



The Judiciary, State of Hawai'i

Testimony to the Twenty-Ninth State Legislature, 2017 Session

Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Wednesday, February 8, 2017, 9:10 a.m.

Room 016

by

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Bill No. and Title: Senate Bill No. 469, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2018 and 2019.

Judiciary's Position:

The Judiciary strongly urges your support of Senate Bill No. 469, which reflects the Judiciary's resource requirements for FYs 2018 and 2019.

The Judiciary recognizes that the Hawai'i economy continues to be strong and the overall economic outlook is relatively stable at the moment. However, the Hawai'i Council on Revenues has recently expressed some uncertainty about the future, had concerns that the economy may have reached the end of its current expansionary cycle, and indicated that the construction cycle may have peaked and that general fund revenues may be less than expected. We are also very cognizant that we are competing for general funds in the midst of collective bargaining negotiations with all 14 bargaining units, and that various state and legislative officials have stated that funds will continue to be tight this next biennium. Accordingly, in our biennium budget request, the Judiciary has focused only on requirements related to past legislation and to its most pressing needs, primarily in the areas of essential staffing for court operations and client services. Specifically, with these factors in mind, the Judiciary is requesting 34 new permanent positions and additional funding of \$2.3 million for FY 2018, and



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37 positions and \$3.2 million for FY 2019, some 1.4% and 2% more, respectively, than our current budget base of \$163 million.

Relative to past legislation, \$355K is being requested in FY 2018 and \$717K in FY 2019 to cover the annual two percent salary increase for justices and judges set by the 2013 Commission on Salaries. Another \$6K in FY 2018 and \$12K in FY 2019 is needed for the salaries of the Administrative Director and Deputy Administrative Director of the Courts based on a bill passed during the 2014 legislative session that established a mechanism to adjust their pay.

The need for additional essential staffing is a major concern for the Judiciary, especially as workload continues to increase and becomes more detailed and complex, and as additional demands and requirements are placed on judges and staff. This concern especially relates to Courts of Appeal which is requesting an additional Staff Attorney position and Fiscal Account Clerk position; to First Circuit which is requesting additional funding for an already authorized Family Court judge and three support staff positions; and to Second and Fifth Circuits which are requesting positions and funding for a District Court judge and a District Family Court judge, respectively, as well as related support staff.

The Staff Attorney position is for the Intermediate Court of Appeals (ICA) and would cost \$54K in FY 2018 and \$99K in FY 2019. With the restructuring of the appellate court system in 2006, almost all appeals are filed with and resolved in the first instance by the ICA. The number of appeals and motions filed has been increasing, as has the complexity and fundamental importance of the appeals, which together impose greater demands on judicial resources and the need for an additional Staff Attorney position. Indeed, since the restructuring, the ICA's appeals caseload has almost doubled and its motions caseload has increased by more than ten times. Courts of Appeal are also requesting a no-cost conversion of the temporary Fiscal Account Clerk position to permanent status. This is to help ensure service level continuity in the two person Fiscal Office in the event the permanent Fiscal Office retires, resigns, or is on extended leave of absence for any reason, and thereby avoid leaving the office and its responsibilities in the hands of a temporary position, SR-11, Fiscal Account Clerk.

Funding of \$161K in FY 2018 and \$316K in FY 2019 is being requested by First Circuit for a District Family Court judge and related staff positions provided by the 2007 Legislature. This would help address the heavy Family Court workload and the continual increase in the number and complexity of Family Court cases, as well as the backlog and delays in scheduling/hearing cases. Domestic Division cases have increased from 6,700 in FY 2014 to 7,300 cases in FY 2016 and Special Division cases (which include Temporary Restraining Orders (TROs), paternity, and adoption) have gone from 8,700 cases to 9,200 over this period.



Second and Fifth Circuits are requesting an additional District Court judge and District Family Court judge, respectively, along with staff to address workload issues, case complexities, delays in scheduling and hearing cases, and the additional time required to handle the increasing numbers of self-represented litigants. For Second Circuit, the last District Court judge was added in 1982, more than 33 years ago, and the population in Maui County has more than doubled from 77,000 to 165,000 since then. New criminal filings in Maui County have increased from about 2,900 in FY 2011 to 4,300 in FY 2016, and traffic filings from 21,700 to 27,500. A new judge would also help address the growing needs and case numbers of the rural communities (Hāna, Lānaʻi, Molokaʻi) that are currently underserved. Fifth Circuit has only one District Court judge and one District Family Court judge, with the last judge being added in 1984. Compared to the Second Circuit on Maui and the Third Circuit on the Big Island, the current Kauai Family Court caseload per judge is much higher; specifically, for FY 2016, the one Family Court judge on Kauai was responsible for more than 6,400 cases as compared to 2,300 and 2,800 cases per Family Court judge in Second and Third Circuits, respectively. Funding requested for the Second Circuit judge and staff is \$177K in FY 2018 and \$306K in FY 2019, and for the Fifth Circuit judge and staff is \$165K in FY 2018 and \$316K in FY 2019.

For client services, special management emphasis has been placed on those requests related to clients with mental health issues, veterans, clients of our specialty courts, and those affected by domestic violence. In the mental health area, First Circuit is requesting three positions costing \$88K in FY 2018 and \$152K in FY 2019 to create a mental health unit, and for additional funding of \$75K each fiscal year for mental health assessments and related client services. This unit would provide services and intensive supervision to not only Mental Health Court clients but also conditional release clients with severe mental illness and other general population clients that are dual diagnosed with mental health and drug addiction issues. The overall goals are to bring more stability to our partnerships with other agencies involved in this area, increase our client referrals and population served, reduce recidivism, increase public safety, and decrease dollars spent on incarceration and hospitalization. Fifth Circuit is also requesting two positions in this area – one for its Presentence Investigation Unit that would primarily specialize in conducting interviews for mental health examinations and the other for its Specialized Services Unit to supervise all conditional release clients.

Relative to veterans, and to replace expired grant funding, \$244K in purchase of service contract funding is being requested by First Circuit to provide Veterans Treatment Court (VTC) clients on probation with temporary housing and residential substance abuse and mental health treatment not funded by the Veterans Administration or other agencies. To date, all 38 clients admitted to the VTC have had mental health issues and needed supportive housing and treatment. In Third Circuit, VTC grant funding expires in November 2017 so it is requesting \$51K in FY 2018 and \$102K in FY 2019 for one social worker position for Kona and one for Hilo to continue the program and accommodate 20 veterans at each location, and an additional



\$120K each fiscal year for evaluation, mental health and substance abuse treatment, and urinalysis testing. A Probation Supervisor position costing \$29K in FY 2018 and \$57K in FY 2019 is also being requested to oversee both VTC and Big Island Drug Court operations in West Hawai'i. Currently, 70 adults and 12 juveniles are in the Big Island Drug Court in West Hawai'i and 12 in the VTC.

Funding and positions are being requested for two specialty courts/programs to replace grant funding that is ending early FY 2018 and sustain them as permanent programs within the Judiciary. One request is for a Coordinator position and a Case Manager position costing \$61K in FY 2018 and \$118K in FY 2019 for the Driving While Impaired (DWI) Court, as well as funding of \$78K each year for program supplies and equipment, and electronic monitoring, incentives, and treatment services for the offenders as necessary. The DWI Court currently has 10 active participants and 33 successful graduates to date, and was honored with the National Highway Traffic Safety Administration's top national award for public service at its 2015 Lifesavers Conference. The Hawai'i Zero to Three program, which focuses on the needs and well-being of especially vulnerable toddlers and infants who have been removed from parental custody due to abuse and/or neglect, is requesting \$27K in FY 2018 and \$51K in FY 2019 for a Case Manager position which is critical to providing specialized case management while fostering a coordinated team approach to early intervention services for these very young children. This program is currently servicing 15 families and 31 children, and since 2008 when the program began, 57 families and 93 infants/toddlers have been served. First Circuit is also requesting a no-cost conversion of seven temporary positions in Girls Court to permanent status to provide permanency and stability to the Court and make it easier to recruit and retain people for these positions, some of which have experienced high turnover. Since its inception in 2004, 458 girls have completed the Girls Court program.

Lastly in the client services area, First Circuit is requesting three positions for its TRO unit, and Second Circuit three positions for its Adult Client Services Branch. The additional staffing costing \$71K in FY 2018 and \$133K in FY 2019 for the TRO unit is needed to address greatly expanded hours and coverage for the intake and processing of TROs in domestic violence cases both in its Honolulu and Kapolei locations. Second Circuit needs one additional Social Worker Probation Officer each in its Presentence Investigation, Special Services, and Domestic Violence Units to reduce caseload to a more manageable size; i.e., from 183 to 157 cases in the Presentence Investigation Unit, from 133 to 110 cases in the Special Services Unit, and from 202 to 162 cases in the Domestic Violence Unit. These three Social Workers would cost \$91K in FY 2018 and \$152K in FY 2019.

Our last two general fund biennium budget requests relate to the Kona Judiciary Complex and our Human Resource management system. Three facilities related positions costing \$49K in FY 2019 are being requested for the new Judiciary Complex in Kona. People would be hired to



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fill the Facilities positions six months in advance of the scheduled opening of the new Judiciary Complex in September/October 2019 so that they can familiarize themselves with the building and its new operating and mechanical systems, and be trained while the vendors are installing these systems and are still there. The Judiciary's Human Resource Management System, PeopleSoft, needs to be upgraded to version 9.2 at a cost of \$351K; without the upgrade, the Judiciary will not be able to receive and have any security and operating system patches and updates that are needed to maintain critical and required functionality. The PeopleSoft software vendor has indicated that it will provide extended support for this version through December 2027 and provide all patches for the software.

Capital Improvement Project (CIP) requirements 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 keep expanding. CIP funds totaling \$15.4 million in FY 2018 and \$18.8 million in FY 2019 are being requested to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, for FY 2018, the Judiciary is requesting funds to make improvements to the parking structure and enhance security at Hoapili Hale in Second Circuit; reroof and repair leaks and damages at Pu'uohonua Kaulike in the Fifth Circuit; provide for separate storm drain and sanitary systems for our Honolulu Kapuaiwa Building; and to upgrade and modernize fire alarm systems and elevators at Ka'ahumanu Hale in First Circuit, both of which are more than 30 years old and which continue to malfunction with greater frequency. The fire alarm systems within Ka'ahumanu Hale do not function at full capacity nor comply with current fire codes, and elevator codes now require that all fire alarm systems be updated to current levels so that all systems are compatible with each other thereby necessitating that these projects be tied together. For FY 2019, the Judiciary is requesting funds to continue forward with these projects and most importantly for furniture, fixtures, and equipment for the new Kona Judiciary Complex. For each of these years, we are also requesting needed and important lump sum funding so that we can address both continuing and emergent building issues.

The proposed biennium budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of Senate Bill No. 469, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.