

JUN 30 1998



**Office of the Administrative Director of the Courts** — THE JUDICIARY • STATE OF HAWAII  
417 SOUTH KING STREET • ALI'ĪOLANI HALE • HONOLULU, HAWAII 96813-2902 • TELEPHONE (808) 539-4900 • FAX 539-4855

**Michael F. Broderick**  
ADMINISTRATIVE DIRECTOR

**Clyde W. Namu'o**  
DEPUTY ADMINISTRATIVE DIRECTOR

## MEMORANDUM

DATE: June 26, 1998

TO: All Court Users

FROM: Michael F. Broderick *[Signature]*  
Administrative Director of the Courts

RE: Increased Court Fees as related to Act 128 (1998)

On July 1, 1998, Act 128 (1998) will take effect requiring the courts of the Hawai'i State Judiciary to collect increased filing fees on certain types of cases. The Act authorizes these increased filing fees as a means of generating revenues for the State of Hawai'i, while preserving access to the court system.

This legislation represents a move towards charging a flat filing fee that incorporates the cost of filing an original complaint or petition as well as the cost of filing additional pleadings (i.e. motions, memo, etc.) related to the same case. Cases affected by this flat filing fee concept include Family Court matrimonial, adoption and guardianship actions. Cases not subject to the flat filing fee concept include Circuit Court guardianship, trust and probate actions and District Court small and regular claims civil cases.

In addition to the increased filing fees, the courts will continue to collect the indigent and parent education surcharges for those cases affected by the surcharges. Also, in the event that a party is unable to afford the increased filing fees, judges of all the courts of the State have the discretionary power to waive all or part of the filing fee in any case where the cost may, to the judge, appear onerous.

The following chart outlines the various case types with accompanying fee increases. Should you have any questions regarding this announcement, please contact Clyde Namu'o at 539-4902.

# Notice Of Increase in Filing Fees Effective July 1, 1998

Certain court filing fees will increase as of *July 1, 1998* (Act 128 -- 1998). Listed below are some of the fees which will be increased. A detailed list of all fee increases is available from the Court Documents Receiving Clerks.

## ***Circuit Court:***

	<b><i>New Fee</i></b>
Civil Complaints (Including Special Proceedings)	\$200 + \$25 (*)
Probate Cases	\$100 + \$25 (*)
Guardianship Cases	\$100 + \$25 (*)
Trust Actions	\$100 + \$25 (*)

## ***Family Court:***

Divorce Complaints	\$100 + \$25 (*) + \$35 (**)
Adoption Cases	\$100 + \$25 (*)
Guardianship Cases	\$100 + \$25 (*)

## ***District Court:***

Civil Complaints (Regular Claims, including TROs)	\$75 + \$10 (***)
Civil Complaints (Small Claims)	\$35

## ***Miscellaneous:***

Demand for Jury Trial	\$200
Notice of Appeal	\$100 + \$25 (*)
Record on Appeal	\$100

(\*) Indigent Legal Services Surcharge -- Act 305 (1996).

(\*\*) Parent Education Surcharge applies only to those matrimonial actions involving parties with minor children -- Act 274 (1997).

(\*\*\*) Indigent Legal Services Surcharge -- Act 305 (1996) -- applies to District Court summary possession cases only.

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**MEMORANDUM**

**DATE:** June 26, 1998

**TO:** Chief Clerk of the Appellate Courts  
Chief Court Administrators of the Circuit and District Courts  
Directors of the Family Courts

**FROM:** Michael F. Broderick *[Signature]*  
Administrative Director of the Courts

**RE:** Increased Court Fees as related to Act 128 (1998)

Act 128 (Senate Bill No. 721, S.D.1, H.D.2, C.D.1, Relating to the Judiciary) was signed into law on June 22, 1998. This Act authorizes the increase of certain court filing fees in the Appellate, Circuit, District, and Family Courts as a means of generating revenues for the State of Hawai'i, while preserving access to the court system. The Act's effective date is July 1, 1998.

The legislation represents a move towards charging a flat filing fee that incorporates the cost of filing the original complaint or petition as well as the cost of filing additional pleadings (i.e. motions, memo, etc.) related to the same case. Cases affected by this flat filing fee concept include Family Court matrimonial, adoption and guardianship actions. Cases not subject to the flat filing fee concept include Circuit Court guardianship, trust and probate actions and District Court small and regular claims civil cases.

In addition to the increased filing fees, the courts will continue to collect the indigent and parent education surcharges for those cases affected by the surcharges. If a party is unable to afford the increased filing fees, judges of all the courts of the State have the discretionary power to waive all or part of the filing fee in any case where the cost may, to the judge, appear onerous. Attached please find a chart that outlines the various case types with accompanying fee increases as well as a list which identifies certain exceptions. The Judiciary will be monitoring the implementation of this Act and, where necessary, look towards further housekeeping amendments in the next legislative session.

Regarding Family Court cases, we have attached a list of motions and other pleadings that are no longer subject to the collection of a \$15 fee. This list should be used as a guide and may not be exhaustive. We have also enclosed a sign that should be displayed near your court documents receiving counters.

Thank you for your assistance in implementing this measure. A memorandum announcing the increased filing fees, along with the chart, will be distributed to affected court users for their information. Should you have any questions or concerns regarding this new law, please contact Deputy Administrative Director Clyde W. Namu'o at 539-4902.

**Summary of Fees Affected By § 128 (1998) -- Effective 7/1/98**

Case Type	Current Fee	New Fee	Subject to Surcharge	Change in Fee for Other Pleadings	HRS Section Affected / Court Rules Affected
<b>Supreme Court</b>					
Notice of Appeal	\$30	\$100	\$251	No	§607-4(b)(4), §607-5(c)23
Record on Appeal	\$100(*)	\$100		No	§607-6(a) HRAP45(e)(5)
<b>Circuit Courts</b>					
Civil	\$100	\$200	\$251	No	§607-5(b)(1)
Probate	\$30	\$100	\$251	No	§607-5(b)(15), §607-5(b)(15a)
Guardianship	\$15	\$100	\$251	No	§607-5(b)(10)
Jury Demands	\$100	\$200		No	§607-5(c)21
Regis. Foreign Jgmt.	\$30	\$100	\$251	No	§636C-6
Dist.Ct. Trans.	\$75(*)	\$125	\$251	No	§607-5(b)(3) HRC77(e)4
Appeal To Cir. Ct.	\$30	\$100	\$251	No	§607-5(b)(2)
Trust Actions	\$15	\$100	\$251	No	§607-5(b)(4) §607-5(b)(5)
Special Proceedings	\$100	\$200	\$251	No	§607-5(b)(1)
<b>Family Court</b>					
Divorce	\$30	\$100	\$352/\$251	Yes	§607-5(b)(16)
Adoptions	\$15	\$100	\$251	Yes	§607-5(b)(17)
Guardianship	\$15	\$100	\$251	Yes	§607-5(b)(18)
<b>District Court</b>					
Civil (Regular, incl. TROs)	\$25	\$75	\$103	No	§607-4(b)(1)
Civil (Small Claims)	\$10	\$35		No	§633-29

(\*) Note No. 1: These fees have been adjusted by Supreme Court Rule. The amounts which are reflected in the statutes are not the most up to date figures.  
 1) §607-HRS Act 305 (1996) Indigent legal svcs. surcharge 2) §607-5.6 HRS Act 274 (1997) Parent education surcharge 3) §607(1)(b) HRS Act 305 (1996) - Indigent legal svcs. surcharge applies to summary possession cases only.