records for compliance and disposition of cases; and bailiffs maintain order in the court. COC cases are unique because its defendants often have a disproportionate number of cases (many have more than 10 cases) as compared to non-COC defendants.

At the COC sessions are social service or health care professionals who are able to communicate directly with COC participants for services including drug abuse, mental health, and other basic services or necessities such as food, shelter, health services, identification documents, and employment opportunities. Two case workers from the Judiciary Adult/Juvenile Community Service and Restitution Unit also attend COC sessions to assist those participants sentenced to community service by providing onsite placement.

The non-traditional court settings (i.e., mobile COC court) require equipment set up including tables, chairs, computers, and printers for each session. Other funding resources requested for this mobile court operation are for facility rental, van rental to transport equipment, special duty sheriffs for security, transportation for participants (bus passes), monthly cell phone and Wi-Fi connections, and car mileage for meetings with social service providers and outreach.

Overall, the Judiciary, Prosecutor's Office, and the Office of the Public Defender have collaboratively made progress towards the development of a mobile COC and continue to meet the common goal of working with people who want to re-start and improve their lives. COC has been successful in clearing cases, but more importantly it has brought life changing experiences to its participants who have made positive decisions to move forward. The Judiciary continues to be committed to the collaborative effort to build further paths out into communities to increase access to justice for more individuals.

**Convert Two Temporary Positions in the MHU to Permanent Status:** First Circuit is requesting a no-cost conversion of two temporary Social Worker IV positions (probation officers) to permanent status. The MHU provides services and supervision to Mental Health Court (MHC) and Conditional Release (CR) clients who have been diagnosed with severe mental illness (SMI). Probation Officers in the MHU are trained and specialized to supervise SMI clients who are placed on CR and discharged from the Hawai'i State Hospital. MHU probation officers balance intensive supervision and foster client stability, a combination that protects the public from potentially volatile SMI probationers.

The overall goals are to bring more stability to our partnerships with other agencies involved in this area; increase our client referrals and population served, whether it be MHC or CR clients; reduce recidivism and increase public safety; decrease tax dollars spent on incarceration and hospitalization; and improve the overall operations, success, and efficiency of the MHU. The MHC operates organizationally under the MHU.

The daily cost to house an inmate in Hawaii's Correctional Facilities is \$146. As of September 2018, the First Circuit had 400 CR clients, that is, clients that have been placed on court ordered supervision following a judgment acquitting an offender of a criminal offense on the grounds of physical or mental disease, disorder, or defect. For these CR clients, non-compliance with their terms of supervision would result in hospitalization at the Hawai'i State Hospital, not prison. Hospitalization costs approximately \$765 per day, which is a very costly alternative to providing the specialized supervision that a MHU would offer. If treatment and stabilization became available to the SMI population, including those clients on CR, it is anticipated that incarceration and hospitalization days would greatly decrease, public safety would increase, and such clients would have more successful outcomes.

The MHC has a dedicated judge, prosecutor, and public defender, and uses a team approach with staff from the Department of Health's Adult Mental Health Division, for decision making regarding its clients and needs. Since its inception in 2005, MHC has had 110 graduates and currently has 38 active cases with 14 cases pending assessment for admission into the program. Approximately one third of the clients in the MHC program are able to get their charges dismissed upon graduation, thus allowing them to avoid the issues, such as reduced employment opportunities, that come from having a felony conviction. The MHC goal remains constant – to work with its clients so that they do not reenter the criminal justice system once they graduate.

Currently, one permanent probation officer position is dedicated to the MHC. Two other permanent probation officer positions, the MHU supervisor position, and the two temporary probation officer positions all help service the MHC and non-MHC clients. However, the two temporary positions are vacant, and past attempts to fill them have been unsuccessful which is not surprising, as candidates chose a permanent position rather than a temporary position or

decide they are no longer interested. Having the two requested permanent positions would address the waitlist, allow the program to increase the number of clients participating in MHC, and increase the number of CR clients being supervised by MHU. Part of the vision of the MHU is to eventually manage the majority of the CR cases (excluding those with domestic violence and sex offender violations). To accomplish this vision, the MHU must have program consistency and stability which the two requested permanent probation officer positions would help provide.

The MHU probation officers will work in close partnership with defense counsel, prosecutor, community treatment professionals and other agencies to provide appropriate services to MHC and CR clients. The intent of the MHU is to focus on the offenders mental health issues and to address other underlying problems to effectuate prosocial change. The MHU probation officers will closely monitor client adherence to terms and conditions of their supervision, including compliance with mental health treatment; and take steps to lessen possible recidivism and hospitalization costs, and thereby improve public safety in communities.

Probation officers in traditional probation units have not been trained in how to oversee the risks and needs of clients with SMI. Instead, these units, which are designed to monitor non-mentally ill defendants, continue to face staggeringly large caseloads (e.g., more than 157 cases per probation officer) as the number of CR cases continue to rise.

The MHU bridges the gap between the legal system and the mental health community. The right amount of supervision and interventions administered at the right time provides the structure and critical roadmap to help probationers succeed. Ongoing assessments are continually updated to monitor SMI probationers' risk and needs. This often results in minimized jail time and maximized quality of life for probationers, while increasing public safety in the community. If the two requested Social Worker IV permanent conversions are granted, there would be many profound benefits to follow for the community at large and the mentally ill who will be treated with fairness and dignity.

**Establish Two Social Worker Positions for the A/JCSRU:** This request is seeking \$58,982 in FY 2020 and \$108,564 in FY 2021 to establish and fund a Social Worker V (supervisor) position and Social Worker III (case worker) position for the A/JCSRU to address increased workload and staffing concerns.

The mission of A/JCSRU is to provide a sentencing alternative which meets community standards for deterrence and protection while recognizing the rehabilitative potential of the offender. In order to meet the growing needs of the community, the program manages the intake of referrals from the courts, determines appropriate community placement, and monitors and recruits to expand the continuous need for work sites. The A/JCSRU is involved with developing and updating Memorandums of Agreement between the work sites and the Judiciary.

For community placements, the A/JCSRU receives referrals from the First Circuit's Circuit, Family, and District Courts, including the Environmental and Community Outreach Courts, as well as the United States District Court. For restitution and ability to pay cases/studies, referrals come from the First Circuit's Circuit and District Courts. Other cases come to A/JCSRU, including those for restorative justice restitution where restitution payments are ordered, but they are not part of a probation condition.

To be able to manage the increasing workload, the A/JCSRU would function more effectively with two units of case workers with each unit having one supervisor (that is, one supervisor for five or six case workers). Instead, one supervisor now oversees 10 case workers and, at times, supervises the A/JCSRU clerical section during the absence of the clerical supervisor. The supervisor is tasked with developing work schedules and assignments for the referrals from the various courts, reviewing the studies and reports generated, training all new case workers, attending community meetings, and covering all aspects of the A/JCSRU when there is a gap in coverage. Since November 2013, the A/JCSRU supervisor position has turned over five times. It is believed that the high turnover of personnel in this position is due to the complexity of the position, having to supervise 10 case workers, being in charge of the clerical operation in the absence of the clerical supervisor, performing daily case worker assignments due to case worker vacancy or absenteeism, and just being in charge and having the overall responsibility for the A/JCSRU operation.

In January 2017, the Community Outreach Court (COC) started in the Honolulu District Court. This Court, which holds two sessions per month, is a mobile court that concentrates on helping residentially challenged individuals with non-violent, non-felony offences. It uses alternative sentences options such as community service and connects participants to social services including shelter, employment, and health services. With the start of COC, a minimum of two A/JCSRU case workers are needed for each session to address alternative sentencing ordered by the court. In December 2017, the COC expanded to the Wahiawā District Court where sessions are held once monthly. A/JCSRU provides the only alternative sentencing option for COC and will continue to receive more referrals from this court. In 2017, A/JCSRU received over 100 community service placements from COC, and another 183 in 2018 (through October).

In September 2018, the COC expanded to the Wai‘anae Public Library where sessions are currently held once monthly. The A/JCSRU case workers that are assigned to the Wahiawā and Wai‘anae COC’s are tasked with operating away from their offices in rural sites where they interview, screen, and place the offenders directly after the court hearing. Future sites are currently being planned to bring the COC into more communities to serve more individuals.

An additional case worker (requested Social Worker III) position would be on the same rotation for restitution and ability to pay cases/studies, and also be assigned to the COC cases. Depending on the volume, the case worker would also be responsible for any additional outreach courts that are created and for the recruitment and monitoring of worksites in the areas of the COC. As mentioned earlier, two case workers spend most of the day with COC when COC holds its sessions. As such, they are pulled away from their non-COC workload which causes a backlog in the scheduling of appointments.

From June 2017 to November 2017, the A/JCSRU program processed 1,672 community service placements; 66 community outreach court placements; 297 and 32 restitution and ability to pay studies from the Circuit and District Courts, respectively; and 53 restorative justice restitution

cases (non-probation District Court cases). During this time the A/JCSRU also generated 1,398 compliance reports for the various courts for offenders ordered to do community service work.

From December 2017 to May 2018, the A/JCSRU program processed 1,505 community service placements; 115 community outreach court placements; 353 and 19 restitution and ability to pay studies from the Circuit and District Courts, respectively; and 58 restorative justice restitution cases. Due to the increase in District Court restitution case studies, the number of Circuit Court restitution case studies had to be decreased due to the lack of A/JCSRU staff. In such situations, the probation officer that referred the case is tasked with the restitution study. During this time, the A/JCSRU also generated 1,506 compliance reports for the various courts for offenders ordered to do community service work.

Due to current staff limitations and the increase in workload, the A/JCSRU has had to make adjustments to its operations in areas such as work site recruitment and monitoring, and, as mentioned previously, in restitution studies. Specifically, recruitments of work sites should be scheduled once a week but now are limited only to areas surrounding the COCs. A work site recruitment takes two case workers away from the office for several hours, and this, in conjunction with other workers being away for COC, causes backlogs in other appointments.

Work site monitoring involves telephonic contact and case workers visiting the work site to check on work conditions and proper documentation of work hours, and updating the MOA and work site listing. However, because of staffing issues, telephonic updates and work site visits are being done in COC areas only.

The requested supervisor and case worker positions will lead to a more manageable organization and greater efficiencies within the unit, help stabilize the current supervisor position, provide for better recruitment and monitoring of work sites, increase the number and timeliness of pay and restitution studies, and reduce the backlog of appointments. Ultimately, this will benefit the State of Hawai'i and the public by helping to ensure that alternative sentencing ordered by the courts meets community standards for deterrence and protection, and the offender by helping with his/her rehabilitation.

**Convert One Budget Temporary Clerk IV Position to Permanent Status and Establish One Clerk IV Position for Court Interpreting Services Section:** The First Circuit is requesting that one Clerk IV position be converted from budgeted temporary to permanent status and funding of \$19,632 in FY 2020 and \$32,664 to establish one additional Clerk IV position in the First Circuit to assist in the ever expanding area of court interpreter services.

State, as well as Federal law, requires the Judiciary to provide language access to the courts. Given Hawaii's diversity of cultures as well as the expansion of Judiciary related activities requiring interpreters, the language access needs in the Judiciary have increased and continue to increase. U.S. census data show that 25% of the population in Hawai'i does not speak English as its primary language. As a result, this segment's growing language access needs are apparent in the courts every day. Specifically, the First Circuit's court interpreter needs have increased from 5,352 cases in FY 2011 to 7,199 cases in FY 2015 and to an estimated 9,200 cases in FY 2018, or an overall 71% increase in just eight years (number of cases equals number of interpreted proceedings in which an interpreter was provided).

The U.S. Department of Justice requires that state courts comply with language access mandates of Title VI of the Civil Rights Act. Hawai'i State law also prescribes that all state agencies ensure that language services are provided for limited English proficient persons. Therefore, the Judiciary requires that language access be provided for all court users with limited English proficiency for all court-related business. Not only is the Judiciary required to make available court interpreters for all court hearings, but also for all Judiciary activities where a court user with limited English proficiency would require a language interpreter such as for probation hearings, Driver Education classes, and Kids First programs for children of divorcing parents. With efforts made to expand awareness of interpreter services in the courts, there has been a substantial increase in the number of requests for court interpreter services over the past several years, as noted in the previous paragraph. The Court Interpreting Services Section coordinates these requests, but the subsequent rise in workload and complexity of obtaining appropriate language interpreters have resulted in difficulties in meeting demands for these services.

Currently, the Court Interpreting Section consists of two positions – one full-time Program Coordinator and a temporary Clerk IV. The additional Clerk IV position being requested is needed to help with the ever-increasing requests to the Judiciary for interpreter services. As mentioned previously, this Section not only must field requests and assign and schedule interpreters for Circuit, Family, and District Court proceedings, but now for all other Judiciary related programs and activities such as Drivers Education classes, divorce and adoption proceedings, probation proceedings, specialty courts and programs, Kids First, etc. This Section also communicates problems or concerns to the Office of Equality and Access to the Courts; fields numerous calls from other State agencies, other Judiciary circuits, and the public at large to obtain information on interpreter services; reviews court interpreter forms for accuracy and to certify information for payment processing; follows up on leads in recruiting potential court interpreters; and assists with data collection although no data has been collected nor statistics developed since 2015 due to staffing and workload issues.

The temporary Clerk IV retired at the end of October leaving only the Program Coordinator to perform all the functions required of the Section for the entire First Circuit. Difficulties are expected in filling the position considering the overall low unemployment environment in Hawai'i and the fact that the position is only temporary, and even if filled, then retaining that person who likely will continue to look for a permanent position elsewhere. Having this as a permanent position is important in bringing stability to this Section and in helping to ensure it timely and efficiently meets all scheduling and assignment requests for interpreters in the First Circuit.

The two permanent Clerk IV positions being requested (one new and one temporary to permanent position conversion) will play a vital role and greatly assist the First Circuit in meeting the increased demands for interpreter services, and in doing so, address Federal and State laws requiring that language access be provided to all court users. The lack of additional permanent resources puts the courts at risk of having to delay hearings as the Section currently has and will likely continue to have, difficulty keeping up with demand for interpreters. Language interpreters play an essential role in the administration of justice as they help those

with limited-English proficiency to effectively participate in court proceedings, ensure such persons have equal access to justice, and keep court proceedings functioning efficiently and effectively.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	03	Second Circuit

## PROGRAM EXPENDITURES

### EXPENDITURES IN DOLLARS

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	11,601,993	13,283,458	13,051,849	13,216,803	13,217	13,217	13,217	13,217
Other Current Expenses	5,037,653	4,499,653	5,057,653	5,057,653	5,058	5,058	5,058	5,058
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	447,486	16,590	27,370	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	17,087,132	17,799,701	18,136,872	18,274,456	18,275	18,275	18,275	18,275
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>17,087,132</b>	<b>17,799,701</b>	<b>18,136,872</b>	<b>18,274,456</b>	<b>18,275</b>	<b>18,275</b>	<b>18,275</b>	<b>18,275</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	207.00 *	210.50 *	214.50 *	214.50 *	214.50 *	214.50 *	214.50 *	214.50 *
	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #
General Funds	17,087,132	17,799,701	18,136,872	18,274,456	18,275	18,275	18,275	18,275
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	207.00 *	210.50 *	214.50 *	214.50 *	214.50 *	214.50 *	214.50 *	214.50 *
	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #
<b>Total Financing</b>	<b>17,087,132</b>	<b>17,799,701</b>	<b>18,136,872</b>	<b>18,274,456</b>	<b>18,275</b>	<b>18,275</b>	<b>18,275</b>	<b>18,275</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	252	250	248	246	244	243	242	241
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	541	538	535	533	531	529	528	527

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
T01	Civil Actions, Circuit Court	1,628	1,649	1,671	1,694	1,718	1,743	1,769	1,796
T02	Marital Actions	854	873	891	908	924	939	953	966
T03	Adoption Proceedings	73	74	75	75	75	76	76	76
T04	Parental Proceedings	408	409	412	421	448	475	502	529
A01	Civil Actions Filed, Circuit Court	531	533	537	545	561	593	657	785
A02	Criminal Actions Filed, Circuit Court	1,046	1,054	1,063	1,073	1,084	1,096	1,109	1,123
A03	Marital Actions Filed	460	470	481	493	506	520	535	551
A04	Traffic - New Filings (thousands)	40	40	41	41	41	41	42	42
A05	Traffic - Terminated (thousands)	45	45	45	45	46	46	46	46

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	2,968	2,968	2,968	2,968	2,968	2,968	2,968	2,968
Special Fund	802	802	802	802	802	802	802	802
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	3,770	3,770	3,770	3,770	3,770	3,770	3,770	3,770

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	1,613	1,613	1,613	1,613	1,613	1,613	1,613	1,613
Fines, Restitutions, Forfeits & Penalties	2,157	2,157	2,157	2,157	2,157	2,157	2,157	2,157
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	3,770	3,770	3,770	3,770	3,770	3,770	3,770	3,770

## JUD 320 SECOND CIRCUIT BUDGET REQUESTS

### A. DESCRIPTION OF BUDGET REQUESTS

**District Court Judgeship and Support Staff:** Funding of \$186,874 for FY 2020 and \$319,008 for FY 2021 is requested for a District Court Judge and related support staff to handle increased caseload and expand court calendars in the Second Circuit.

**Purchase of Service (POS) Contract Funding for Domestic Violence Services:** The Second Circuit is requesting \$100,000 for FYs 2020 and 2021 to provide mandated services with POS contractors.

### B. REASON FOR BUDGET REQUESTS

**District Court Judgeship and Support Staff:** The Second Circuit is requesting \$186,874 in FY 2020 and \$319,008 in FY 2021 to establish a District Court Judgeship and three related staff support positions. Congested court calendars, caused in part by increased case filings, combined with Maui County's unique tri-isle geography, remote rural jurisdictions, and demographics, have sometimes hindered and posed significant barriers to Second Circuit's ability to administer justice in a timely, accessible, and efficient manner.

The last District Court Judge position for the Second Circuit was legislatively authorized in 1982, which increased the number of judge positions from two to three. Since then, the population of Maui County has more than doubled, from about 77,000 in 1982 to more than 166,000 in 2018. From 2011 to 2018, the population increased by over 9,000 or some 6.0%, while new criminal filings increased by 29.4% from 2,859 to 3,700 cases and new traffic filings by 16.6% from 21,694 to 25,306 cases (note that these numbers include traffic criminal filings which increased by 30%, from 3,311 to 4,303, during this period).

These statistics indicate that an additional judge and more court calendar time are needed in District Court as court calendars are currently inadequate. On Maui, nearly all District Court civil, criminal, and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in Wailuku. The District Court also convenes in Hāna and Lāna'i once a month, on Moloka'i three times per month, and in Lahaina three days per week. These calendars are insufficient to keep up with the growing number of cases being filed in the rural courts and off-island courts, and also have become quite congested, especially in Wailuku where the two courtrooms have court scheduled all day, every day of the week. Further, this heavy calendar workload sometimes does not allow Maui's District Court Judges to timely attend to other important judicial responsibilities such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees, review and approval of charging by

felony information packet, orders pertaining to bail, execution of search warrants, orders to show cause, and approval of TROs and protective orders; and review of and action on civil traffic written statements, traffic notices of discrepancies, and ex-parte and non-hearing motions.

The Second Circuit would base this new District Court Judge and support staff (two District Court Clerks and one Bailiff) at the Lahaina District Courthouse. This would allow for expanding the Lahaina District Court calendar from a three day to a five day a week rural court, and for the three District Court Judges in Wailuku to increase the existing court calendars in Wailuku as well as in Hāna, Moloka‘i and Lāna‘i. It would also enable the Second Circuit to consider implementing a dedicated District Court Mental Health docket, a Driving Under the Influence Treatment Court, and a Community Outreach Court to address the problems faced by those less fortunate and struggling with homelessness.

In summary, the additional judge and staff would not only help address the increasing number of filings and congested calendars, but would also accommodate the needs of the growing rural communities that are underserved at present and enable the judges to attend to other duties in a timelier manner.

**Purchase of Service (POS) Contract Funding for Domestic Violence Services:** The Second Circuit is requesting an additional \$100,000 in FYs 2020 and 2021 for POS contract funds to support Domestic Violence Intervention (DVI) and Victim/Survivor Support services on Maui, Lāna‘i and Moloka‘i.

Pursuant to HRS Chapter 709-906 (6), the courts are mandated to provide DVI services for defendants convicted of abuse of family or household member. DVI and victim/survivor resources are limited on each island. Currently, three agencies provide adult DVI services for Maui, Moloka‘i, and Lāna‘i, as well as victim/survivor support services in the form of TRO assistance, victim/survivor advocacy, support during court hearings, counseling for children who witness domestic violence, and serving/modifying protective orders.

Current FY 2019 DVI funding totals \$389,650, which includes one-time funding of \$33,750 from the Judiciary’s Spouse and Child Abuse Special Fund account. Since FY 2010, when statewide legislative cuts resulted in funding for these services being reduced from \$500,000 to \$350,000, the Second Circuit has been unable to adequately increase compensation to the agencies that provide DVI and victim/survivor services except for a slight increase for batterer intervention groups and TRO services. This has not only resulted in services being reduced, but has affected the agencies’ ability to expand their programs and update curriculum as needed in order to provide best/evidence based services. In fact, one agency terminated its contract for batterers and victim/survivor services, and other agencies have indicated that for them to continue to provide required best/evidence-based practice services, they need adequate and increased compensation to be able to hire/train qualified staff, provide appropriate training, acquire validated domestic violence risk assessment tools and regularly update their curriculum, and now pay for interpreters for those clients with limited English proficiency. The continued

failure to sufficiently compensate these agencies will result in less than effective programs and lack of agencies willing to provide these statutorily mandated services.

Further, not only are DVI services somewhat limited on Maui, but the ability to provide these services on the remote Maui County islands of Lānaʻi and Molokaʻi is even more challenging. It is an expensive endeavor for our resource-limited communities and requires premium contracted rates in order for agencies to cover their basic expenses as residents of these communities cannot simply drive or fly to another island and must be served equally by the Judiciary.

The additional \$100,000 being requested would go a long way to ensuring fairer compensation to our DVI providers and continuation of these important and mandated services, especially as negotiations for contracts with these providers for FYs 2020 through 2023 will begin shortly.

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	04	Third Circuit

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	13,146,687	14,054,631	14,985,823	15,067,358	15,067	15,067	15,067	15,067
Other Current Expenses	6,820,044	6,827,109	6,744,064	6,693,684	6,694	6,694	6,694	6,694
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	132,002	29,138	0	0	0	0	0	0
Motor Vehicles	31,351	0	0	0	0	0	0	0
Total Operation Costs	20,130,083	20,910,878	21,729,887	21,761,042	21,761	21,761	21,761	21,761
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>20,130,083</b>	<b>20,910,878</b>	<b>21,729,887</b>	<b>21,761,042</b>	<b>21,761</b>	<b>21,761</b>	<b>21,761</b>	<b>21,761</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	General Funds	228.00 *	234.00 *	240.00 *	240.00 *	240.00 *	240.00 *	240.00 *
	5.68 #	5.68 #	5.68 #	5.68 #	5.68 #	5.68 #	5.68 #	5.68 #
Special Funds	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
<b>Total Financing</b>	<b>228.00 *</b>	<b>234.00 *</b>	<b>240.00 *</b>	<b>240.00 *</b>	<b>240.00 *</b>	<b>240.00 *</b>	<b>240.00 *</b>	<b>240.00 *</b>
	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>	<b>5.68 #</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	176	176	175	175	174	174	174	173
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	577	566	556	546	537	528	519	511

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
T01	Civil Actions, Circuit Court	2,650	2,663	2,675	2,686	2,696	2,705	2,713	2,720
T02	Marital Actions	1,453	1,462	1,470	1,477	1,483	1,488	1,493	1,498
T03	Adoption Proceedings	152	152	153	153	154	154	155	155
T04	Parental Proceedings	1,608	1,610	1,612	1,613	1,614	1,615	1,616	1,616
A01	Civil Actions Filed, Circuit Court	651	662	674	687	701	716	732	749
A02	Criminal Actions Filed, Circuit Court	1,010	1,012	1,014	1,015	1,016	1,017	1,018	1,018
A03	Marital Actions Filed	557	566	575	584	593	602	611	620
A04	Traffic - New Filings (thousands)	41	41	41	41	42	42	42	42
A05	Traffic - Terminated (thousands)	49	49	49	49	50	50	50	50

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	3,524	3,524	3,524	3,524	3,524	3,524	3,524	3,524
Special Fund	1,068	1,068	1,068	1,068	1,068	1,068	1,068	1,068
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	4,592	4,592	4,592	4,592	4,592	4,592	4,592	4,592

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from Use of Money and Property	1	1	1	1	1	1	1	1
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	2,050	2,050	2,050	2,050	2,050	2,050	2,050	2,050
Fines, Restitutions, Forfeits & Penalties	2,541	2,541	2,541	2,541	2,541	2,541	2,541	2,541
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	4,592	4,592	4,592	4,592	4,592	4,592	4,592	4,592

## JUD 330 THIRD CIRCUIT BUDGET REQUESTS

### A. DESCRIPTION OF BUDGET REQUESTS

**Keahuolū Courthouse Custodial, Grounds and Facilities Staff:** Funding of \$263,534 in FY 2020 and \$333,000 in FY 2021 is requested for five new Janitor positions and one new Groundskeeper position for the new Keahuolū Courthouse in Kailua-Kona and to fully fund two maintenance staff positions (a Facilities Manager and a Building Maintenance Worker) that were partially funded for FY 2019.

**Keahuolū Courthouse Operating Costs:** The Third Circuit is also requesting \$474,000 in FY 2020 and \$424,000 in FY 2021 to support new building operating costs for the new Keahuolū Courthouse that will open in FY 2020.

### B. REASON FOR BUDGET REQUESTS

**Keahuolū Courthouse Custodial, Grounds, and Facilities Staff:** The Third Circuit is requesting \$263,534 in FY 2020 and \$333,333 in FY 2021 to fund six new positions (five Janitors and one Groundskeeper) for the new Keahuolū Courthouse in Kailua-Kona, and to fully fund the previously partially funded Facilities Manager and Building Maintenance Worker positions.

Last year, during the Twenty-Ninth regular legislative session, the Legislature graciously funded two Janitor positions and partially funded a Facilities Manager and a Building Maintenance Worker position for the Keahuolū Courthouse, currently under construction. The two Janitor positions were fully funded in FY 2019 to replace existing private custodial contracts, while the other two positions were funded for only four months as hiring for these positions was not scheduled until March 2019, some six months ahead of the projected opening for the new courthouse. An additional eight months of funding is needed and requested to fully fund these two positions.

The other five Janitor positions and one Groundskeeper position being requested are the additional positions needed to adequately support and maintain the 140,000 square foot building and ten acres of property. These positions would complement the existing four positions authorized by the Legislature for FY 2019, and would result in a custodial staff of seven – one Janitor Supervisor and six Janitors – and over 20,000 square feet of responsibility for each Janitor. Third Circuit is planning for the relocation of the current buildings occupied by Third Circuit in Kona to the Keahuolū Courthouse in summer 2019, thereby requiring adequate custodial and grounds staffing and funding for FY 2020 as well as the ensuing years.

**Keahuolū Courthouse Operating Costs:** The Third Circuit is requesting \$474,000 in FY 2020 and \$424,000 in FY 2021 to support building operating costs for the new Keahuolū Courthouse that is expected to open early FY 2020.

The Kona Courthouse is currently operating at one State facility (Keākealani) and two private office buildings in Kona where much of the utility, repair, maintenance, and support expenses are absorbed by the Department of Accounting and General Services and through the rents paid to the commercial landlords. Upon completion of construction of the Keahuolū Courthouse, all Kona court operations will be consolidated at this facility in FY 2020 and Third Circuit will be required to pay for these as well as various other new operating expenses. These costs are estimated at \$794,000 - \$522,000 for electricity and other utilities; \$209,000 for annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment, and refuse; and \$63,000 for other expenses such as janitorial and building maintenance supplies, and various repair and maintenance costs not covered by contracts. Offsetting these new costs will be savings of \$370,000 associated with discontinuing lease rent, alarm services, and the janitorial contract, and reducing maintenance contract costs for security x-ray equipment and courier services which altogether results in a net funding requirement for an additional \$424,000 for operating expenses. An additional \$50,000 is also requested for FY 2020 for moving expenses for the 11 mile relocation from the current court locations in Kona to the new courthouse.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	05	Fifth Circuit

## PROGRAM EXPENDITURES

### EXPENDITURES IN DOLLARS

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	5,426,017	6,082,965	6,389,448	6,561,714	6,562	6,562	6,562	6,562
Other Current Expenses	2,027,246	1,994,827	1,886,188	1,886,188	1,886	1,886	1,886	1,886
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	213,883	0	15,000	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	7,667,146	8,077,792	8,290,636	8,447,902	8,448	8,448	8,448	8,448
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>7,667,146</b>	<b>8,077,792</b>	<b>8,290,636</b>	<b>8,447,902</b>	<b>8,448</b>	<b>8,448</b>	<b>8,448</b>	<b>8,448</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	99.00 *	99.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #
General Funds	7,667,146	8,077,792	8,290,636	8,447,902	8,448	8,448	8,448	8,448
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	99.00 *	99.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #
<b>Total Financing</b>	<b>7,667,146</b>	<b>8,077,792</b>	<b>8,290,636</b>	<b>8,447,902</b>	<b>8,448</b>	<b>8,448</b>	<b>8,448</b>	<b>8,448</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	329	320	311	302	294	286	278	270
Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	1,660	1,324	988	820	736	694	673	662

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
T01	Civil Actions, Circuit Court	807	825	843	861	879	897	915	933
T02	Marital Actions	552	563	574	585	596	607	618	629
T03	Adoption Proceedings	63	65	67	69	70	71	72	73
T04	Parental Proceedings	514	514	514	515	515	515	516	516
A01	Civil Actions Filed, Circuit Court	145	156	168	180	192	204	216	228
A02	Criminal Actions Filed, Circuit Court	403	414	425	436	447	458	469	480
A03	Marital Actions Filed	192	196	200	204	207	210	213	216
A04	Traffic - New Filings (thousands)	10	10	11	11	11	12	12	12
A05	Traffic - Terminated (thousands)	11	11	11	12	12	12	12	12

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	1,237	1,237	1,237	1,237	1,237	1,237	1,237	1,237
Special Fund	312	312	312	312	312	312	312	312
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	1,549	1,549	1,549	1,549	1,549	1,549	1,549	1,549

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	607	607	607	607	607	607	607	607
Fines, Restitutions, Forfeits & Penalties	942	942	942	942	942	942	942	942
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	1,549	1,549	1,549	1,549	1,549	1,549	1,549	1,549

## **JUD 350 FIFTH CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Additional Judgeship and Support Staff:** This request for \$179,844 in FY 2020 and \$329,688 in FY 2021 is to provide funding for an additional Family Court Judge and three staff positions, as workload issues have prompted a need for an additional judgeship in the Fifth Circuit.

### **B. REASON FOR BUDGET REQUESTS**

**Additional Judgeship and Support Staff:** The Fifth Circuit is requesting \$179,844 in FY 2020 and \$329,688 in FY 2021 for an additional Family Court Judge and three support staff (i.e., one Bailiff and two Circuit Court Clerks). The additional judgeship is needed to address the continuing increase in complexity of cases and the time required to schedule and hear cases on the court calendars, and to improve public service and safety.

Presently, the Fifth Circuit has only one Family Court Judge. Not only does this Judge continuously preside over juvenile and adult criminal cases, but he is also responsible for all other Family Court proceedings including divorce, contested custody hearings, TRO hearings, guardianships, and DHS abuse and neglect cases.

The nature of Family Court civil proceedings, often involving complicated disputes regarding the best interests of the child or children, is such that it is difficult to push such cases or place arbitrary limits on time allotments for hearings and trials. For example, there has been an upward trend in the number of TRO filings. Currently, only one afternoon each week is used to schedule a return on a petition for protective order (respondent appears in court and is given the opportunity to agree to the protective order or contest the allegations). The return on petition is usually set within 15 days of the granting of the TRO. If the matter is contested, the hearing could last from 45 minutes to two hours depending on the number of witnesses who are called to testify. Sometimes a hearing cannot be completed in the time allotted so it has to be continued to another day. Because of Family Court's trial schedule, hearings often cannot be continued the same week and must be scheduled a number of weeks away. Such delays are not in the best interests of the child, especially considering issues that may arise regarding temporary child custody, visitation, and more importantly the safety of all individuals involved. Also, part of one afternoon is spent on the adult domestic violence criminal calendar for proceedings which include proof of compliance, sentencing, entry of pleas, and arraignment and pleas. The domestic violence criminal trials are scheduled for only one day per month due to space and time limitations on the weekly Family Court calendar.

The Family Court implemented a revised weekly schedule in December 2014, and has made further revisions since, to help address their overcrowded court calendar. The Family Court schedule dedicates most of one calendar day to address approximately 5 to 10 DHS Child Protective Service (CPS) cases. Contested hearings are held in the afternoon and can last two to four hours depending on the amount of evidence being presented. Often, there are recorded interviews from the Children's Justice Center, as well as testimony from experts, social workers, and the parents. There are time constraints for these hearings so sometimes hearings have to be continued at a later date. Because the calendar is only one day a week, it is very difficult to reschedule hearings or find continued dates for hearings. Many of the attorneys involved in these cases also specialize in other areas of the law which requires them to be in other courtrooms at the same time. This makes scheduling even more difficult. In a recent review of Family Court dependency cases, one of the areas of concern was the ability to schedule hearings in a timely manner. Return hearings have to be scheduled within 15 days from when a child is placed into temporary foster custody. That has been a challenge due to the limited days available to do these hearings. Achieving permanency (termination of parental rights) is supposed to be reached within a reasonable period of time. Like TRO hearings, it is not in the best interests of all the involved parties to have such hearings postponed for any lengthy period.

Due to the number of domestic cases, proceedings are spread over two calendar days. On one of the days, usually two trials are scheduled. In addition to these trials, the morning calendar usually consists of about 10 new actions and five status hearing cases. Because so many cases are already scheduled, a party generally has to wait about a month to have a matter placed on the domestic calendar. If a party is requesting a trial, the trial dates are being scheduled approximately three to four months from the date of the parties' first appearance depending on the amount of time expected to complete the trial. But sometimes it takes even longer due to continuances, rescheduling(s) due to conflicts, and the overloaded court calendar. Providing more timely court dates would have a positive effect on reducing tension and conflict for the children who are caught in the middle of the adult disputes between parents. To alleviate the court calendar, the parties are often required to participate in an alternative dispute resolution program before the matter is set for trial. On the second calendar day used for domestic cases, civil post-decree and pre-decree motions as well as other miscellaneous civil motions or petitions are scheduled in the morning for two hours. There are approximately 10 cases heard during this time.

One day of the Family Court calendar is dedicated to juvenile delinquency type cases. These include law violations, status offenses, Department of Education truancy petitions, and the Juvenile Drug Court. The normal caseload is between 30 and 50 cases per day. The large number of cases each day does not allow much court time for each case to be heard. Again, due to space and time limitations on the weekly Family Court calendar, juvenile delinquency trials are only scheduled for one day per month.

Finally, one and one half calendar days are used to schedule civil trials for cases from any of the calendars. Often, the whole day is consumed by one trial due to the large number of witnesses called.

Note that on any given day, that calendar could be delayed due to special hearings scheduled at 1:00 p.m. each day (block of court time set aside as needed). The special hearings include special criminal arraignments or preliminary hearings, juvenile detention hearings, and involuntary commitment hearings.

While the Fifth Circuit has operated with only one dedicated Family Court Judge since 1999, the Second and Third Circuits have three and four Family Court Judges, respectively. In comparison to the Second and Third Circuit's Family Courts, the Family Court Judge for the Fifth Circuit has a much greater caseload (pending cases at the beginning of the year plus new filings) on a per judge basis. For example, in FY 2018, the Fifth Circuit Family Court Judge had a total caseload of 4,835 cases in comparison to the Second and Third Circuits whose Family Court Judges' caseload averaged 1,913 and 3,065 cases, respectively. New filings were also significantly higher for the Fifth Circuit Family Court Judge at 2,025 cases as compared to 1,227 cases per Second Circuit Family Court Judge and 1,307 cases per Third Circuit Family Court Judge.

A comparison of Fifth Circuit Family Court with the First Circuit Family Court revealed disparities similar to those noted with neighbor island caseloads. The First Circuit's Family Court's Juvenile Division hears CPS cases that include, but are not limited to, issues involving child abuse and neglect, domestic violence, safety, substance abuse, mental health, and termination of parental rights. Four judges are assigned to the Juvenile Division. In FY 2018, the average caseload per Juvenile Division Judge was 1,387 juvenile and 609 children on status cases (these include probation, protective supervision, family supervision, foster custody, and permanent custody cases). In comparison, the Fifth Circuit Family Court Judge's caseload was 1,849 juvenile and 351 children on status cases. New First Circuit juvenile case filings per judge averaged 1,129 and children on status cases 314 in FY2018, as compared to Fifth Circuit's numbers of 890 and 108 respectively. However, while most Fifth Circuit juvenile numbers are less than First Circuit's corresponding numbers, it must be remembered that the sole Fifth Circuit Family Court Judge is not only responsible for juvenile related cases, but for all other Family Court cases as well. Taking this into account would add another 2,986 cases to the FY 2018 caseload for the Fifth Circuit Family Court Judge, and an additional 1,135 new filings.

It should also be noted that due to its large population base on O'ahu, the First Circuit has three more Family Court divisions, which are the Domestic, Special, and Adult Criminal Divisions. Each division has its own set of judges. The Domestic Division handles cases involving, but not limited to, divorces and civil union divorces. The Special Division deals with cases such as paternity, TROs and orders for protection, guardianship, and involuntary mental health commitments. The Adult Criminal Division handles cases involving abuse of family household members, and violations of TROs and orders for protection. The Fifth Circuit's lone Family Court Judge handles all matters dealing with the Family Court, not just specific types of Family Court cases.

Due to the limitations and delays in obtaining court time for contested hearings, the Family Court has noticed that attorneys are increasingly applying for Ex Parte orders. Ex Parte orders are orders issued without the benefit of a contested or evidentiary hearing and can deprive opposing litigants of the opportunity to present their positions or

evidence prior to an order from the Court. Consequently, the Court is placed in the difficult position of having to rule on matters with only one side being presented to the Court. Preferably, opposing parties should be able to fully litigate contested issues prior to an order being issued. However, given the delay between the filing of the motion and obtaining an available hearing date, attorneys have no option but to seek Ex Parte orders to address issues that need to be quickly resolved. For every week that passes where a child is denied the right to see one of their parents based on nothing more than allegations raised in a court filing, that child (and that parent) suffers irreversible harm and the loss of time that cannot be recovered.

The Fifth Circuit's Judges have met with Kaua'i attorneys to discuss issues or concerns that they believed were important to their practice of law on Kaua'i. Many of the responses revolved around the need of an additional judge position to address Family Court matters. While the Fifth Circuit does utilize per diem judges to keep the court operating when the Family Court Judge has conflicts with the case or times or otherwise is unable to be in court, they serve only part-time and their availability is sometimes limited since many are attorneys with their own practices.

The Family Court Judge is in court every day for most of the day. Additionally, the Judge is involved with several judicial committees and represents the Judiciary in some local organizations, convenes stakeholder meetings, prepares court orders when both parties are self-represented, does his own legal research, holds pre-trial conferences, reviews TRO orders, and reviews uncontested divorce actions. He also reviews Judicial Determination of Probable Cause and requests for arrest warrant packets submitted by the Kaua'i Police Department, and is on call 24 hours a day/7 days a week in the event there is a request for involuntary commitment of an individual due to mental illness. The Family Court Judge's out-of-court responsibilities have to fit in between court hearings. However, if the need arises due to time constraints, the Family Court tries its best to accommodate the parties by deviating from the court schedule. In addition, the Family Court Judge continues to administer the Kids First Program once a month after normal working hours, ensures mediation for contested divorce and/or custody cases, and with the assistance of the Department of Education, DHS, and the Kaua'i Police Department, has recently launched the Truancy Court to reduce truancy in schools.

The Judiciary's mission is to dispense justice. Unreasonable delay due to court congestion and the unavailability of courtroom time does a great disservice to our clients, the users of the court. It cannot be stressed enough that the civil litigants in contested Family Court matters include those who most need our assistance such as victims of domestic violence, children dealing with the breakdown of a family unit or who are without adequate child support, and abused or neglected children. It is strongly believed that more must be done for these individuals and an additional Family Court Judge and support staff would permit the Fifth Circuit to be more effective in this regard. The requested court staff would be able to provide the administrative support to handle the resulting workload generated by the additional judge.

More courtroom time is needed to accommodate the current Family Court civil caseload. An additional judge and support staff would permit the Family Court to handle expedited hearings, evidential hearings could be scheduled sooner, and more actual court time could be provided for contested matters including TRO and DHS/CPS hearings. Additionally, it would be possible to require and hold settlement conferences in all contested cases if another judge, other than the trial judge, was available. Further, having an additional Family Court Judge would be important for Fifth Circuit as it attempts to expand Truancy Court to the East side of Kaua'i and start a Zero to Three Court/Program.

If the positions being requested are not approved, programs which provide specific, additional, and much needed services (i.e., Girls Court, Truancy Court with proposed expansion, Environmental Court, Veteran's Court, jail diversion, HOPE Probation) may suffer and need to reduce or cease operations. Similarly, any current or new undertakings that would provide better services/access to justice (i.e., Custody & Guardianship Mediation Program, mental health services, exploring Homeless and Mental Health Court) again may have to be cut back or delayed.

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	01	Judicial Selection Commission

**PROGRAM EXPENDITURES**

**EXPENDITURES IN DOLLARS**

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Operating Costs								
Personal Services	68,768	71,196	71,435	71,435	71	71	71	71
Other Current Expenses	68,539	31,979	31,979	31,979	32	32	32	32
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	137,307	103,175	103,414	103,414	103	103	103	103
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>137,307</b>	<b>103,175</b>	<b>103,414</b>	<b>103,414</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual 2017-18	Estimated 2018-19	Budget Period		Estimated Expenditures (\$000's)			
			2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
General Funds	137,307	103,175	103,414	103,414	103	103	103	103
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
<b>Total Financing</b>	<b>137,307</b>	<b>103,175</b>	<b>103,414</b>	<b>103,414</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25

N/A

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25

N/A

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25

N/A

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25

N/A

## **JUD 501 JUDICIAL SELECTION COMMISSION PROGRAM INFORMATION**

### **A. PROGRAM OBJECTIVES**

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

### **B. PROGRAM ACTIVITIES**

The Judicial Selection Commission is responsible for reviewing applicants for judgeships in Hawai'i courts and submitting a list of six nominees to the appointing authority for each vacancy. The Governor, with the consent of the Senate, appoints justices to the Supreme Court and judges to the ICA and Circuit Court. The Chief Justice appoints and the Senate confirms District Court and District Family Court Judges. The Commission has sole authority to act on reappointments to judicial office.

The Judicial Selection Commission is attached to the Judiciary for administrative purposes only.

### **C. KEY POLICIES**

The Judicial Selection Commission strives to effectively and efficiently oversee the activities relating to judicial vacancies and justices'/judges' retention.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

None

### **E. MAJOR EXTERNAL TRENDS**

None.

### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

None.

### **G. PROGRAM REVENUES**

None.

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# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	02	Administration

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
Operating Costs								
Personal Services	16,344,276	16,879,868	17,277,424	17,278,477	17,278	17,278	17,278	17,278
Other Current Expenses	15,931,012	18,367,684	17,875,533	17,875,533	17,876	17,876	17,876	17,876
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,686,961	1,131,031	894,488	894,488	894	894	894	894
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	33,962,249	36,378,583	36,047,445	36,048,498	36,048	36,048	36,048	36,048
Capital & Investment Costs	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
<b>Total Program Expenditures</b>	<b>41,712,249</b>	<b>44,878,583</b>	<b>59,373,445</b>	<b>51,929,498</b>	<b>43,583</b>	<b>39,048</b>	<b>39,048</b>	<b>39,048</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *
	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #	10.48 #
General Funds	27,377,359	28,004,377	27,669,382	27,670,435	27,670	27,670	27,670	27,670
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	6,566,634	8,030,945	8,034,802	8,034,802	8,035	8,035	8,035	8,035
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	18,256	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	7,750,000	8,500,000	23,326,000	15,881,000	7,535	3,000	3,000	3,000
	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *
	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #	19.48 #
<b>Total Financing</b>	<b>41,712,249</b>	<b>44,878,583</b>	<b>59,373,445</b>	<b>51,929,498</b>	<b>43,583</b>	<b>39,048</b>	<b>39,048</b>	<b>39,048</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Avg Time to Process JUDHR001 Form (Days)	5	5	5	5	5	5	5	5
Avg Time to Process Payment Document (Days)	5	5	5	5	5	5	5	5

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
A01	Number of Payment Documents Processed	37,394	37,500	37,500	37,500	37,500	37,500	37,500	37,500
A02	Number of Recruitment Announcements	1,251	1,200	1,200	1,200	1,200	1,200	1,200	1,200
A03	Number of JUDHR001 Forms Processed	7,405	6,300	6,300	6,300	6,300	6,300	6,300	6,300
A04	Library-Size of Collection (000's)	284	285	285	285	285	285	285	285
A05	Library-Circulation & Reference Use (000's)	33	32	32	32	32	32	32	32
A06	Library-Patrons Served (000's)	10	9	9	9	9	9	9	9

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
General Fund	87	79	79	79	79	79	79	79
Special Fund	57	58	58	58	58	58	58	58
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	144	137	137	137	137	137	137	137

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Revenues from use of Money and Property	19	19	19	19	19	19	19	19
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	125	118	118	118	118	118	118	118
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	144	137	137	137	137	137	137	137

## **JUD 601 ADMINISTRATION PROGRAM INFORMATION AND BUDGET REQUESTS**

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary.

### **A. PROGRAM OBJECTIVES**

#### **Overall Program Objective**

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation, fiscal control, and administrative services.

#### **Policy and Planning**

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the Federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To maintain oversight and coordination of the Judiciary's capital improvement projects to ensure compliance with the Judiciary's policies and applicable State and Federal rules and regulations.

- To coordinate the Judiciary's legislative activities and special projects.
- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity (EEO) laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

### **Financial Services**

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To provide a fair and expeditious administrative process for revoking the driver licenses of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

### **Information Technology and Systems**

- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

### **Intergovernmental and Community Relations**

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, electronic means and the news media; and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.

- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from pre contact to present. The Judiciary History Center generates knowledge by conducting and encouraging research; disseminating information; and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.

- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

### **Human Resources**

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

### **Commission on Judicial Conduct**

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

## **B. PROGRAM ACTIVITIES**

The Office of the Administrative Director of the Courts serves as the administrative arm of the Judiciary. It is headed by an Administrative Director who is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director is assisted by a Deputy Administrative Director of the Courts in fulfilling the duties and responsibilities assigned to the office. The Director's Office is comprised of a number of staff and specific programs, including the Administration Fiscal Office and the Judiciary Security & Emergency Management Office.

The planning, statistical data management, program evaluation, budgeting, capital improvement, audit, and legislative coordination functions are carried out by the Policy and Planning Department.

The financial, purchasing, and administrative driver's license revocation functions are performed by the Financial Services Department.

The data processing, reprographics, telecommunications, and records management functions are performed within the Information Technology and Systems Department.

The Human Resources Department manages centralized programs of recruitment, compensation, record keeping, employee and labor relations, employee benefits, disability claims, and continuing education.

The Intergovernmental and Community Relations Department provides legal services, public relations, and information services for the Judiciary; coordinates citizen volunteer services and investigative processes in cases of intrafamilial and extrafamilial child sex abuse; researches, plans, and develops alternate dispute resolution procedures and programs; and provides educational programs using a variety of interpretive media that promote understanding and appreciation of the history of Hawaii's Judiciary. This department is also concerned with providing public guardianship for incapacitated adults, promoting equality and accessibility in the State's justice system, and providing legal reference resources and services to the courts, the legal community, and the public.

The Commission on Judicial Conduct, which is attached to the Judiciary for administrative purposes only, is responsible for investigating allegations of judicial misconduct and disability. Rules of the court require that three licensed attorneys and four non-attorney citizens be appointed to this Commission. An additional function allows the Commission to issue advisory opinions to aid judges in the interpretation of the Code of Judicial Conduct.

### **C. KEY POLICIES**

The Judiciary's Administration strives to improve and streamline procedures to attain maximum productivity from available resources, promote uniformity in statewide court operations, and prevent duplication of effort from circuit to circuit.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

As one of the three branches of state government, the Judiciary works closely with and cooperates with the executive and legislative branches. Executive agencies with which the Judiciary has frequent contact include the Departments of Health, Education, and Human Services. The Department of the Attorney General is regularly consulted regarding the interpretation of laws governing the Judiciary. Other executive agencies which provide services or consultations to the Judiciary are the Departments of Budget and Finance, Accounting and General Services, Human Resources Development, and Public Safety. Because any new

legislation potentially affects the courts, the Judiciary's interaction with the legislative branch is also of critical importance.

#### **E. MAJOR EXTERNAL TRENDS**

Increasing population and urbanization, dynamic economic conditions, changing social values, expansion of the rights of criminal defendants and consumers, the creation of new classes of civil and criminal actions, and the increasing tendency for litigants to exercise their right to a review of trial court decisions all contribute to the rising workload of the courts, and impact the activities of the Office of the Administrative Director.

#### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

There is no significant discrepancy between the program size and cost variables in the Administrative Director's Program.

The major focus of this program for the upcoming biennium period is to continue providing quality administrative support and direction to the rest of the Judiciary, and enhancing efficiency within the current fiscal constraints.

#### **G. PROGRAM REVENUES**

Revenues are collected from movie production companies, photographers, and others that use Judiciary facilities for their work, and are deposited into the state general fund.

In accordance with HRS, Section 601-3.5, revenues from library fines, other charges for late, lost, or damaged books, and for photocopying services are deposited into the Supreme Court Law Library Revolving Fund.

## PART IV



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## Capital Improvements Appropriations and Details

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**JUDICIARY**  
STATE OF HAWAII

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Judiciary  
PROGRAM STRUCTURE NO: 01

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2018	FY2019	Recommended		Fiscal Year Estimates			
						2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
<b>JUDICIARY TOTAL</b>	Plans	1,633	530	303	0	50	50	550	50	50	50
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	15,547	8,911	1,972	150	2,564	250	950	250	250	250
	Constr	147,415	92,187	5,450	2,550	19,912	14,781	5,635	2,300	2,300	2,300
	Equip	9,026	1	25	5,800	800	800	400	400	400	400
	<b>Total</b>	<b>178,171</b>	<b>106,179</b>	<b>7,750</b>	<b>8,500</b>	<b>23,326</b>	<b>15,881</b>	<b>7,535</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
	G.O. Bonds	178,171	106,179	7,750	8,500	23,326	15,881	7,535	3,000	3,000	3,000

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2018	FY2019	Recommended		Fiscal Year Estimates			
						2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
<b>Kona Judiciary Complex, Hawai'i</b>	Plans	500	500								
	Land	4,550	4,550								
	Design	8,500	8,500								
	Constr	89,000	89,000								
	Equip	5,800			5,800						
	<b>Total</b>	<b>108,350</b>	<b>102,550</b>	<b>0</b>	<b>5,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	108,350	102,550	0	5,800	0	0	0	0	0	0	
<b>Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu</b>	Plans	282	29	253							
	Land	0									
	Design	1,622	410	1,012				200			
	Constr	17,269					9,188	8,081			
	Equip	0									
	<b>Total</b>	<b>19,173</b>	<b>439</b>	<b>1,265</b>	<b>0</b>	<b>0</b>	<b>9,188</b>	<b>8,081</b>	<b>200</b>	<b>0</b>	<b>0</b>
G.O. Bonds	19,173	439	1,265	0	0	9,188	8,081	200	0	0	
<b>Ali'iolani Hale A/C System Upgrade, O'ahu</b>	Plans	0									
	Land	0									
	Design	200					200				
	Constr	800					400	400			
	Equip	800					400	400			
	<b>Total</b>	<b>1,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,000</b>	<b>800</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,800	0	0	0	0	1,000	800	0	0	0	
<b>Lump Sum CIP for Judiciary Facilities, Statewide (for FB 13-15 through FB 17-19)</b>	Plans	351	1	50			50	50	50	50	50
	Land	0									
	Design	1,801	1	300			250	250	250	250	250
	Constr	19,612	3,187	2,625			2,300	2,300	2,300	2,300	2,300
	Equip	2,426	1	25			400	400	400	400	400
	<b>Total</b>	<b>24,190</b>	<b>3,190</b>	<b>3,000</b>	<b>0</b>	<b>0</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
G.O. Bonds	24,190	3,190	3,000	0	0	3,000	3,000	3,000	3,000	3,000	
<b>Ka'ahumanu Hale Repair Basement Leaks and Damages, O'ahu</b>	Plans	0									
	Land	0									
	Design	179					179				
	Constr	1,816					1,816				
	Equip	0									
	<b>Total</b>	<b>1,995</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,995</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,995	0	0	0	0	1,995	0	0	0	0	
<b>Hoapili Hale Security Improvements, Maui</b>	Plans	0									
	Land	0									
	Design	1,310		100	150	1,060					
	Constr	6,800		900	1,450	2,450	2,000				
	Equip	0									
	<b>Total</b>	<b>8,110</b>	<b>0</b>	<b>1,000</b>	<b>1,600</b>	<b>3,510</b>	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	8,110	0	1,000	1,600	3,510	2,000	0	0	0	0	

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2018	FY2019	Recommended		Fiscal Year Estimates				
						2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	
<b>Kaua'i Judiciary Complex Reroof and Repair Leaks and Damages, Kaua'i</b>	Plans	0										
	Land	0										
	Design	510		390		120						
	Constr	6,220		1,000	1,100	2,120	2,000					
	Equip	0										
	<b>Total</b>	<b>6,730</b>	<b>0</b>	<b>1,390</b>	<b>1,100</b>	<b>2,240</b>	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	6,730	0	1,390	1,100	2,240	2,000	0	0	0	0	0
<b>Hoapili Hale Parking Structure Sewer, Storm Drain, AC and Fire Sprinkler Piping Improvements, Maui</b>	Plans	0										
	Land	0										
	Design	650				650						
	Constr	200				200						
	Equip	0										
	<b>Total</b>	<b>850</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>850</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	850	0	0	0	850	0	0	0	0	0	0
<b>Ka'ahumanu Hale Atrium Security and Monitoring Office Renovation, O'ahu</b>	Plans	0										
	Land	0										
	Design	105				105						
	Constr	1,438				1,438						
	Equip	0										
	<b>Total</b>	<b>1,543</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,543</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	1,543	0	0	0	1,543	0	0	0	0	0	0
<b>'Ewa District Court Mitigate Water Intrusion and Settlement - Phase 2, O'ahu</b>	Plans	0										
	Land	0										
	Design	20		20								
	Constr	200		200								
	Equip	0										
	<b>Total</b>	<b>220</b>	<b>0</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	220	0	220	0	0	0	0	0	0	0	0
<b>'Ewa District Court Roof Fall Protection and Re-roofing O'ahu</b>	Plans	0										
	Land	0										
	Design	25		25								
	Constr	175		175								
	Equip	0										
	<b>Total</b>	<b>200</b>	<b>0</b>	<b>200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	200	0	200	0	0	0	0	0	0	0	0
<b>Kapuāiwa Building Separate Storm Drain and Sanitary Sewer Systems, O'ahu</b>	Plans	0										
	Land	0										
	Design	125		125								
	Constr	550		550								
	Equip	0										
	<b>Total</b>	<b>675</b>	<b>0</b>	<b>675</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	675	0	675	0	0	0	0	0	0	0	0

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2018	FY2019	Recommended		Fiscal Year Estimates			
						2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Maui - New Judiciary Complex, Maui	Plans	500						500			
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	<b>Total</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	500	0	0	0	0	0	500	0	0	0
Lahaina District Court Interior Air Distribution System Upgrades and Improvements, Maui	Plans	0									
	Land	0									
	Design	100						100			
	Constr	560						560			
	<b>Total</b>	<b>660</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>660</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	660	0	0	0	0	0	660	0	0	0
Kāne'ohe District Court Generator Power Back-up System, O'ahu	Plans	0									
	Land	0									
	Design	100						100			
	Constr	800						800			
	<b>Total</b>	<b>900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>900</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	900	0	0	0	0	0	900	0	0	0
Kauikeaouli Hale Main Data Center Fire Suppression System, O'ahu	Plans	0									
	Land	0									
	Design	100						100			
	Constr	775						775			
	<b>Total</b>	<b>875</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>875</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	875	0	0	0	0	0	875	0	0	0
Kauikeaouli Hale Cellblock Upgrades, O'ahu	Plans	0									
	Land	0									
	Design	200						200			
	Constr	1,200						1,200			
	<b>Total</b>	<b>1,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,400</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	1,400	0	0	0	0	0	1,400	0	0	0
Judiciary Total (Active Projects within FB 2017-2019)	Plans	1,633	530	303	0	50	50	550	50	50	50
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	15,547	8,911	1,972	150	2,564	250	950	250	250	250
	Constr	147,415	92,187	5,450	2,550	19,912	14,781	5,635	2,300	2,300	2,300
	Equip	9,026	1	25	5,800	800	800	400	400	400	400
	<b>Total</b>	<b>178,171</b>	<b>106,179</b>	<b>7,750</b>	<b>8,500</b>	<b>23,326</b>	<b>15,881</b>	<b>7,535</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
	G.O. Bonds	178,171	106,179	7,750	8,500	23,326	15,881	7,535	3,000	3,000	3,000

# PART V



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## Variance Report

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# VARIANCE REPORT

## INTRODUCTION

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following four categories:

### A. FORECASTING AND DATA COLLECTION METHODS

At present, the forecasting techniques used are largely based on historical data. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts. Such techniques are beyond the financial resources of the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are generally temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

### B. EXTERNAL TRENDS AND EVENTS

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and/or technological change on a global, national, state, or local level; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

### **C. OTHER FACTORS**

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

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**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

**VARIANCE DETAILS**

Program Structure No. 01 01 01

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2018					Fiscal Year 2019				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	73.00	70.00	3.00	- 4	73.00	73.00	0.00	+ 0		
	Positions, Temp	1.00	0.00	1.00	- 100	1.00	1.00	0.00	+ 0		
	Expenditures	6,926	6,876	50	- 1	5,231	5,644	413	+ 8		
Totals	Positions, Perm	73.00	70.00	3.00	- 4	73.00	73.00	0.00	+ 0		
	Positions, Temp	1.00	0.00	1.00	- 100	1.00	1.00	0.00	+ 0		
	Expenditures	6,926	6,876	50	- 1	5,231	5,644	413	+ 8		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Median Time to Decision, Criminal Appeal (Mo)	14	12	2	- 14	14	12	2	- 14		
2.	Median Time to Decision, Civil Appeal (Mo)	11	12	1	+ 9	12	12	0	+ 0		
3.	Median Time to Decision, Original Proc. (Mo)	1	1	0	+ 0	1	1	0	+ 0		

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	A01 Criminal Appeals Filed	258	248	10	- 4	259	250	9	- 3		
2.	A02 Civil Appeals Filed	570	511	59	- 10	465	512	47	+ 10		
3.	A03 Original Proceedings Filed	90	66	24	- 27	99	70	29	- 29		
4.	A04 Appeals Disposed	750	668	82	- 11	735	669	66	- 9		
5.	A05 Motions Filed	2,699	2,600	99	- 4	2,822	2,609	213	- 8		
6.	A06 Motions Terminated	2,700	2,590	110	- 4	2,823	2,610	213	- 8		

## **JUD 101 COURTS OF APPEAL**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, the variance in positions was due to normal employee turnover and the expenditure variance was associated with the Courts of Appeal's conservative spending practices.

In the first quarter of FY 2019, the position variance was again due to normal employee turnover. The expenditure variance for the period is attributed to the relatively lower expenditure levels experienced in the beginning of the fiscal year. For the remainder of the fiscal year, estimated expenditures are expected to reflect normal spending patterns as well as collective bargaining augmentation.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

There are no significant variances to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 3, Original Proceedings Filed, was 27% under the estimated level in FY 2018 because the estimate was based on actual filings that were higher in prior years – 166 in FY 2013, 103 in FY 2014 and 87 in FY 2015, 86 in FY 2016 and 72 in FY 2017.

**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

VARIANCE DETAILS  
Program Structure No. 01 01 02

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2018				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	1,128.50	1,031.50	97.00	-	9
	Positions, Temp	93.58	68.23	25.35	-	27
	Expenditures	88,922	89,996	1,074	+	1
Totals	Positions, Perm	1,128.50	1,031.50	97.00	-	9
	Positions, Temp	93.58	68.23	25.35	-	27
	Expenditures	88,922	89,996	1,074	+	1

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-18					Nine Months Ended 6-30-19				
		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1,140.50 *	1,038.50	102.00	-	9	1,140.50 *	1,080.00	60.50	-	5
	Positions, Temp	81.58	42.43	39.15	-	48	81.58	49.58	32.00	-	39
	Expenditures	22,293	18,824	3,469	-	16	66,880	73,934	7,054	+	11
Totals	Positions, Perm	1,140.50 *	1,038.50	102.00	-	9	1,140.50 *	1,080.00	60.50	-	5
	Positions, Temp	81.58	42.43	39.15	-	48	81.58	49.58	32.00	-	39
	Expenditures	22,293	18,824	3,469	-	16	66,880	73,934	7,054	+	11

\*Includes 2 permanent positions FTE for the Community Court Outreach Project per Act 195/17, Section 7(3)

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	311	377	66	+	21	376	370	6	-	2
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	560	604	44	+	8	545	594	49	+	9

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	T01 Civil Actions, Circuit Court	9,892	8,701	1,191	-	12	10,087	8,731	1,356	-	13
2.	T02 Marital Actions	7,787	8,163	376	+	5	7,368	8,164	796	+	11
3.	T03 Adoption Proceedings	568	479	89	-	16	656	488	168	-	26
4.	T04 Parental Proceedings	2,973	3,000	27	+	1	2,668	3,002	334	+	13
5.	A01 Civil Actions Filed, Circuit Court	2,304	1,983	321	-	14	2,471	2,003	468	-	19
6.	A02 Criminal Actions Filed, Circuit Court	2,076	2,105	29	+	1	2,172	2,110	62	-	3
7.	A03 Marital Actions Filed	3,655	3,360	295	-	8	3,811	3,371	440	-	12
8.	A04 Traffic - Filed (thousands)	319	314	5	-	2	325	315	10	-	3
9.	A05 Traffic - Terminated (thousands)	360	311	49	-	14	350	311	39	-	11

## **JUD 310 FIRST CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, position variances were the result of normal employee turnover as well as recruitment time factors. All position vacancies are carefully screened as part of the ongoing process to ensure that new hires are necessary to continue vital court services. Filling temporary positions will often have the challenge of retaining employees due to the nature of non-permanency, as they will likely seek and move to permanent positions which then creates temporary position vacancies.

In FY 2018, First Circuit expenditures were slightly higher than budgeted largely due to collective bargaining increases, and Community Outreach Court funds appropriated by the Legislature through the Budget and Finance Department.

In the first quarter of FY 2019, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. As mentioned above, temporary positions present challenges to retain employees seeking and moving to permanent positions. Expenditure variances in the first quarter are largely due to the timing of actual payroll disbursements, conservative hiring practices, and normal procurement and operational practices.

For the balance of FY 2019, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2019 by new employees subject to a pay lag), and payments made for court ordered services. Ongoing efforts to fill vacancies should result in the maintenance of normal position variances through the final nine months of the year. Estimated expenditures are also expected to increase in part due to collective bargaining cost items and funds appropriated for the Community Outreach Court.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The disposal of a number of older cases resulted in Item 1, Median Time to Disposition, Circuit Court Criminal Actions, being 21% more than was originally estimated. In addition, the recent transition from the legacy HAJIS System to JIMS for criminal cases continues to impact the Judiciary's statistical information due to the different manner in which JIMS reads and captures data.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

There are no significant variances to report.

**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

VARIANCE DETAILS  
Program Structure No. 01 01 03

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2018				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	207.00	197.00	10.00	-	5
	Positions, Temp	1.68	1.20	0.48	-	29
	Expenditures	16,898	17,087	189	+	1
Totals	Positions, Perm	207.00	197.00	10.00	-	5
	Positions, Temp	1.68	1.20	0.48	-	29
	Expenditures	16,898	17,087	189	+	1

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-18					Nine Months Ended 6-30-19				
		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	210.50	201.00	9.50	-	5	210.50	204.50	6.00	-	3
	Positions, Temp	1.68	1.40	0.28	-	17	1.68	1.68	0.00	+	0
	Expenditures	4,296	3,814	482	-	11	12,888	13,986	1,098	+	9
Totals	Positions, Perm	210.50	201.00	9.50	-	5	210.50	204.50	6.00	-	3
	Positions, Temp	1.68	1.40	0.28	-	17	1.68	1.68	0.00	+	0
	Expenditures	4,296	3,814	482	-	11	12,888	13,986	1,098	+	9

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Med. Time to Dispo., Cirt. Ct. Crim. Act. (Days)	259	252	7	-	3	254	250	4	-	2
2.	Med. Time to Dispo., Cirt. Ct. Civil Act. (Days)	498	541	43	+	9	470	538	68	+	14

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	T01 Civil Actions, Circuit Court	1,912	1,628	284	-	15	2,039	1,649	390	-	19
2.	T02 Marital Actions	907	854	53	-	6	931	873	58	-	6
3.	T03 Adoption Proceedings	70	73	3	+	4	76	74	2	-	3
4.	T04 Parental Proceedings	366	408	42	+	11	428	409	19	-	4
5.	A01 Civil Actions Filed, Circuit Court	595	531	64	-	11	697	533	164	-	24
6.	A02 Criminal Actions Filed, Circuit Court	1,092	1,046	46	-	4	1,172	1,054	118	-	10
7.	A03 Marital Actions Filed	530	460	70	-	13	549	470	79	-	14
8.	A04 Traffic - Filed (thousands)	41	40	1	-	2	38	40	2	+	5
9.	A05 Traffic - Terminated (thousands)	45	45	0	+	0	39	45	6	+	15

## **JUD 320 SECOND CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, position variances were the result of normal employee turnover and related recruitment time factors. FY 2018 expenditures were higher than budgeted due to collective bargaining augmentation.

In the first quarter of FY 2019, the number of filled authorized positions remains reflective of normal employee turnover and recruitment time factors. Expenditure variances are a result of position vacancies and normal procurement and operational practices.

For the balance of FY 2019, estimated expenditures are expected to reflect the combined effect of collective bargaining augmentation, filling of vacant positions, and the normal succession of operating payments incurred during the course of the remaining nine months of the fiscal year. Ongoing efforts to fill position vacancies should result in reduced position variances through this period as well.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

There are no significant variances to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

There are no significant variances to report.

# JUDICIARY

STATE OF HAWAII  
PROGRAM TITLE: Third Circuit

Program Plan ID: JUD 330

VARIANCE DETAILS  
Program Structure No. 01 01 04

## PART I - VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2018				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	228.00	212.00	16.00	-	7
	Positions, Temp	5.68	3.88	1.80	-	32
	Expenditures	19,970	20,130	160	+	1
Totals	Positions, Perm	228.00	212.00	16.00	-	7
	Positions, Temp	5.68	3.88	1.80	-	32
	Expenditures	19,970	20,130	160	+	1

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-18					Nine Months Ended 6-30-19				
		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	234.00	215.00	19.00	-	8	234.00	227.00	7.00	-	3
	Positions, Temp	5.68	3.48	2.20	-	39	5.68	5.48	0.20	-	4
	Expenditures	5,055	8,200	3,145	+	62	15,164	12,711	2,453	-	16
Totals	Positions, Perm	234.00	215.00	19.00	-	8	234.00	227.00	7.00	-	3
	Positions, Temp	5.68	3.48	2.20	-	39	5.68	5.48	0.20	-	4
	Expenditures	5,055	8,200	3,145	+	62	15,164	12,711	2,453	-	16

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	241	176	65	-	27	308	176	132	-	43
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	509	577	68	+	13	495	566	71	+	14

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	T01 Civil Actions, Circuit Court	3,020	2,650	370	-	12	3,094	2,663	431	-	14
2.	T02 Marital Actions	1,393	1,453	60	+	4	1,541	1,462	79	-	5
3.	T03 Adoption Proceedings	121	152	31	+	26	96	152	56	+	58
4.	T04 Parental Proceedings	1,388	1,608	220	+	16	1,380	1,610	230	+	17
5.	A01 Civil Actions Filed, Circuit Court	845	651	194	-	23	883	662	221	-	25
6.	A02 Criminal Actions Filed, Circuit Court	897	1,010	113	+	13	916	1,012	96	+	10
7.	A03 Marital Actions Filed	576	557	19	-	3	593	566	27	-	5
8.	A04 Traffic - Filed (thousands)	42	41	1	-	2	43	41	2	-	5
9.	A05 Traffic - Terminated (thousands)	45	49	4	+	9	44	49	5	+	11

## **JUD 330 THIRD CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, actual filled position counts were less than budgeted due to normal employee turnover and related recruitment time factors. Corresponding expenditures for the year were higher than budgeted due to collective bargaining augmentation.

In the first quarter of FY 2018, the number of filled authorized positions remains reflective of normal employee turnover and recruitment time factors. Lower than budgeted actual expenditures for this period were due to position vacancies, including a District Family Judge position, and normal spending patterns experienced at the beginning of each fiscal year.

For the balance of FY 2018, estimated expenditures are expected to reflect the combined effect of collective bargaining augmentation, filling of vacant positions, the liquidation of first quarter encumbrances as billings are received in later quarters, and payments made for court purchased services. Ongoing efforts to fill vacancies should result in reduced position variances through this period as well.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 27% below the estimated level in FY 2018 as this estimate was based on actual median times in prior years (i.e., 176 days in FY 2018 as compared to 171 days in FY 2017 and 311 days in FY 2016).

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 13% above the estimated level in FY 2018 as this estimate was based on actual median times in prior years (i.e., 577 days in FY 2018 as compared to 516 days in FY 2017 and 501 days in FY 2016).

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 3, Adoption Proceedings, was 26% above the estimated level in FY 2018 due to an unexpected increase in adoption proceedings in FY 2018 as compared to prior years (i.e., 152 in FY 2018 as opposed to 140 in FY 2017 and 101 in FY 2016).

Item 5, Civil Actions Filed, Circuit Court, was 23% below the estimated level in FY 2018, as this estimate was based on actual civil actions filed in prior years (i.e., 651 filings in FY 2018 as compared to 825 filings in FY 2017 and 865 filings in FY 2016). Recent decreases in foreclosure and "other" civil actions filings are the main reasons for the decrease in actual civil action filings.

# JUDICIARY

STATE OF HAWAII  
PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

VARIANCE DETAILS  
Program Structure No. 01 01 05

## PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2018				
		A Budgeted	B Actual	Change From A TO B Amount	+/-	%
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	99.00	93.00	6.00	-	6
	Positions, Temp	2.60	2.40	0.20	-	8
	Expenditures	7,765	7,667	98	-	1
Totals	Positions, Perm	99.00	93.00	6.00	-	6
	Positions, Temp	2.60	2.40	0.20	-	8
	Expenditures	7,765	7,667	98	-	1

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-18					Nine Months Ended 6-30-19				
		A Budgeted	B Actual	Change From A TO B Amount	+/-	%	A Budgeted	B Estimated	Change From A TO B Amount	+/-	%
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	99.00	93.00	6.00	-	6	99.00	93.00	6.00	-	6
	Positions, Temp	2.60	2.20	0.40	-	15	2.60	2.60	0.00	+	0
	Expenditures	1,945	1,735	210	-	11	5,838	6,343	505	+	9
Totals	Positions, Perm	99.00	93.00	6.00	-	6	99.00	93.00	6.00	-	6
	Positions, Temp	2.60	2.20	0.40	-	15	2.60	2.60	0.00	+	0
	Expenditures	1,945	1,735	210	-	11	5,838	6,343	505	+	9

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount	+/-	%	A Planned	B Estimated	Change From A TO B Amount	+/-	%
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	313	329	16	+	5	325	320	5	-	2
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	844	1,660	816	+	97	431	1,324	893	+	207

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount	+/-	%	A Planned	B Estimated	Change From A TO B Amount	+/-	%
1.	TO1 Civil Actions, Circuit Court	1,165	807	358	-	31	1,203	825	378	-	31
2.	TO2 Marital Actions	606	552	54	-	9	715	563	152	-	21
3.	TO3 Adoption Proceedings	58	63	5	+	9	64	65	1	+	2
4.	TO4 Parental Proceedings	468	514	46	+	10	501	514	13	+	3
5.	A01 Civil Actions Filed, Circuit Court	211	145	66	-	31	221	156	65	-	29
6.	A02 Criminal Actions Filed, Circuit Court	488	403	85	-	17	493	414	79	-	16
7.	A03 Marital Actions Filed	204	192	12	-	6	221	196	25	-	11
8.	A04 Traffic - Filed (thousands)	13	10	3	-	23	12	10	2	-	17
9.	A05 Traffic - Terminated (thousands)	14	11	3	-	21	14	11	3	-	21

## **JUD 350 FIFTH CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, the variance in positions was due to normal employee turnover and the expenditure variance was the result of conservative spending practices.

For FY 2019, the position variances continue to reflect normal employee turnover and recruitment activity. The expenditure variances indicate collective bargaining augmentation and increased expenditure levels in the latter part of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 2, Medium Time to Disposition, Circuit Court Civil Actions, was 97% over the estimated level due to an ongoing effort to dispose of and close old cases sitting on the court's records.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions, Circuit Court was 31% under the estimated level due to an over projection of the estimated level which was based on actual numbers from prior years (i.e., 1,305 in FY 2015, 1,176 in FY 2016 and 1,153 in FY 2017). The decrease in the actual numbers during these years occurred primarily in the areas of contract, tort, and foreclosure cases.

Item 5, Civil Actions Filed, Circuit Court was 31% lower than the estimated level primarily due to the decreasing trend in mortgage foreclosure and other civil action cases filed relative to the prior years (i.e., 230 in FY 2015, 194 in FY 2016, and 211 in FY 2017) on which the estimate was partly based.

Item 8, Traffic – Filed, was 23% under the estimated level due to an over projection of the estimated level which was based on actual numbers from prior years (i.e., 14,000 in FY 2015, 11,000 in FY 2016, and 14,000 in FY 2017). Actual non-criminal traffic violations filed decreased by almost 2,500 cases and parking by 9,000 cases between FYs 2017 and 2018.

Item 9, Terminated Traffic Filings, was 21% below the estimated level in FY 2018, as this estimate was based on actual terminated traffic filings in prior years (i.e., 11,135 terminated filings in FY 2018 as compared to 14,100 terminated filings in FY 2017 and 15,006 terminated filings in FY 2016). Consequently, recent decreases in terminated non-criminal traffic violations (2,333 less violations in FY 2018 than in FY 2017) have led to the variance between estimated and actual filings.

**JUDICIARY**

**VARIANCE DETAILS**

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

Program Structure No. 01 02 01

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

		Fiscal Year 2018											
COST (Expenditures in \$1,000's)		A	B	Change From A TO B									
		Budgeted	Actual	Amount	+/-	%							
Research and Development	Positions, Perm												
	Positions, Temp												
	Expenditures												
Operating	Positions, Perm	1.00	1.00	0.00	+	0							
	Positions, Temp	0.00	0.00	0.00	+	0							
	Expenditures	98	137	39	+	40							
Totals	Positions, Perm	1.00	1.00	0.00	+	0							
	Positions, Temp	0.00	0.00	0.00	+	0							
	Expenditures	98	137	39	+	40							

  

		Three Months Ended 9-30-18					Nine Months Ended 6-30-19						
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B				
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%		
Research and Development	Positions, Perm												
	Positions, Temp												
	Expenditures												
Operating	Positions, Perm	1.00	1.00	0.00	+	0	1.00	1.00	0.00	+	0		
	Positions, Temp	0.00	0.00	0.00	+	0	0.00	0.00	0.00	+	0		
	Expenditures	25	21	4	-	16	74	82	8	+	11		
Totals	Positions, Perm	1.00	1.00	0.00	+	0	1.00	1.00	0.00	+	0		
	Positions, Temp	0.00	0.00	0.00	+	0	0.00	0.00	0.00	+	0		
	Expenditures	25	21	4	-	16	74	82	8	+	11		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

		Fiscal Year 2018					Fiscal Year 2019				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
N/A											

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

		Fiscal Year 2018					Fiscal Year 2019				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
N/A											

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, there were no position variances. Actual expenditures for FY 2018 were higher than budgeted due to collective bargaining augmentation and a significant number of judicial vacancies and related expenses.

FY 2019 first quarter expenditure variance reflects a relatively low level of judicial vacancy related activity and spending. However, for the remainder of the fiscal year, the Judicial Selection Commission will likely face an expenditure variance similar to previous years due to an increased number of judicial vacancies and related expenses occurring in the latter part of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

N/A.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

N/A.

# JUDICIARY

STATE OF HAWAII  
PROGRAM TITLE: Administration

Program Plan ID: JUD 601

VARIANCE DETAILS  
Program Structure No. 01 02 02

## PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2018				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	228.00	209.00	19.00	-	8
	Positions, Temp	19.48	15.48	4.00	-	21
	Expenditures	35,100	33,962	1,138	-	3
Totals	Positions, Perm	228.00	209.00	19.00	-	8
	Positions, Temp	19.48	15.48	4.00	-	21
	Expenditures	35,100	33,962	1,138	-	3

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-18					Nine Months Ended 6-30-19				
		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	228.00	207.00	21.00	-	9	228.00	228.00	0.00	+	0
	Positions, Temp	19.48	14.48	5.00	-	26	19.48	19.48	0.00	+	0
	Expenditures	8,801	11,260	2,459	+	28	26,403	25,119	1,284	-	5
Totals	Positions, Perm	228.00	207.00	21.00	-	9	228.00	228.00	0.00	+	0
	Positions, Temp	19.48	14.48	5.00	-	26	19.48	19.48	0.00	+	0
	Expenditures	8,801	11,260	2,459	+	28	26,403	25,119	1,284	-	5

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Average Time to Process JUDHR001 Form (days)	5	5	0	+	0	5	5	0	+	0
2.	Average Time to Process Payment Document (days)	5	5	0	+	0	5	5	0	+	0

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2018					Fiscal Year 2019				
		A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	A01 Number of Payment Documents Processed	35,000	37,394	2,394	+	7	37,500	37,500	0	+	0
2.	A02 Number of Recruitment Announcements	1,200	1,251	51	+	4	1,200	1,200	0	+	0
3.	A03 Number of JUDHR001 Forms Processed	6,200	7,405	1,205	+	19	6,300	6,300	0	+	0
4.	A04 Library - Size of Collections (000's)	284	284	0	+	0	285	285	0	+	0
5.	A05 Library - Circulation, Trans & Ref Use (000's)	31	33	2	+	6	32	32	0	+	0
6.	A06 Library - Patrons Served (000's)	7	10	3	+	43	9	9	0	+	0

## **JUD 601 ADMINISTRATION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2018, position variances were the result of normal employee turnover as well as recruitment time factors. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices.

In the first quarter of FY 2019, the variance in the number of filled authorized positions is a carryover from the previous year and a result of normal employee turnover. Expenditure variances are a result of collective bargaining increases as well as contractual and other significant operational funding obligations encumbered early in the fiscal year. The payment of these financial obligations over the course of the fiscal year results in the proportionately lower level of operating expenses projected for the remaining nine months.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

None.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Law Library, Patrons Served was 43% higher than estimated due to an increased awareness of law library resources for the public through partnerships between the Judiciary, the legal community, and the public libraries, which has led to an increase of public patrons in the Hawai'i State Law Library System. Usage also increased among members of the legal community and Judiciary personnel, perhaps as a result of introducing new, cost-effective resources, training seminars, and outreach on the intranet.

