



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair

Representative Scott Nishimoto, Vice Chair

Representative Aaron Ling Johanson, Vice Chair

Wednesday, February 19, 2014

3:00 p.m. – Agenda #3

State Capitol, Conference Room 308

by

R. Mark Browning

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: House Bill No. 1669, House Draft 1 Relating to Family Court

Purpose: Provides funds to the judiciary for an additional full-time family court judge position and staff positions for the family court of the first judicial circuit. (HD1)

Judiciary's Position:

The Judiciary submits this testimony in strong support of this bill.

The Preamble of this bill captures well the urgency of the need to fund an additional family district court judge and supporting staff in the family court of the first judicial circuit. This urgency must be viewed as urgency on behalf of the community rather than just the judiciary. The judges and staff of the family court are accustomed to the need to work at, over and above capacity. They have worked not only by smoothly and efficiently processing and hearing cases with great determination. They also continue to seek ways to streamline the process for the public. The judges and staff will continue to do so no matter what the outcome of this bill. The passage of this bill would greatly assist the Family Court of the First Circuit in providing critical judicial services to the community.



This judicial position was created by the Legislature five years ago. We respectfully submit that it is time to fund that position.

The Preamble already enumerates the startling overall numbers faced by the family court. Here, we will provide a deeper glimpse into those numbers so there can be a greater understanding of the context for the numbers.

“[T]he four juvenile division judges handled over two thousand one hundred juvenile and child abuse cases.” This number alone cannot capture the enormity of the work faced by these judges and family court staff. In 2013 alone, 892 juvenile cases and 1,221 child abuse and neglect cases were filed. The overall total of 2,113 cases reflect an exponential number of actual hearings; besides the initial hearings and trials, adjudicated cases require many subsequent hearings, over a number of subsequent years. In addition, these 4 judges also manage and preside over our successful “specialty” courts: Juvenile Drug Court, Zero to Three Court, Girls Court, and the specialized drug court for parents in child abuse and neglect cases. In July of this year, we will also take on the Voluntary Care to 21 Court - - mandated by the Legislature but enacted without funding.

“[T]he three special division judges handled eleven thousand five hundred restraining order, paternity, adoption, involuntary commitment, and guardianship hearings.” Here is the simple and startling math: 11,500 divided by 3 equals 3,833 (per judge). These are not simple hearings. Even when the hearing is not a trial, every hearing represents a family with all the complexities found in any family, except these families have additional burdens that require court actions, such as domestic violence.

“[T]he three domestic division judges handled approximately four thousand divorce and custody cases.” As with the other divisions, domestic division judges also have more hearings than just the number of cases in addition to taking every opportunity to help the parties reach agreement in order to avoid court battles. The contested pre-trial and post-trial hearings are often full evidentiary hearings and the trials are always evidentiary hearings--similar to the cases in the civil division but without sufficient staff support, no jury making the dispositive decisions, and not enough time. Divorce cases, like civil cases, can involve millions of dollars and multiple pieces of property. Unlike civil trials, divorce trials also involve gut-wrenching child custody decisions.

Every hearing and every case in family court require preparation time, time spent on dealing with non-hearing motions and requests, and many other duties that the public does not witness. For example, each judge takes a turn as the 24 hours off-duty on-call judge for emergency mental health commitments. Yet, family court judges and staff are nevertheless able to provide quality services to the community to create solutions for problems facing our kids, speak at schools, and volunteer their time, after-hours, for mock trials and moot courts. Although there are delays due to sheer overwhelming numbers, these same realities are felt across the nation and many other courts have far graver delays. The fact that we are doing as



House Bill No. 1669, HD1 Relating to Family Court
House Committee on Finance
Wednesday, February 19, 2014 at 3:00 p.m. – Agenda #3
Page 3

well as we do is a testament to the hard work and creativity of our current judges and staff. Time and again, the judges and staff of family court step up to demonstrate their resolve to serve the community with the available resources. It is now crucial for the Legislature to expand those resources for the good of the community.

We note, however, that any appropriations from this bill must be in addition to the Judiciary's current budget requests. If the Legislature is inclined to move forward with this funding, we would respectfully request that the appropriation in Section 2 of the bill be amended to read "\$299,016." This amended figure reflects salary levels that will take effect on July 1, 2014.

We urge favorable consideration for the passage of this bill. Thank you for the opportunity to testify.