

JAN 21 2022

A BILL FOR AN ACT

RELATING TO FILING FEES.

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

1 SECTION 1. The legislature finds that the different filing
2 fee schedules for divorce and paternity actions creates a
3 burdensome and confusing situation for low-income litigants.
4 Although the waiver of initial filing fees for termination of
5 parental right actions, including paternity actions, was
6 intended to reduce the burden on unmarried litigants who may
7 have less ability to pay the initial filing fee, the fees to
8 file subsequent motions still create significant ongoing expense
9 in paternity cases. Eliminating fees to file motions and
10 increasing the initial filing fee in paternity cases to match
11 that of divorce cases will reduce uncertainty in the costs of
12 paternity actions by requiring a single fee at the initiation of
13 the case as opposed to an unknown number of fees as the case
14 progresses.

15 Accordingly, the purpose of this Act is to alter the filing
16 fee schedules for actions to determine father and child
17 relationships to achieve parity with divorce cases by:



- (1) Establishing an initial filing fee of \$100 for actions to determine father and child relationships; and
- (2) Eliminating the filing fee to file motions in actions to determine father and child relationships.

SECTION 2. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) **PART I**

Action or proceeding, general:

- (1) Civil action or special proceeding, unless another item in part I applies\$200
- (1a) Petition for conversion of nonjudicial foreclosure to judicial foreclosure\$250
- (2) Appeal to a circuit court\$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees\$125

Trusts:

- (4) Proceeding for (A) appointment of trustee; (B) appointment of successor; (C) resignation of trustee; (D) instructions; (E) approval of investment; (F) approval of sale, mortgage, lease, or other disposition of property; (G)



- 1 approval of compromise of claim, for each such
2 matter \$100
- 3 (5) Proceeding for (A) removal of trustee; (B) order
4 requiring accounting; (C) invalidation of action
5 taken by trustee; (D) termination of trust, for
6 each such matter \$100
- 7 (6) Accounting, this fee to be paid for each account
8 filed and to include the settlement of the
9 account \$10
- 10 (7) Vesting order no charge under part I
- 11 (8) Allowance of fees of trustees, attorneys, or
12 other fees for services incurred in a
13 proceeding for which a fee has been paid
14 under this section no charge under part I
- 15 (8a) Registration of a trust, or release of
16 registration, under chapter 560 \$3
- 17 (9) Any other proceeding relating to a trust \$15
- 18 Conservatorship:
- 19 (10) Proceeding for (A) appointment; (B) appointment
20 of successor; (C) resignation; (D) instructions,
21 unless included in one of the foregoing



- 1 proceedings; (E), (F), (G) approval of any matter
- 2 listed in (E), (F), or (G) of item (4) in
- 3 relation to a trust, for each such matter\$100
- 4 (11) Proceeding of the nature listed in (A), (B), (C),
- 5 or (D) of item (5) in relation to a trust, for
- 6 each such matter\$15
- 7 (12) Accounting, same as provided by item (6) in
- 8 relation to a trust\$10
- 9 (13) Any other proceeding relating to a
- 10 conservatorshipno charge under part I
- 11 Guardianship:
- 12 (13a) Guardianship, including all matters of the nature
- 13 listed in items (4) to (9), whether in family or
- 14 circuit court\$100
- 15 Probate (decedents' estates). These fees include all matters of
- 16 the nature listed in items (4) to (9), without additional
- 17 charge:
- 18 (14) Probate, administration, domiciliary foreign
- 19 personal representative, or ancillary
- 20 administration, this fee to be paid once only for
- 21 each decedent's estate\$100



1 Family court cases:

- 2 (15) Matrimonial action (annulment, divorce,
3 separation, or separate maintenance)\$100
- 4 (16) Adoption\$100
- 5 (17) Guardianship, including all matters of the nature
6 listed in items (4) to (9) ...As provided in item 13(a)
- 7 (18) Termination of parental rights except actions to
8 determine father and child relationships pursuant
9 to section 584-6no charge under part I
- 10 (19) Action to determine father and child
11 relationships pursuant to section 584-6\$100
- 12 [~~19~~] (20) Any other family court proceeding, except
13 motions or other pleadings in matrimonial,
14 adoption, determinations of father and child
15 relationships pursuant to section 584-6, and
16 guardianship actions, but including without
17 limitation custody proceedings even if in the
18 form of an habeas corpus proceeding\$15"

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:





S.B. NO. 2663

Report Title:

Family Court; Paternity Actions; Filing Fees

Description:

Changes the filing fee schedule for paternity actions by establishing an initial filing fee of \$100 and eliminating fees to file motions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

