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# 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 having different  
2       filing 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      the filing fee in divorce cases will reduce uncertainty  
12      regarding the cost of paternity actions by requiring a single  
13      fee at the initiation of the case, as opposed to an unknown  
14      number of fees as the case 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 (1) Establishing an initial filing fee of \$100 for actions  
2 to determine father and child relationships; and  
3 (2) Eliminating the filing fee to file motions in actions  
4 to determine father and child relationships.

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

7 " (b) **PART I**

8 Action or proceeding, general:

- 9 (1) Civil action or special proceeding, unless  
10 another item in part I applies ..... \$200  
11 (1a) Petition for conversion of nonjudicial  
12 foreclosure to judicial foreclosure ..... \$250  
13 (2) Appeal to a circuit court ..... \$100  
14 (3) Transfer of action to circuit court from district  
15 court, in addition to district court fees ..... \$125

16 Trusts:

- 17 (4) Proceeding for (A) appointment of trustee; (B)  
18 appointment of successor; (C) resignation of  
19 trustee; (D) instructions; (E) approval of  
20 investment; (F) approval of sale, mortgage,  
21 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           conservatorship .....no 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  
8 determinations of father and child relationship  
9 pursuant to section 584-6 ..... no charge under part I

10 (19) Determinations of father and child relationship  
11 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 relationship 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 SECTION 4. This Act shall take effect upon its approval.



**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. (SD1)

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

