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GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
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Date: 03/31/2025 **WRITTEN ONLY**

Time: 10:01 AM

Location: CR 211 & Videoconference

Committee: Senate Ways and Means

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0400, HD1, SD1 RELATING TO THE JUDICIARY.

Purpose of Bill: Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/2025, and ending 6/30/2027. Effective 4/23/2057. (SD1)

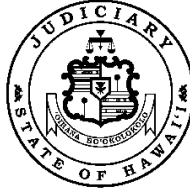
Department's Position:

The Hawaii State Department of Education (Department) supports HB 0400, HD1, SD1, which appropriates funds for the Judiciary for the fiscal biennium. The Department values its partnership with the District Family Court of the First Circuit in implementing its Early Elementary Intervention Program, which provides targeted support to families and schools to improve attendance and reduce chronic absenteeism among elementary students on Oahu. Collaboration between the Department and the Judiciary is essential to addressing student attendance challenges and ensuring early intervention.

These efforts help keep students engaged in their education and establish a foundation for long-term academic success. Continued funding will enable the District Family Court of the First Circuit to expand outreach, enhance support services, and equip schools with effective resources to address attendance barriers.

The Department appreciates the District Family Court of the First Circuit's ongoing commitment to Hawaii's students and families.

Thank you for the opportunity to provide testimony on this measure.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Monday, March 31, 2025, 10:01 a.m.

State Capitol, Conference Room 211

By

Robert D. S. Kim

Chief Court Administrator

Third Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 400, H.D.1, S.D.1, Relating to the Judiciary.

Purpose: Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/2025, and ending 6/30/2027. Effective 4/23/2027. (SD1)

Judiciary's Position:

On behalf of the Third Circuit, I am writing to respectfully request your support for House Bill 400, H.D.1, S.D.1, also known as the Judiciary Appropriations Act of 2025. This bill would appropriate funds for two critical budget requests for the Third Circuit: design funds for a new South Kohala district court facility and funding for a second district court judge in Kona.

The Capital Improvement Project Request (“CIP”) for plans and a design for a new South Kohala District Courthouse is included in this bill in accordance with House Concurrent Resolution No. 88, Regular Session of 2023, which requested that the Judiciary prepare a master development plan and submit a CIP for an upgraded South Kohala District Court. This CIP will address critical deficiencies in the existing courthouse, meet the current and future needs of the North Hawai‘i community, and ensure that the Judiciary is able to carry out its mission to deliver justice in an efficient and accessible manner.



The current South Kohala District Court building was constructed in 1982. According to 2020 census data, the population of the North and South Kohala Districts served by the existing facility has increased by 230% since 1980. This population growth has driven a significant rise in case volume, with the court now handling between 9,000 and 10,000 cases annually. Despite this heavy caseload, the current courthouse is only 3,000 square feet, with one courtroom, minimal office space, and no meeting rooms or waiting areas. Its size and design are severely inadequate, and often up to 50 individuals are forced to wait for their court hearings in their vehicles or outside in uncovered areas, exposed to the elements. The facility is also not ADA compliant, leading to hardships for disabled individuals—particularly with respect to restroom access.

Security is a paramount concern. The existing facility lacks separate entrances for judges and court staff, as well as secure, separate waiting areas for opposing parties in sensitive cases, such as temporary restraining orders (“TROs”). This creates the potential for dangerous interactions. Because there are no holdings areas in the courthouse, in-custody defendants must remain in the jail van until their case is called, forcing defense attorneys to meet their clients in the van.

The new South Kohala District Court facility will comprehensively address the many deficiencies of the existing courthouse. It will be constructed on the Waimea Civic Center grounds—the same state-owned parcel where the current facility is located—which will eliminate additional land acquisition costs. It will feature expanded office space, secure holding areas, separate waiting areas for opposing parties, and ADA-compliant restrooms. Client services, which are currently located off-site, will be integrated into the facility, and modern infrastructure and energy-efficient systems will ensure sustainable operations. Importantly, the existing courthouse will remain operational throughout construction, ensuring uninterrupted services.

In addition to this CIP request, the appropriations for the Third Circuit’s operating budget in this bill includes funding for a second district court judge in Kona, as well as support staff. This funding request arises from a critical and urgent need to address the severe strain on the Kona District Court, where a single judge currently bears the immense responsibility of handling nearly 16,000 individual cases annually. This unsustainable situation jeopardizes the Judiciary’s ability to fulfill its core mission to administer justice in an impartial, efficient, and accessible manner.

The population of the districts served by this court has nearly tripled since the first Kona District Court Judge was sworn in nearly 40 years ago. Judicial resources have not kept pace with this explosive growth, and despite the increase in population, the Kona District Court continues to rely on a single judge. This has created untenable caseloads that overwhelm court operations and hinder the court’s ability to effectively serve the public.

For example, traffic court calendars routinely exceed 70 individual defendants in a single morning, and litigants are frequently obliged to wait hours—sometimes over lunch and into the afternoon—for their cases to be heard. Court sessions often run from 8:30 a.m. until the close of business without a substantial break for the judge or court staff. District Court staff often must



alternate lunch breaks to keep hearings running uninterrupted, and attorneys, public defenders, prosecutors, and litigants are also subjected to these grueling schedules, which take a toll on their health, morale, and efficiency. Resulting delays in hearings and case resolutions have undermined trust in the judicial system and can create significant personal and financial hardships for victims, witnesses, and litigants. This relentless pace also compromises the judge's ability to address other critical judicial duties, such as reviewing search warrants, making judicial determinations of probable cause, and, most concerningly, processing applications for TROs.

The cascade of inefficiencies that follows from a lack of sufficient judicial resources undermines the quality of justice delivered by the Kona District Court. One judge, no matter how dedicated, cannot sustainably balance the competing demands of timeliness and thoroughness under the current circumstances. The immense pressure on staff, attorneys, and litigants is demoralizing, leads to burnout, and diminishes the public's confidence in the Judiciary.

The addition of a second District Court Judge in Kona is the only viable solution to this urgent crisis. The Judiciary has sponsored pending legislation that would establish one additional district court judge position in the Third Circuit (H.B. 401, H.D.1, S.D.1 and S.B. 267) concurrently with this appropriations bill. Moreover, as there is currently a vacant District Court courtroom at the Keahuolū Courthouse, the addition of a second District Court Judge will not require any additional capital improvement costs. A second judge would not only reduce individual caseloads, but also allow the court to operate more efficiently, dispose of cases more promptly, and provide litigants and victims with the timely and equitable justice they deserve.

I respectfully ask for your consideration and support in approving the Judiciary Appropriations Act of 2025 that includes these critical appropriations for the Third Circuit. Thank you for your commitment to strengthening our judicial system and addressing the pressing needs of the Third Circuit and our Hawai'i Island community, and thank you for the opportunity to offer testimony on this important bill.

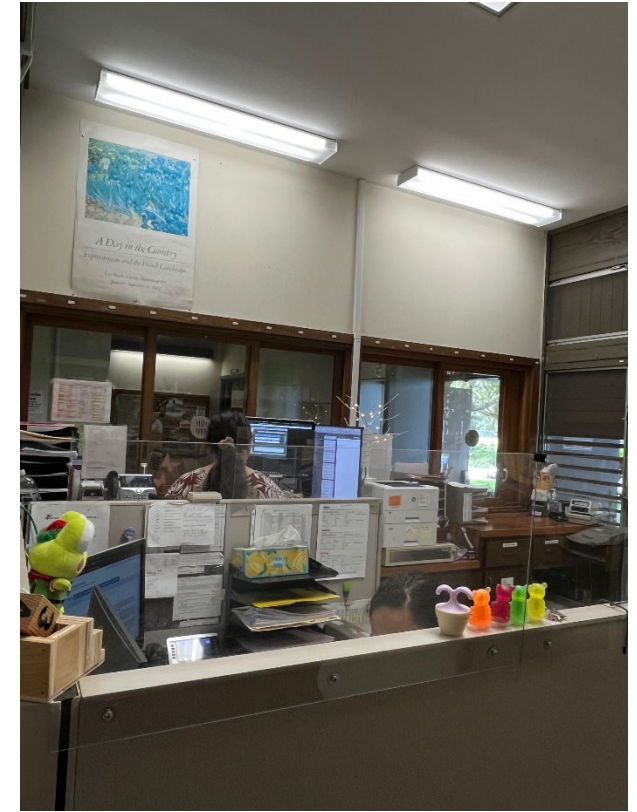
South Kohala District Court Photos



Left: Depicts the only waiting area for the public, which is located outside. Individuals who cannot fit on the covered lanai must wait in uncovered areas or in their vehicles.

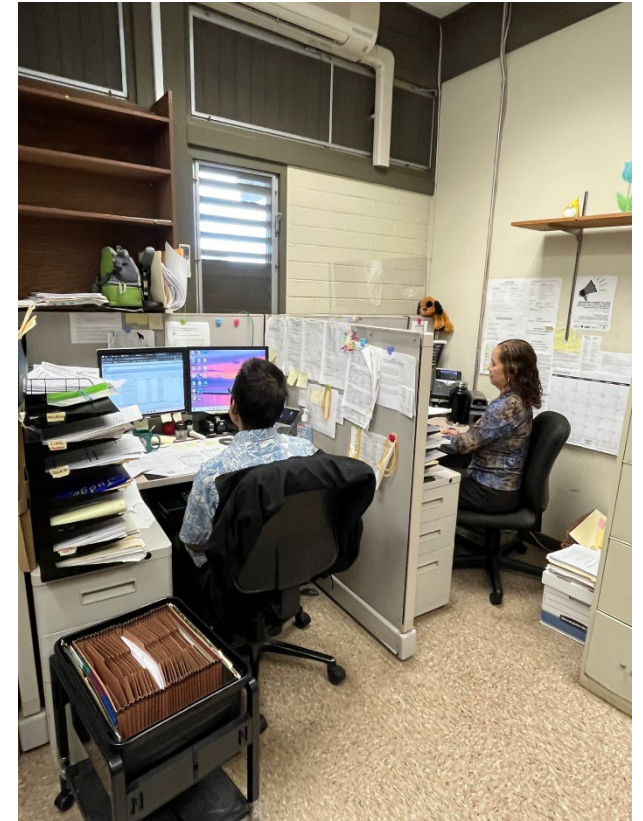


Center: Shows the foyer just past security. The clerk's window is on the left, the restroom entrance is to the right, and the courtroom door is in the center of the photo.



Right: View of the foyer through the clerk's window.

South Kohala District Court Photos

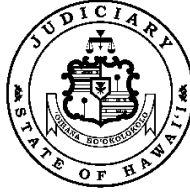


Photos: Depicting cramped staff working areas in current facility.

South Kohala District Court Photos



Photos: Showing the inadequate multipurpose room that currently serves as the employee breakroom, copy and workroom, IT and server room, and storage.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third State Legislature 2025 Regular Session

Senate Committee on Ways and Means

Senator Donovan Dela Cruz, Chair
Senator Sharon Moriwaki, Vice Chair

Monday, March 31, 2025, 10:01 a.m.
State Capitol, Conference Room 211 and Videoconference

by:

Brandon M. Kimura
Policy and Planning Department Director

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 400, House Draft 1, Senate Draft 1, Relating to the Judiciary.

Purpose: Appropriates funds for the Judiciary for the 2025–2027 biennium.

Judiciary’s Position:

The Judiciary strongly supports House Bill No. 400, House Draft 1, Senate Draft 1, which reflects the Judiciary’s resource requirements for Fiscal Biennium 2025–2027.

Based on current circumstances and projected resource needs for the future, the Judiciary requests additional operating resources in the amount of 17.0 permanent FTE and 1.0 temporary FTE, and \$6.17M in FY 2026, and \$6.25M in FY 2027. This is an addition of approximately 3% to the Judiciary’s operating budget. The Judiciary remains vigilant during this period of uncertainty over federal funding and the possible impact on the State and Judiciary budgets and operations. We have assessed federally-funded grant projects of the Judiciary and are committed to ongoing communication with the Legislature and with local non-governmental partners of the Judiciary who rely on federal funding.



The Judiciary also requests a total of \$11.9M in bond funds for capital improvement projects in FY 2026. This amount in bond funds, reflected in the current House Draft 1, Senate Draft 1, includes a request for \$2M more in lump sum than the measure as introduced. This is because the Judiciary received new information that the relocation of the Children’s Justice Center on O‘ahu will require at least \$2M more than previously appropriated. These circumstances are detailed further below, and the Judiciary appreciates the Senate Committee on Judiciary for considering this and including it in the current version.

The Judiciary supports the Senate Committee on Judiciary’s addition of funds in JUD601 for civil legal services and immigration-related proceedings while respectfully requesting that any appropriations in these areas not supplant the Judiciary’s existing funding nor current budget requests.

Operating Requests:

Operating resource requests center around funding to make permanent or expand three Specialty Courts on O‘ahu, to fully staff the new Wahiawā District Court that will open during this biennium, an additional District Court Judge and support staff in Kona, cybersecurity and critical technology costs, funding for the Criminal Justice Research Institute (CJRI), and restoration of funding for essential staffing that was defunded during the early part of the COVID-19 pandemic.

As for positions, nine of the 18 (17.0 permanent and 1.0 temporary) are requested to continue current staffing. This is because seven temporary positions for the Women’s Court Pilot Project, along with one permanent position and one temporary position for the CJRI, will expire, but there are compelling reasons to continue these programs and the necessary staffing. The remaining requested positions will significantly expand capacity to certain operations.

Brief details of each request are provided below:

Women’s Court – The Women’s Court Pilot Project was established by the Legislature in July of 2022 (Act 243/22) with funding for a three-year pilot that included seven temporary positions, which are set to expire at the end of FY 2025. The request of \$705,416 in FY 2026 and \$705,416 in FY 2027, and 8.0 FTE permanent positions will establish a permanent Women’s Court. The Women’s Court, also known as Mohala Wahine, was created to address the rapid growth in the incarceration of women in the United States by providing comprehensive court-supervised treatment, opportunities, and resources as an alternative to incarceration for women in the criminal justice system who have suffered trauma, abuse, poverty, mental illness, substance use disorders, and/or unhealthy relationships. The goal of the program is for the participants to identify and address issues, to prevent re-entry into criminality, and to aid the participants in bettering their economic conditions and life circumstances. Given the need for the program, a strong start as a three-year pilot created by the Legislature, and that the program (and positions and funding) will expire at the end of FY 2025, the Judiciary requests funding and eight positions (a net increase of one), including one substance use counselor.



Truancy Court and Early Education Intervention Program (EEIP) – The Judiciary requests funding of \$188,388 in FY 2026 and \$183,288 in FY 2027 to restore funding for three redescribed Social Worker positions and additional expenses to significantly expand the Truancy Court and EEIP on O‘ahu. Truancy Court and EEIP are designed to identify and address, where possible, the difficulties underlying chronic school truancy. The focus of Truancy Court is diversion from the formal court process. The bulk of the preventative work is done on the front-end to stop truancy petitions from being filed in court by addressing barriers to school attendance. To accomplish this, Persons in Need of Supervision (PINS) Social Workers visit campuses weekly to meet with students identified as having attendance issues.

Driving While Impaired (DWI) Court Program – The Judiciary requests funding of \$232,412 in FY 2026 and \$237,612 in FY 2027 for two positions that will be redescribed to be a Social Worker IV and Specialty Court Coordinator, and additional expenses, to make the DWI Court Program permanent. The DWI Court Program was established in April 2012 and has been operational since January 2013, with initial federal funding for the program from the National Highway Traffic Safety Administration (NHTSA) through a grant administered by the State Department of Transportation. The DWI Court Program confronts the persistent problem of impaired driving and seeks to reduce recidivism among repeat and high-risk offenders by addressing the underlying cause of impaired driving, which is alcohol and/or substance use disorder. Without intervention, this population of chronically impaired drivers might continue to reoffend and endanger public safety on our roadways. Securing permanent funding would allow the DWI Court Program to continue, grow, and provide accountability and monitoring of the treatment and recovery process for repeat and high-risk offenders.

Wahiawā District Court – There are five requests related to the Wahiawā District Court, which will open to the public in Spring 2026. The first relates to restoring funding for three positions in the amount of \$192,408 in FY 2026 and \$192,408 in FY 2027 to transition to a full complement of adult client services to the new Wahiawā District Court to support case management of probation cases. The planned Adult Client Services Branch (ACSB) Wahiawā District Court Unit will play a critical role in bringing court services to the community. When the ACSB Wahiawā District Court Unit is operational, it will service an estimated 200 to 300 cases based on the current clients that reside in the designated geographic areas: Waimea, Mililani, Kunia, Whitmore Village, Waialua, Hale‘iwa, and Sunset.

The second request for Wahiawā District Court is for funding of \$27,084 in FY 2026 (six months’ salary only) and \$54,168 in FY 2027, and 1.0 FTE permanent position for a Janitor II. The existing Wahiawā District Courthouse is in a rental space and janitorial services are covered by the lease. This position is necessary to support cleaning levels for the types of uses in the new facility. For instance, the existing facility does not include a probation unit which performs drug testing and will require additional cleaning. This position is requested to provide the level of cleaning required to provide a clean and healthy environment for all who enter and use the facility.

The third request for Wahiawā District Court is funding of \$346,209 in FY 2026 and \$486,967 in FY 2027 to provide contracted security personnel for patrol, primarily interior. The



new courthouse will have two courtrooms and expand its services to include Ho‘okele (court information services), civil case processing, and probation services. Courthouse security for the current location consists of two unarmed contracted private security personnel and one Deputy Sheriff under the District Court Sheriff Command. To meet best practices, the new Wahiawā District Court would need one sergeant and three Deputy Sheriffs assigned to patrol the new Wahiawā District Court. Contracted security services could provide an alternative, albeit less than optimal. Funding this request would support this critical safety function.

The fourth request for Wahiawā District Court is to restore funding of \$52,908 in FY 2026 and \$52,908 in FY 2027 for a position redescribed to an IT Tech III and dedicated to this facility. This IT Tech will provide support for courtroom video recording and video conferencing systems that enable litigants to participate in court hearings remotely. The new Wahiawā District Court will feature an additional courtroom, as well as an increased number of employees permanently based there. Since the pandemic, the First Circuit has permitted most District Court litigants to opt for remote hearing appearances by Zoom. At some hearings, dozens of litigants do so. A functioning courtroom AV system is therefore critical to the core operations of the court.

The fifth request for Wahiawā District Court is to restore funding of \$317,448 in FY 2026 and \$317,448 in FY 2027 for four District Court Clerk II and two Bailiff II positions. These positions, based in Wahiawā, will also support ‘Ewa and Wai‘anae District Courts, thereby enhancing the services available at these three rural courts. These positions provide courtroom clerical coverage for District Court criminal, civil, and traffic proceedings, and associated court clerical duties to record and facilitate cases throughout the court system. Upon opening and staffing of the Wahiawā District Court, civil filings, Ho‘okele, and court hearings for these areas would be transferred there, from downtown Honolulu. A dedicated and permanent staff of District Court Clerks in Wahiawā would facilitate and streamline coverage for the ‘Ewa, Wai‘anae, and Wahiawā District Court civil calendars—Wahiawā would be the hub. Restoring the funding for these positions will allow the West and Central O‘ahu court users to expeditiously access and attend District Court business and enable the District Courts to facilitate and adjudicate cases in a more efficient manner.

Kona District Court Judge – The Judiciary requests \$368,943 in FY 2026 and \$360,048 in FY 2027, and 4.0 FTE permanent positions, for an additional District Court Judge and three necessary support staff. The additional judgeship is needed to address the current extraordinary caseload in Kona, as well as the continuing increases in complexity of cases and the time required to schedule and hear cases on the court calendars, and to improve public service and safety. The Kona District Court is assigned to hear all District Court criminal, traffic, and civil matters for the divisions of North Kona, South Kona, and Ka‘ū. The first Kona District Court Judge was sworn in nearly forty years ago. Since then, the combined population of North and South Kona and Ka‘ū has more than doubled. The current caseload of the Kona District Court is nearly 16,000 cases annually, which are all currently being handled by one judge in one courtroom. This combination of factors has led to unsustainable court congestion and delays.



Cybersecurity and Technology – The Judiciary has three requests pertaining to cybersecurity and other technology.

First, is a request for \$1,175,300 in FY 2026 and \$1,175,300 in FY 2027 to upgrade email subscriptions to improve security capabilities. The Judiciary currently uses Microsoft O365 for basic email with multifactor authentication and basic threat detection and protection. With government agencies and courts increasingly being targeted for cybersecurity attacks, this level of security is no longer sufficient. Upgrading from O365 basic email to M365 G5 email would significantly enhance the Judiciary’s cybersecurity posture. M365 G5 email—the same level of the State of Hawai‘i Executive Branch, which the Legislature funded during the 2024 Regular Session—includes robust cybersecurity features that address prevention, detection, investigation, and remediation of cybersecurity attacks on emails and Sharepoint data.

The second cybersecurity-related request is for \$458,224 in FYs 2026 and 2027 to restore funding for four positions that have since been redescribed to a modern need—a dedicated cybersecurity staff. In addition, this funding would allow for additional tools required to manage the Judiciary’s inventory of assets in an efficient and secure way. Specifically, this includes a suite that can create strong access control, maintain a current inventory and patch the assets, and maintain configuration baselines.

The third technology-focused request is for \$560,000 in FY 2026 and \$420,000 in FY 2027 to replace network switches in courthouses across the state that have reached their end-of-life. Network switches provide internet and phone connections to PCs, Cisco phones, printers, and courtroom devices. They were last replaced between 2016 and 2018; the average useful lifespan is between five to eight years. As network switches age, network connections become unreliable and eventually become inoperable. A significant number of Judiciary courthouse network switches have reached the end of their useful lifespan.

Criminal Justice Research Institute (CJRI) – There are two requests related to the Criminal Justice Research Institute, established by Act 179 (SLH 2019). Both are to continue the resources appropriated in Act 147 (SLH 2023). More specifically, the first is \$512,624 in FY 2026 and \$577,058 in FY 2027, for a 1.0 FTE permanent Project Specialist position and software. Act 147 (SLH 2023) appropriated funds for a permanent Project Specialist and software/technology costs for two years to begin to establish a centralized statewide criminal pretrial justice data reporting and collection system. Since then, CJRI has developed the foundation, including continuing to create a data warehouse and software tool that will modernize data sharing and create a centralized source of pretrial data. CJRI has obtained 15 years of pretrial data from the Department of Law Enforcement, the Department of Attorney General, and the Judiciary, and has partnered with these agencies to begin mapping data to draft data pipelines. Staff have been trained with software to ingest data into the data warehouse and established preliminary datasets for pretrial research. The Project Specialist position was created to support CJRI with in-house IT expertise. Although the position is permanent, funding ends on June 30, 2025. To build upon this firm foundation, continue work to establish a centralized statewide criminal pretrial justice data reporting and collection



system, as well as continue to assess data and be available to inform policymakers, CJRI requires that resources continue.

The second CJRI-related request is to continue 1.0 FTE temporary Project Specialist and \$71,016 in both years of the biennium. In addition to the permanent position with two-year funding described above, Act 147 (SLH 2023) authorized a temporary full-time Project Specialist position, also with two-year funding ending on June 30, 2025. This position ensures that the Judiciary can fully support CJRI's technical needs with a position in the Judiciary's IT department focused on the CJRI. As Judiciary data is ingested into the data warehouse, CJRI researchers need support from the Judiciary technical staff to ensure that the data is transformed into criminal pretrial data for meaningful use for research.

Office of the Public Guardian (OPG) – The Judiciary requests \$136,314 in FY 2026 and \$125,424 in FY 2027, and 3.0 FTE permanent positions, for three Social Services Assistant IV positions and related equipment for the Office of the Public Guardian. The positions will assist the Third Circuit (Hawai'i County) and First Circuit (City and County of Honolulu) guardians. OPG personnel are court-appointed to make informed decisions in the best interests of incapacitated individuals by safeguarding their rights, dignity, humanity, and quality of life. When OPG is appointed as guardian, it comes with a myriad of challenges associated with researching and untangling the ward's unique situation. This work requires the guardians to work within many systems and gain familiarity with each ward. The additional positions will be assigned medium and low priority tasks that are necessary but are often deferred because of urgent or emergent circumstances for less stable wards. In addition, Social Services Assistants could improve safety when accompanying guardians in certain situations. Staff sometimes enter homes where other residents who are not under OPG's care are unstable. Guardians have experienced threats of violence, dog bites, and other safety concerns. The Social Services Assistants would enable guardians to increase visits and care to all OPG wards.

Risk Management Cost – The Judiciary requests \$151,000 in FY 2026 and \$151,000 in FY 2027 to cover an increase in the risk management costs owed to the Department of Accounting and General Services (DAGS). Pursuant to Comptroller Memoranda 1999-28 and 2007-05, and HRS § 41-D(4), DAGS bills the Judiciary annually for its share of the state's risk management costs which include insurance policy premiums. DAGS notified the Judiciary that its share of the risk management costs would increase by approximately \$151,000.

Targeted Funding Restoration – The Judiciary's next group of requests is to restore funding for selected defunded positions. During the early part of the pandemic, over \$11 million was removed from the Judiciary's budget for 192 vacant positions, to help the State's economic crisis at that time. The Judiciary has continued to refine staffing statewide, including redescribing positions to modern needs and employing additional recruitment methods, particularly for positions where there have been recruiting difficulties. Nevertheless, these requests to restore funding are for positions critical to operations now and going forward. Specifically:

- (1) Courts of Appeal



Restored funding of \$72,372 for FY 2026 and \$72,372 in FY 2027 for a Judicial Assistant II at the Intermediate Court of Appeals (ICA) would ensure necessary support to each judge of this Court. There are positions for six Associate Judges in the ICA and one Chief Judge. Each judge has a single Judicial Assistant II, and each position is imperative to the operations of the ICA. ICA Judicial Assistants use the Judiciary Information Management System (JIMS) and ICA internal database, assist with hiring and personnel matters, assist in compiling reports and statistics, assist in training of Law Clerks and Staff Attorneys, provide coverage as needed for other Judicial Assistants and Appellate Clerks, assist with screening of cases for conflicts of interest, and undertake numerous housekeeping and institutional tasks that maintain the high standard and spirit of aloha that is the hallmark of the ICA.

(2) First Circuit

Restored funding of \$47,004 in FY 2026 and \$47,004 in FY 2027 for one position redescribed to a Judicial Clerk III. The shift in court operations to many virtual hearings has benefitted court-users, but has strained staffing. This position, updated to a modern need, would host remote hearings, process calendars for various case types, obtain and review efiled documents in traffic and criminal cases, and more. Existing staff have covered these responsibilities, sometimes leading to delays or backlogs in other sections. This is unsustainable.

Restored funding of \$105,816 in FY 2026 and \$105,816 in FY 2027 for two hybrid District Court Clerks IIs and Bailiffs. Two District Court Clerk positions will be redescribed to hybrid Clerks and Bailiffs to increase flexibility to address court needs. Specifically, these hybrid positions would increase the Honolulu District Court's capacity to meet needs in courtrooms, including processing witness certification fees and implementing in-court processing, which would reduce delays in updating and processing the court record and delays in litigants' ability to obtain case-related court dates.

(3) Second Circuit

The Judiciary requests restoration of a subtotal of \$151,032 for both years of the biennium for a District Court Clerk in Lahaina, a District Court Clerk in Wailuku, and an Account Clerk.

The District Court Clerk in Lahaina is responsible for the official court records in arraignment and trial proceedings. This position issues disposition slips to the public as they conclude their proceedings, ensures documents are submitted and conformed to statutory and procedural requirements, prepares warrants and orders pertaining to bail that may result in money being returned, and assists the public over the counter and over the telephone. This position is essential to rural courtroom services.

The Wailuku District Court Clerk position is necessary to normalize staffing levels and improve service to the public. In this largest court facility in the county, inadequate staffing leads to delays and the inability to cover—as is often needed—rural courts that struggle with staffing.



The Account Clerk IV position provides critical support services to the Fiscal Office and the public. This includes creating purchase orders and processing invoices. While each position is responsible for a particular appropriation, the amount assigned to this defunded position has increased by over 25% since FY 2021. Since this position was defunded, the Second Circuit's Fiscal Office assumed the responsibilities, thereby diverting focus from the Fiscal Office's primary duties.

(4) Third Circuit

A key request in the Third Circuit is to restore \$73,836 in FY 2026 and \$73,836 in FY 2027 for a Social Worker IV in the Kona Juvenile Client Services Branch. While this position was defunded early in the pandemic, Third Circuit decided to fill the position in March 2022 because the remaining two staff were overwhelmed by attempting to address all informal status offenses, law violators, and school nonattendance referrals. The Third Circuit used resources from funded vacancies, fewer jury trials, and other areas to fund and fill this position at that time. Due to increasing budget constraints, this is not sustainable without detrimental effects on other court operations.

Next is a request to restore \$57,192 in FY 2026 and \$57,192 in FY 2027 for a Court Documents Clerk III in the Hilo Legal Documents Branch. This position, among other duties, assists with Circuit and Family Court filings. This includes addressing time-sensitive filings, such as Temporary Restraining Orders (TROs), and assisting self-represented litigants (SRLs) at the counter and over the phone. There has been a steady and significant increase in TROs filed in Hilo. Indeed, from 2019 to 2022, TRO filings in Hilo, particularly related to domestic abuse cases, have more than doubled the amount in Kona.

The next request is to restore \$47,004 in FY 2026 and \$47,004 in FY 2027 for a Judicial Clerk III position in the Kona Traffic Violations Branch. This section supports one District Court Judge that hears cases from the North and South Kona and Ka'ū Districts. The vacancy of this position has caused a backlog in creating citations in the Judiciary Information Management System (JIMS) and processing default judgments. Although some automation has made many tasks easier, automation in this unit has not offset added demands. The complexity of the legal process requires staff to articulate the information to self-represented litigants (SRLs) and process the work accurately and efficiently.

Finally, the Third Circuit requests to restore \$52,908 in FY 2026 and \$52,908 in FY 2027 for an IT Support Technician III in Hilo. Third Circuit's limited IT support must cover a large land area and three facilities. Indeed, these responsibilities are so important that the Third Circuit redescribed a defunded position into this IT Support Technician III and filled the position, using internal funding from other areas available due to the COVID-19 pandemic leading to temporary shifts in operations. This is unsustainable without detrimental impacts to other operations.



(5) Administration

Restored funding of \$71,016 in FY 2026 and \$71,016 in FY 2027 for a Purchasing and Specifications Specialist in the Judiciary's Financial Services Department. This position is in a division that is responsible for a high volume of purchasing, procurement, and contracts. Among other things, this division annually processes over 1,000 purchase requisitions, nearly 900 contracts, and approximately 12 Competitive Sealed Bids and 17 Competitive Purchase of Service and Competitive Sealed Proposals solicitations.

Capital Improvement Requests:

Capital Improvement Project (CIP) requirements continue to 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 continue to expand. We request CIP bond funds totaling \$11.9 million for FY 2026 to address critical needs, some of which relate to the health and safety of Judiciary employees and the public.

Specifically, the Judiciary is requesting \$4.0 million to design a new South Kohala District Courthouse. The current South Kohala District Court carries significant concerns for safety, space, temperature, noise, and is quite simply inadequate to serve the community's court-related needs. The Judiciary also requests \$900,000 to replace an A/C chiller on Kaua'i, at Pu'uhonua Kaulike. The chiller is near the end of its lifecycle, and A/C manufacturing is experiencing hardships resulting in long lead times.

The Judiciary also requests \$7.0 million in lump sum bond funds to address both continuing and emerging building issues statewide. As stated above, this includes \$2.0 million that will be directed to a shortfall in funding for relocation of the Children's Justice Center on O'ahu. The Legislature provided \$6.0 million for that project in 2023. Since then, we have located a site and, along with DAGS, are proceeding. While the final amount remains uncertain, the latest estimate is that the project cost will exceed \$8.0 million. Accordingly, we make this request for additional lump sum funds to maintain flexibility.

The Judiciary respectfully requests your support of House Bill No. 400, House Draft 1, Senate Draft 1, the Judiciary's biennium budget request with an effective date of July 1, 2025.

Thank you for the opportunity to testify on this measure.



Statement Before The Committee on Ways and Means
Monday, March 31, 2025
10:01 AM
Conference Room 211 & Videoconference

in SUPPORT of
HB400, HD1, SD1 - RELATING TO THE JUDICIARY

Chair DELA CRUZ, Vice Chair MORIWAKI, and Members of the House Judiciary Committees

The Legal Clinic (TLC) supports HB400, which appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/2025, and ending 6/30/2027.

TLC is a Hawai'i nonprofit, nonpartisan organization. TLC is a direct legal services provider, representing those in Hawai'i who meet income eligibility guidelines without regard to immigration status, national origin, ethnic background, race, religion, ideology, gender identity, sexual orientation, age, or disability. TLC works alongside immigrants so they can attain authorization to work and live with dignity, reunite with their families after years of separation and escape horrific violence to find refuge in the United States. TLC recognizes that every person needs and deserves to feel a sense of trust, welcome, and belonging.

TLC is a current grantee under the Judiciary's civil legal services fund. The Judiciary's civil legal services fund is critical to supporting safety net providers in Hawaii. TLC supports the current budget of \$1.2 million and an increase of an additional \$1 million to support the work of safety net providers in the local community. The needs of local safety net providers are continually growing. For example, with the current federal administration's immigration enforcement actions and rhetoric, TLC anticipates an exponential increase in those needing support in immigration proceedings.

Thus, TLC supports the current budget of \$1.2 million and an increase of an additional \$1 million to the the Judiciary's civil legal services fund. Thank you for the opportunity to testify in support of HB400. TLC respectfully urges the Committee members to pass HB400 out of your Committee. If you have questions of me, please contact us at director@tlchawaii.org.

Very respectfully yours,

Amy Agbayani

Amy Agbayani, Ph.D.
Board Member
The Legal Clinic

Bettina Mok

Sandy Ma
Executive Director
The Legal Clinic

TESTIMONY ON HB400

Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

The Legal Aid Society of Hawaii submits testimony in strong support of HB400—Relating to the Judiciary. LASH supports the Judiciary’s overall budget priorities, as well as its continued administration of funding for statewide civil legal services.

HB400 contains a line-item for statewide civil legal services, which the Judiciary graciously administers to the State’s qualifying legal services providers to provide “general civil legal services without charge to indigent residents of the State of Hawai‘i.” **We are asking to supplement this line-item with an additional \$1 million to ensure that legal service providers have increased resources to meet the needs of the communities we serve. This ask is intended to supplement the Judiciary’s legislative priorities, and should not come at the expense of any priority or portion of their proposed budget.**

IMPACT OF HB400

With the support of this line-item, Legal Aid has been able to provide civil legal services to our low-income and vulnerable populations across our state. As the state’s largest and oldest legal service provider, we deliver legal services in the areas most needed by Hawai‘i’s residents, including family law, housing, domestic abuse, consumer protection, immigration law, public benefits, child welfare, and elder law. Legal Aid provides these services statewide through its 12 offices located in every county and on every island, as well as through our Maui Disaster Legal Services office and our Hawai‘i Immigrant Justice Center. Our over 100 dedicated staff are all committed to our mission of obtaining a fair and just Hawai‘i for all.

Each year, Legal Aid impacts the lives of approximately 20,000 Hawai‘i residents. In the last fiscal year, we received over 15,000 requests for assistance and were able to provide legal help in a little over 7000 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. Of those served last year, over 2,000 of our clients were homeless or at risk for homelessness, over 1,600 are Native Hawaiian, over 1,200 experienced domestic violence and about 700 spoke a primary language other than English.

NEED FOR INCREASED FUNDING

We are grateful to the legislature for their past and continuing support of general civil legal services in the Judiciary budget, and to the Judiciary for providing a home for this program and administering these important funds. However, more funding is urgently needed.

In Legal Services Corporation's Justice Gap Report (2022), researchers found that "low-income [individuals] did not receive any or enough legal help for 92% of their civil legal problems[,]" and that Hawai'i is unfortunately consistent with this national average. More than one-half of people nationwide have no confidence that they would be able to find a lawyer they could afford if they needed one. In Hawai'i, at least 72% of households had one or more civil legal problems in the past year. Current resources are not meeting our community's needs: the National Justice Index determined that nine times as many legal services attorneys and advocates are needed to meet Hawai'i low-income residents' legal needs.

There are now four legal service providers receiving this critical funding, and all of our low-income and vulnerable populations statewide and across demographics are positively impacted by this support. We respectfully request that you increase support for legal services by adding an additional \$1,000,000 to the line item for legal services, which is an important part of the safety net of social services that Hawai'i's residents need.

We are sensitive to the fact that the State is facing significant fiscal pressures due to potential federal funding cuts. In addition, changes to the federal funding and policy landscape also require additional support for Hawai'i's legal services providers. Recently, there have been dramatic reductions in available federal funds for victims of crime and domestic-violence survivors. Legal Aid receives substantial federal funds to provide services related to housing, assisting Hawai'i's houseless communities, kūpuna legal services, health insurance navigators, and more, and is a clear preview of what's to come. Disaster legal services, which includes over one million in funding for Hawai'i, was also recently left out of the most recent funding resolution. And, we may see attempts to drastically reduce funding for legal services overall.

The Judiciary has been a leader in supporting "access to justice" initiatives here in Hawai'i, and has generously provided a home for this line-item. **Our ask is intended to supplement the Judiciary's legislative priorities, and should not come at the expense of any priority or portion of the proposed budget.**

Thank you for this opportunity to provide testimony.

Sincerely,
David Kaulia Kopper
Executive Director, Legal Aid Society of Hawai'i

TESTIMONY

Senate Committee on Ways & Means
Hearing: Monday, March 31, 2025 (10:01 AM)

TO: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

FROM: Mark M. Murakami, HSBA President

RE: HB 400, SD1 - RELATING TO THE JUDICIARY

Chair Dela Cruz, Vice Moriwaki and members of the Committee

The Hawaii State Bar Association (HSBA) appreciates the opportunity to offer testimony in **STRONG SUPPORT** of HB 400, SD1 – RELATING TO THE JUDICIARY. The State Judiciary plays a vital governmental role in upholding a fair and civil society, yet it constitutes only about 2% of the overall State budget. Community reports indicate a growing demand for judicial services in the current biennium. It is our firm belief that the Judiciary has demonstrated and continues to exhibit fiscal responsibility. Considering these challenges, supporting the Judiciary's proposed biennium budget becomes imperative to ensure its ability to meet the growing demands efficiently.

The Judiciary is tasked with some of the most important of all State responsibilities. Individuals utilize court services during some of the most stressful times of their lives. Families rely on the Judiciary to settle disputes which tear at the fabric of their household. Business owners and entrepreneurs rely on the Judiciary to resolve contract or insurance issues which threaten their continued existence. Individuals who have been wronged, intentionally or unintentionally, by others rely on the Judiciary to make them whole. Those accused of crimes rely on the Judiciary to hear their "side of the story" and enforce speedy trial constitutional rights, and the government must have an opportunity to present its case on behalf of the public.

It's critical for the Legislature to provide sufficient support for the State Judiciary as provided in their budget request. Thank you for the opportunity to submit these comments in **STRONG SUPPORT** of HB 400, SD1.

Mahalo for this opportunity to provide testimony in support.

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**TESTIMONY IN SUPPORT OF H.B. 400, HD1, SD1
RELATING TO THE JUDICIARY
Committee on Ways and Means – March 31, 2025 10:01 a.m.**

CHAIR DELA CRUZ, VICE CHAIR MORIWAKI AND MEMBERS OF THE COMMITTEE
ON WAYS AND MEANS:

Volunteer Legal Services Hawai'i supports the passage of H.B. 400, HD1, SD1.

This critical funding would go to funding civil legal services, including but not limited to the delivery of civil legal services to low- and moderate- income individuals in Hawai'i.

Volunteer Legal is pursuing a one million (\$1,000,000) dollar increase in funding for the civil legal services line item for providers. The civil legal services line item was initially intended for statewide general civil legal service providers. Other important legal service providers are also accessing the line item, and we anticipate that more will apply.

Volunteer Legal is concerned about all the federal actions limiting services to those residents who need it the most. We are more worried than ever about the impact that the limiting of services has on the safety net of legal services. There are many unmet needs¹, and Volunteer Legal is often the last line of defense for someone facing critical issues, like landlord/tenant or child custody issues.

In the last forty-four years, Volunteer Legal has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. While Volunteer Legal Services Hawai'i's only office is on Oahu, we service residents of Hawai'i statewide. In 2024, with only a staff of 9, Volunteer Legal qualified around 1000 individuals. Volunteer Legal provides legal checkups, educational presentations, clinics, brief services and/or full representations. Twenty-one (21%) of those helped are homeless or at the risk of being homeless, 28% of those helped suffer from domestic violence, 6% of those helped were veterans, 26% of those helped are disabled, and 20% of those helped were aged 60 and over. If not for Volunteer Legal Services Hawai'i, these individuals would have otherwise gone without legal help.

Our request is not intended to supplant any of the Judiciary's other priorities. Volunteer Legal Services Hawai'i thanks the committee for the past support of legal services in the judiciary budget. We respectfully request your passage of H.B. 400, HD1, SD1. Thank you for this opportunity to provide testimony.

Sincerely,
Rachel Figueroa, Executive Director

¹According to the ALICE (Asset Limited, Income Constrained, Employed) report in 2022, in Hawaii alone, 11% of residents were below the Federal Poverty Line (FPL), with 33% that earned above the Federal Poverty Line but not enough to afford the basics in the community where they live. <https://unitedforalice.org/national-overview>

“Low-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems.”
<https://justicegap.lsc.gov/resource/executive-summary/>

HB-400-SD-1

Submitted on: 3/25/2025 8:56:02 PM

Testimony for WAM on 3/31/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Weygan-Hildebrand	Individual	Support	Written Testimony Only

Comments:

The legal system is complex, especially for immigrants and their families. Supporting funding for legal services for individuals in immigration-related court proceedings is important.

Mahalo.