*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Ways & Means**
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Wednesday, March 30, 2016, 9:15 a.m.
State Capitol, Conference Room 211

by

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**WRITTEN TESTIMONY ONLY**

**Bill No. and Title:** House Bill No. 2121, H.D. 3, S.D. 1 Relating to Legal Services.

**Purpose:** House Bill No. 2121, H.D. 3, S.D. 1 appropriates moneys from the general fund for civil legal services for low- and moderate-income persons to be purchased by the Judiciary.

## Judiciary's Position:

The Judiciary strongly supports House Bill No. 2121, H.D. 3, S.D. 1 to appropriate funds for civil legal services providers to deliver civil legal services to low- and moderate-income persons. Civil legal services providers extend a lifeline to the most vulnerable in our community. The amount requested will restore funding for civil legal services for low- and moderate-income persons to pre-recession levels through contracts administered by the Judiciary.

House Resolution No. 12, H.D. 1 and Senate Resolution No. 6, S.D. 1 (2015) requested the Hawai‘i Access to Justice Commission to assemble state and community entities to determine and report which agency or organization should administer funding for civil legal services to low- and moderate-income persons. The resolution requested that the report include a history of state funding of civil legal services, issues historically faced by civil legal service providers, analysis of assigning administration to governmental entities, recommended level of funding and proposed legislation. This bill reflects the recommendations of the Working Group.

The Judiciary concurs with the recommendations of the Working Group that the Judiciary administer the funding, and the Judiciary supports the Working Group's recommendation that the Judiciary be given the discretion to contract the administration of the funding with a nonprofit organization with at least five years' experience in administering grants to providers of civil legal services. Compensation for the administration is recommended to be limited to not more than five per cent of the total amount allocated for these services each fiscal year.

However, the Judiciary can only support these recommendations if such funding is not taken from the Judiciary's general operating funds or other critical needs. As noted in the report, the Judiciary has a significant concern that any funds provided by the Legislature be additional funding and not be made at the expense of the Judiciary's current budget requests and base budget, which would impact operations including contracts for treatment and prevention.

By establishing this process and restoring funding, providers of civil legal services will be able to plan and manage the delivery of much needed legal assistance to low- and moderate income persons.

Thank you for the opportunity to testify on this bill.