

ACT 376

S.B. NO. 1424

A Bill for an Act Relating to Family Court-Appointed Attorneys and Guardians Ad Litem.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 571, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§571- Appointment of counsel and guardian ad litem; compensation. (a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under chapter 587, or that a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any. Appointed counsel and the guardian ad litem shall receive reasonable compensation for necessary expenses, including travel, the amount of which shall be determined by the court, and fees pursuant to subsection (b). All of these expenses shall be certified by the court and paid upon vouchers approved by the judiciary and warrants drawn by the comptroller.

(b) The court shall determine the amount of reasonable compensation to appointed counsel and guardians ad litem, based on the rate of \$40 an hour for out-of-court services, and \$60 an hour for in-court services with a maximum fee in accordance with the following schedule:

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| (1) Cases arising under chapter 587: | |
| (A) Predisposition | \$1,500; |
| (B) Postdisposition review hearing | \$ 500; |
| (2) Cases arising under chapters 560, 571, 580, and 584 | \$1,500. |

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was

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rendered certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the administrative judge of such court.”

SECTION 2. The amendments made by this Act shall apply to any action or proceeding which is commenced on or after the date of its approval and, to the extent permitted by law, to any action or proceeding which is pending on the date of such approval.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1.5 million, or so much thereof as may be necessary for fiscal year 1987-1988, and \$1.5 million or so much thereof as may be necessary for fiscal year 1988-1989, to carry out the purposes of this Act. The sums appropriated shall be expended by the judiciary.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved July 7, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.