

ACT 218

H.B. NO. 1211

A Bill for an Act Relating to Family Court.

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

SECTION 1. Section 571-87, Hawaii Revised Statutes, is amended to read as follows:

“§571-87 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 chapters 587 and 346, part X, 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 reasonable fees pursuant to subsection (b). All of these expenses and fees 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 paid to appointed counsel and guardian ad litem, based on the rate of [~~\$40~~] \$90 an hour for [~~out of court~~] legal services, and \$60 an hour for [~~in court~~] non-legal services [~~with a maximum fee in accordance with~~]; provided that the maximum allowable fee shall not exceed the following schedule:

- (1) Cases arising under chapters 587 and 346, part X:
 - (A) Predisposition [~~\$1,500;~~] \$3,000;
 - (B) Postdisposition review hearing [~~\$500;~~] \$1,000;
- (2) Cases arising under chapters 560, 571, 580, and 584 ... [~~\$1,500;~~] \$3,000.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies,¹ based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of [sueh] that court.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$880,000, or so much thereof as may be necessary for fiscal year 2007-2008 for the purposes of this Act.

The sums appropriated shall be expended by the judiciary for the purposes of this Act.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2007.

(Approved June 28, 2007.)

Note

1. Comma should be underscored.