



The Judiciary

State of Hawai'i

The Multi-Year Program and Financial Plan (2017-2023) Biennium Budget (2017-2019) and Variance Report (2015-2017)

**Submitted to the
Twenty-Ninth State Legislature**

December 2016



To the Twenty Ninth State Legislature of Hawai'i Regular Session of 2017

As Chief Justice of the Hawai'i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai'i State Legislature the Judiciary's FB 2017-19 Biennium Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai'i, 1974, and Chapter 37 of the Hawai'i Revised Statutes, as amended.

Hawaii's courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

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 at its most recent meeting 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. Further, we are very cognizant that there are many competing priorities and that we are 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 its most pressing needs, primarily in the areas of essential staffing for court operations and client services.

Overall, the Judiciary is requesting 34 new permanent positions and additional funding of \$2.3 million for FY 2018, and 37 positions and \$3.2 million for FY 2019. Eight of these positions are no-cost conversions of temporary to permanent positions as funding has previously been provided by the Legislature. 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; to First Circuit which is requesting 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 Judge, respectively, as well as related support staff. Also important is a Courts of Appeal request for a no-cost conversion of a temporary Fiscal Account Clerk position in its two person Fiscal Office to ensure service level continuity in the event the incumbent Fiscal Officer retires, resigns, or is on extended leave of absence for any reason.

For client services, special management emphasis has been placed on those clients with mental health issues, veterans, those affected by domestic violence, and other clients of our specialty courts. Regarding mental health, both First and Fifth Circuits are requesting Social Worker positions to provide services to conditional release clients and others with severe mental illness and, for First Circuit, to also establish a Mental Health Unit to work with the Mental Health Court in expanding clientele and services. Two requests relate to veterans who served our country and now need our help, that is, purchase of service residential treatment and temporary housing funding for Veterans Treatment Court (VTC) clients in the First Circuit, and

three Social Worker positions for the VTC in the Third Circuit to continue services and expand the number of clients served as federal grant funds end. Three other requests are related to specialty courts and programs, of which two are for funding and positions needed to sustain our Driving While Impaired and Hawai'i Zero to Three Courts currently funded by soon to expire grants, and the third for a no-cost conversion of seven temporary to permanent positions for the Girls Court. The last two requests in the client services area are by First and Second Circuits who each want three additional positions and related funding – First Circuit to address greatly expanded hours and coverage for the intake and processing of temporary restraining orders (TROs) in domestic violence cases for the TRO Unit in Kapolei and Honolulu, and Second Circuit to restore lost positions and significantly reduce individual probation officer workload in its Domestic Violence Unit, Special Services Unit, and Pre-Sentence Investigation Unit to a more manageable size.

Lastly, the Judiciary is requesting three Facilities related positions and funding for its new Kona Judiciary Complex in the Third Circuit; and funding to upgrade its state-wide PeopleSoft system and to provide pay increases for the judges and the Administrative and Deputy Administrative Director of the Courts. People would be hired to 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. PeopleSoft is the Judiciary's Human Resource Management System; 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 judges' and Administrative/Deputy Administrative Directors' pay increases are based on the 2013 Commission on Salaries recommendation and on a bill passed during the 2014 legislative session, respectively.


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'u honua Kaulike in the Fifth Circuit; provide for separate storm drain and sanitary systems for our Honolulu Kapuāiwa 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 additionally, 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 Judiciary recognizes that there are many competing initiatives and difficult choices to be made regarding limited available general fund and general obligation bond fund resources.

We believe that our approach to our biennium budget request reflects consideration of these concerns yet still provides a great opportunity to serve some of those clients most in need of court and client services.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and effective judicial system for Hawai'i. On behalf of the Judiciary, I extend my heartfelt appreciation for your continued support and consideration.

Sincerely,

A handwritten signature in black ink, reading "Mark E. Recktenwald". The signature is written in a cursive, flowing style.

MARK E. RECKTENWALD
Chief Justice
December 19, 2016

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PART I



Introduction

INTRODUCTION

The mission of the Judiciary as an independent branch of government is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.

Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

Program Structure Number	Program Level			Program I.D.
	I	II	III	
01	The Judicial System			
01 01	Court Operations			
01 01 01			Courts of Appeal	JUD 101
01 01 02			First Circuit	JUD 310
01 01 03			Second Circuit	JUD 320
01 01 04			Third Circuit	JUD 330
01 01 05			Fifth Circuit	JUD 350
01 02	Support Services			
01 02 01			Judicial Selection Commission	JUD 501
01 02 02			Administration	JUD 601

Contents of Document

The MULTI-YEAR PROGRAM AND FINANCIAL PLAN presents the objectives of the Judiciary programs, describes the programs recommended to implement the objectives, and shows the fiscal implications of the recommended programs for the next six fiscal years. The BIENNIUM BUDGET displays for each program the recommended expenditures for the ensuing fiscal biennium by cost category, cost element, and means of financing (MOF). The VARIANCE REPORT reports on program performance for the last completed fiscal year and the fiscal year in progress. An explanation of the sections contained in this document is as follows:

Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

Operating Program Plan Details

The Financial Plan and Budget is presented by major program area. Each program area includes a financial summary, followed by narratives on the program objectives, activities, policies, relationships, and types of revenues collected; major external trends; and various other information and data about the program.

Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and MOF over the 6-year planning period.

Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

The Budget

The recommended levels of operating expenditures and staffing for FYs 2017-18 and 2018-19 by major programs are as follows:

Operating Expenditures (In \$ Thousands)

Major Program	MOF	2017-18	2018-19	Total
Courts of Appeal	A	6,981	7,073	14,054
First Circuit	A	85,364	85,934	171,298
	B	4,304	4,304	8,608
Second Circuit	A	17,166	17,396	34,562
Third Circuit	A	20,177	20,346	40,523
Fifth Circuit	A	7,984	8,200	16,184
Judicial Selection Commission	A	99	99	198
Administration	A	27,512	27,167	54,679
	B	7,994	7,994	15,988
	W	<u>343</u>	<u>343</u>	<u>686</u>
Total	A	165,283	166,215	331,498
	B	12,298	12,298	24,596
	W	<u>343</u>	<u>343</u>	<u>686</u>

Revenues

The projected revenues (all sources) for FYs 2018 and 2019 by major programs are as follows:

Revenues (In \$ Thousands)			
Major Program	2017-18	2018-19	Total
Courts of Appeal	221	220	441
First Circuit	37,428	38,157	75,585
Second Circuit	4,028	4,028	8,056
Third Circuit	4,842	4,932	9,774
Fifth Circuit	1,854	1,860	3,714
Administration	<u>249</u>	<u>249</u>	<u>498</u>
Total	<u>48,622</u>	<u>49,446</u>	<u>98,068</u>

Cost Categories, Cost Elements, and MOF

“**Cost categories**” identifies the major types of costs and includes operating and capital investment.

“**Cost elements**” identifies the major subdivisions of a cost category. The category “operating” includes personal services, other current expenses, and equipment. The category “capital investment” includes plans, land acquisition, design, construction, and equipment.

“**MOF**” identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Twenty-Ninth State Legislature in accordance with the provisions of Chapter 37, Hawai‘i Revised Statutes.

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PART II



Operating Program Summaries

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO. I

PROGRAM STRUCTURE NO. 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II		
Level III		

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual 2015-16	Estimated 2016-17	Budget Period		2019-20	2020-21	2021-22	2022-23
			2017-18	2018-19				
Operating Costs								
Personal Services	114,062,469	123,439,044	124,746,086	126,117,344	126,119	126,119	126,119	126,119
Other Current Expenses	51,285,826	51,275,249	52,106,091	51,792,159	51,793	51,793	51,793	51,793
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	3,431,850	944,061	1,071,153	946,591	944	944	944	944
Motor Vehicles	72,820	0	0	0	0	0	0	0
Total Operation Costs	168,852,965	175,658,354	177,923,330	178,856,094	178,856	178,856	178,856	178,856
Capital & Investment Costs	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
Total Program Expenditures	223,852,965	175,658,354	193,288,330	197,608,094	203,331	193,826	186,556	182,256

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2015-16	Estimated 2016-17	Budget Period		Estimated Expenditures (\$000's)			
			2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	1,910.50 *	1,910.50 *	1,944.50 *	1,947.50 *	1,947.50 *	1,947.50 *	1,947.50 *	1,947.50 *
	0.00 **	123.02 **	115.02 **	115.02 **	115.02 **	115.02 **	115.02 **	115.02 **
General Funds	157,945,792	163,017,707	165,282,683	166,215,447	166,216	166,216	166,216	166,216
	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *	42.00 *
	0.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **
Special Funds	10,894,022	12,297,386	12,297,386	12,297,386	12,297	12,297	12,297	12,297
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	13,151	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
	1,952.50 *	1,952.50 *	1,986.50 *	1,989.50 *	1,989.50 *	1,989.50 *	1,989.50 *	1,989.50 *
	0.00 **	132.02 **	124.02 **	124.02 **	124.02 **	124.02 **	124.02 **	124.02 **
Total Financing	223,852,965	175,658,354	193,288,330	197,606,094	203,331	193,826	186,556	182,256

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III		

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	98,960,372	106,876,741	108,177,980	109,543,318	109,545	109,545	109,545	109,545
Other Current Expenses	34,676,103	33,190,161	33,707,071	33,707,071	33,708	33,708	33,708	33,708
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,965,986	0	89,895	2,530	0	0	0	0
Motor Vehicles	51,167	0	0	0	0	0	0	0
Total Operation Costs	135,653,628	140,066,902	141,974,946	143,252,919	143,253	143,253	143,253	143,253
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	135,653,628	140,066,902	141,974,946	143,252,919	143,253	143,253	143,253	143,253

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	1,682.50 *	1,682.50 *	1,716.50 *	1,719.50 *	1,719.50 *	1,719.50 *	1,719.50 *	1,719.50 *
	0.00 **	112.54 **	104.54 **	104.54 **	104.54 **	104.54 **	104.54 **	104.54 **
General Funds	132,124,983	135,763,253	137,671,297	138,949,270	138,950	138,950	138,950	138,950
	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	3,528,645	4,303,649	4,303,649	4,303,649	4,303	4,303	4,303	4,303
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1,723.50 *	1,723.50 *	1,757.50 *	1,760.50 *	1,760.50 *	1,760.50 *	1,760.50 *	1,760.50 *
	0.00 **	112.54 **	104.54 **	104.54 **	104.54 **	104.54 **	104.54 **	104.54 **
Total Financing	135,653,628	140,066,902	141,974,946	143,252,919	143,253	143,253	143,253	143,253

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 02

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III		

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	15,102,097	16,562,303	16,568,106	16,574,026	16,574	16,574	16,574	16,574
Other Current Expenses	16,609,723	18,085,088	18,399,020	18,085,088	18,085	18,085	18,085	18,085
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,465,864	944,081	981,258	944,061	944	944	944	944
Motor Vehicles	21,653	0	0	0	0	0	0	0
Total Operation Costs	33,199,337	35,591,452	35,948,384	35,603,175	35,603	35,603	35,603	35,603
Capital & Investment Costs	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
Total Program Expenditures	88,199,337	35,591,452	51,313,384	54,353,175	60,078	50,573	43,303	39,003

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *
	0.00 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **
General Funds	25,820,809	27,254,454	27,611,386	27,266,177	27,266	27,266	27,266	27,266
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **
Special Funds	7,365,377	7,993,737	7,993,737	7,993,737	7,994	7,994	7,994	7,994
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	13,151	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *
	0.00 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **
Total Financing	88,199,337	35,591,452	51,313,384	54,353,175	60,078	50,573	43,303	39,003

*Permanent Position FTE

**Temporary Position FTE

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PART III



Operating Program Plan Details

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	01	Courts of Appeal

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	6,208,602	6,484,648	6,580,690	6,677,608	6,678	6,678	6,678	6,678
Other Current Expenses	266,835	395,149	395,149	395,149	395	395	395	395
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	87,050	0	4,865	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	6,562,487	6,879,797	6,980,704	7,072,757	7,073	7,073	7,073	7,073
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	6,562,487	6,879,797	6,980,704	7,072,757	7,073	7,073	7,073	7,073

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	71.00 *	72.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *
	0.00 **	2.00 **	1.00 **	1.00 **	1.00 **	1.00 **	1.00 **	1.00 **
General Funds	6,562,487	6,879,797	6,980,704	7,072,757	7,073	7,073	7,073	7,073
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	71.00 *	72.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *	74.00 *
	0.00 **	2.00 **	1.00 **	1.00 **	1.00 **	1.00 **	1.00 **	1.00 **
Total Financing	6,562,487	6,879,797	6,980,704	7,072,757	7,073	7,073	7,073	7,073

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
COURTS OF APPEALS

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Median Time to Decision, Criminal Appeal (Mo)	14	14	14	14	14	14	14	14
Median Time to Decision, Civil Appeal (Mo)	12	12	12	12	12	12	12	12
Median Time to Decision, Original Proc. (Mo)	1	1	1	1	1	1	1	1

PROGRAM SIZE INDICATORS (T=target group Indicators; A=activity Indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
A01	Criminal Appeals Filed	267	260	259	259	258	258	257	257
A02	Civil Appeals Filed	479	470	465	465	464	464	463	463
A03	Original Proceedings Filed	86	100	99	99	98	98	97	97
A04	Appeals Disposed	744	740	735	735	734	734	733	733
A05	Motions Filed	2,817	2,820	2,822	2,822	2,824	2,824	2,825	2,825
A06	Motions Terminated	2,811	2,821	2,823	2,823	2,824	2,824	2,825	2,825

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	85	84	85	84	84	84	84	84
Special Fund	136	136	136	136	136	136	136	136
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	221	220	221	220	220	220	220	220

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	136	136	136	136	136	136	136	136
Charges for Current Services	85	84	85	84	84	84	84	84
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	221	220	221	220	220	220	220	220

JUD 101 COURTS OF APPEAL PROGRAM INFORMATION AND BUDGET REQUESTS

Supreme Court

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

Intermediate Court of Appeals (ICA)

The mission of the ICA is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

A. PROGRAM OBJECTIVES

Supreme Court

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
 - applications for writs of certiorari
 - transfer from the ICA
 - reserved questions of law from the Circuit Courts, the Land Court, and the Tax Appeal Court
 - certified questions of law from federal courts
 - applications for writs directed to judges and other public officers
 - applications for other extraordinary writs
 - complaints regarding elections;
- To make rules of practice and procedure for all state courts;
- To license, regulate, and discipline attorneys; and
- To discipline judges.

Intermediate Court of Appeals

- To promptly hear and determine all appeals from the Circuit, Family, and District Courts and from any agency where appeals are allowed by law; and
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

B. PROGRAM ACTIVITIES

Supreme Court

The Supreme Court is the State of Hawaii's court of last resort, and hears appeals on transfer from the ICA or on writs of certiorari to the ICA. The Supreme Court licenses and disciplines attorneys, disciplines judges, and exercises ultimate rule-making power for all courts in the State. The Supreme Court is empowered to issue all writs necessary and proper to carry out its functions.

Intermediate Court of Appeals

The ICA reviews, in the first instance, appeals from trial courts and from some agencies. The ICA is also authorized to entertain cases submitted without suit when there is a question of law that could be the subject of a civil suit in the Circuit Court or the Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

C. KEY POLICIES

In the Supreme Court, priority is given to election contests, applications for certiorari involving direct appeals from incarcerated defendants, and applications for writs of certiorari involving the termination of parental rights.

In the ICA, direct appeals from incarcerated defendants and appeals from terminations of parental rights (in which children are awaiting a permanent placement) are accorded priority over other appeals.

D. IMPORTANT PROGRAM RELATIONSHIPS

Appeals are filed in the ICA, but (1) before disposition, may be transferred to the Supreme Court, or (2) after disposition, may be reviewed by the Supreme Court upon an application for a writ of certiorari.

The Supreme Court exercises supervisory authority over all state courts by reviewing cases in the appellate process, entertaining applications for writs directed to judges, and establishing uniform rules of practice and procedure.

E. MAJOR EXTERNAL TRENDS

Factors contributing to the number of appellate filings include:

- changes in population;
- availability and cost of alternative dispute resolution methods;
- perceptions of timeliness;
- perceptions of fairness in law and procedure;

- issues involving access to the courts; and
- complexity of law.

F. COSTS, EFFECTIVENESS, AND PROGRAM SIZE DATA

The Courts of Appeal have operated within the funding level appropriated.

Appeal filings directly affect the workload of the Courts of Appeal.

The Courts of Appeal's goal for Fiscal Biennium 2017-19 is to timely adjudicate the caseload to the degree possible within the available resources.

G. PROGRAM REVENUES

Revenues include filing fees, certification fees, and bar application fees. All revenues are deposited into the state general fund with the exception of amounts collected for deposit into the Computer System Special Fund, Indigent Legal Assistance Special Fund, and the Supreme Court Board of Examiner Trust Fund.

H. DESCRIPTION OF BUDGET REQUESTS

Justices' and Judges' Salary Differential: Funding of \$46,548 for FY 2018 and \$93,972 for FY 2019 is requested to pay justices' and judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Convert Budgeted Temporary Position in the Supreme Court Fiscal Office to Permanent Status: This no-cost conversion request of one Account Clerk III position to permanent standing is to establish service level continuity in providing fiscal and administrative services to the Courts of Appeal.

Staff Attorney ICA: This request in funding of \$54,359 for FY 2018 and \$98,988 for FY 2019 for a staff attorney for the ICA will enhance the ICA's ability to handle its increased caseload and responsibilities under the restructured appellate system and improve the administration of law.

I. REASONS FOR BUDGET REQUESTS

Justices' and Judges' Salary Differential: Courts of Appeal is requesting \$46,548 for FY 2018 and \$93,972 for FY 2019 to fund justices' and judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Convert Budgeted Temporary Position in the Supreme Court Fiscal Office to Permanent Status: The Courts of Appeal is requesting that one Account Clerk III position in the Supreme

Court Fiscal Office be converted from temporary to permanent status. This is a no-cost conversion request since funds were previously provided by the Legislature in 2013 for this temporary position.

Due to the State's economic downturn, the 2009 Legislature abolished 79 of the Judiciary's vacant positions which included the permanent Account Clerk IV position in the Supreme Court Fiscal Office. The incumbent for this position had retired in late 2008 and the timing of the vacancy resulted in the elimination of the position; consequently, the Fiscal Office was left with just one permanent position, that being the Supreme Court Fiscal Officer. With only the Supreme Court Fiscal Officer performing all fiscal and clerical functions, a temporary Account Clerk III position was created in 2011 which provided the Fiscal Office with the internal controls and separation of duties essential to maintaining a basic functional fiscal system. As mentioned above, the Legislature funded this temporary position in 2013. The Fiscal Office has only one permanent employee which is not sufficient to provide the necessary monitoring and oversight to handle a budget of over \$6 million dollars.

The Account Clerk III is responsible for the receivables for the Courts of Appeal, which includes auditing and verifying the daily cashier reports; preparing and depositing funds collected by the Supreme Court Clerk's Office; maintaining a daily bank balance worksheet and reconciling to the Judiciary Information Management System's case management financial reports; disbursing collections to the various funds; preparing Treasury Deposit Receipts (B-13s) to record collections by the correct financial source codes; preparing the monthly financial Statement of Receipts & Disbursements and Balance Sheet; and reconciling the various bank accounts.

The Account Clerk III is also responsible for the payables for the Courts of Appeal, which includes processing requisitions and issuing purchase orders; reviewing vendor invoices for proper signatures and supporting documentation; preparing summary warrant vouchers for payment processing; processing orders issued by the Supreme Court and ICA for approved attorney's fees and costs by issuing the appropriate purchase orders; preparing Payment Coding Input and Summary Warrant Voucher forms for payment processing; maintaining the petty cash fund; and following-up on any questions regarding payables.

Other responsibilities of the position include maintaining leave records for all the Supreme Court's and ICA's employees; auditing leave records and other related tasks designated by the Judiciary's Human Resources Department; assisting in processing P-Card transactions, inventory control, and records retention and disposal; and filing paper documents.

A permanent Account Clerk III position would provide needed stability to the Supreme Court Fiscal Office in the event that the incumbent Fiscal Officer, who occupies the lone permanent position in the Fiscal Office, retires, resigns, goes on extended leave of absence for any reason, etc. The lack of established service level continuity would be detrimental to the Courts of Appeal.

In summary, the no-cost request to convert the temporary Account Clerk III position to permanent status will allow the Supreme Court Fiscal Officer to: (1) depend on having a person on staff to assist with the many fiscal duties, clerical tasks, and ancillary responsibilities associated with the Supreme Court Fiscal Office; and (2) be able to concentrate more on serving

as the principal finance officer to monitor, oversee, develop, evaluate, and implement accounting processes and expenditure plans for the Courts of Appeal. More importantly, this position will permanently provide for the separation of duties and internal controls necessary for processing and recording financial transactions, and sustaining a financial system that generates reliable, dependable, and accurate information.

Staff Attorney for the ICA: This request of \$54,359 for FY 2018 and \$98,988 for FY 2019 is to add a staff attorney to the ICA to address its increased caseload and responsibilities under the 2006 restructuring of Hawaii's appellate court system, which will serve to enhance the administration of the law throughout the judicial system.

Effective July 1, 2006, the Legislature restructured Hawaii's appellate court system to increase the ICA's caseload and responsibilities. Prior to July 1, 2006, all appeals were filed with the Hawai'i Supreme Court, which then designated a portion of those appeals to the ICA for disposition. After July 1, 2006, with a few exceptions, all appeals are filed with the ICA and the ICA is responsible for rendering a decision on these appeals, with the ICA's decisions subject to discretionary review by the Supreme Court.

The restructuring of the appellate system has significantly increased the ICA's caseload. Shortly before the restructuring, the ICA was responsible for between 40 and 45 percent of the appeals resolved each year, whereas the ICA is currently responsible for over 70 percent of the appeals resolved. The ICA also has a greater number of complex cases. Under the restructured appellate system, the ICA is responsible for resolving over 2,500 procedural and substantive motions that formerly were handled by the Supreme Court. One of the primary functions of the ICA staff attorneys is to assist the court in deciding these motions.

When the new appellate system was instituted, the ICA was allotted four staff attorneys and a supervising staff attorney. The ICA filled all these positions by early 2008, and no additional positions have been allotted to the ICA since that time.

As an appellate court, the ICA's opinions establish law that is binding upon and provides guidance to trial courts and administrative agencies. Enhancing the ICA's ability to render well-reasoned decisions more expeditiously benefits the public and improves the administration of law throughout the judicial system. A new staff attorney position will enable the ICA to resolve more appeals. It will enable high priority matters, e.g., cases involving termination of parental rights, which is necessary for a child to be adopted, criminal cases where the defendant is in custody, and other cases given priority by statute, to be resolved more expeditiously. In addition, the staff attorneys will be able to provide more services to the appellate clerk and the Appellate Mediation Program, which will serve to enhance access to justice for parties with cases in the appellate system.

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JUD 310 FIRST CIRCUIT, JUD 320 SECOND CIRCUIT, JUD 330 THIRD CIRCUIT, AND JUD 350 FIFTH CIRCUIT PROGRAM INFORMATION

The mission of each of the four circuits is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

A. PROGRAM OBJECTIVES

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitutions of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.

- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Courts so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Courts and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Courts by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from collisions due to unsafe driving decisions and behavior.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

Land Court/Tax Appeal Court

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

B. PROGRAM ACTIVITIES

The Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts have exclusive jurisdiction in probate, trust, and conservatorship (formerly “guardian of the property”) proceedings, and concurrent jurisdiction with the Family Courts over adult guardianship (formerly “guardian of the person”) proceedings. Circuit Courts have exclusive jurisdiction in civil cases involving amounts greater than \$40,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$40,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the ICA, subject to transfer to or review by the Supreme Court. As courts of record, the Circuit Courts are responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed. Thus, document filing is an ongoing activity. In addition to the Legal Documents Branch, the Court Reporters’, Jury Pool, and Cashier’s Offices provide services critical to effective court operations.

The Chief Clerks of the Circuit Courts, with the assistance of Small Estates and Guardianship Program staff, serve as personal representatives in small estates cases and as conservators in small conservatorship cases.

Circuit Court judges refer criminal offenders to the Adult Client Services (probation) staff for presentence diagnostic evaluations. Offenders sentenced to some form of supervision are supervised by probation officers of the Adult Client Services Branch.

The Land Court and Tax Appeal Court are specialized statewide courts of record based in Honolulu. The Land Court hears and determines questions arising from applications for registration of title to fee simple land within the State, registers title to property, and determines disputes concerning land court property. The Tax Appeal Court resolves tax appeals and exercises jurisdiction in disputes between the tax assessor and taxpayer. Land Court and Tax Appeal Court matters are assigned to the appropriate judge or judges of the First Circuit Court. The Office of the Land Court and Tax Appeal Court maintains custody and control over papers and documents filed with the Land Court and Tax Appeal Court.

Circuit Court programs include alternatives to traditional dispute resolution methods. The Drug Court Programs aim to divert defendants from the traditional criminal justice path and incarceration, placing them in treatment programs under judicial supervision, rewarding good behavior, and imposing immediate sanctions for relapse into drug use. The Circuit Court’s Court Annexed Arbitration Program is designed to reduce the cost and delay of protracted civil litigation, requiring tort actions with a probable jury award value under \$150,000 to be submitted to the program and be subject to a determination of arbitrability and to arbitration under program rules.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting risks needs assessments and psychological evaluations; and supervising and treating juveniles under legal status with the court. Family Court activities also include providing Court Appointed Special Advocates.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members and household members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$40,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to petty misdemeanors, misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

In the District Court of the First Circuit, the Community Service Sentencing Program provides placement and monitoring services for offenders sentenced to perform community work by the District, Circuit, Family, and Federal Courts.

The Driver Education and Training Program refers traffic offenders to substance abuse programs, administers traffic safety educational courses, and monitors offenders' compliance of court and Administrative Driver's License Revocation requirements for the counties of O'ahu, Maui, Hawai'i, and Kaua'i.

C. KEY POLICIES

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

D. IMPORTANT PROGRAM RELATIONSHIPS

Circuit Court decisions, when appealed, are referred to the ICA. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies that offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations that necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, the Department of the Attorney General, the Department of Transportation, the Department of Land and Natural Resources, the Department of Agriculture, the Hawaiian Humane Society, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil jury demand cases, and also works on various processes on a daily basis with the Circuit Courts. Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

E. MAJOR EXTERNAL TRENDS

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police departments, and the Offices of the Prosecuting Attorneys and Public Defenders, to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Department of the Attorney General cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Therefore, in light of significant cuts to our budget base that occurred during the economic downturn and the lack of any large increases in operating funding since then other than for collective bargaining and related payroll costs, the Judiciary's goal for the upcoming biennium is to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources. The Courts also continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District

Court judges and staff, case disposition rates have remained at a relatively high level. However, it is becoming increasingly difficult to maintain this high performance level while continuing to absorb significant reductions in operating resources. It is hoped that the recent improvement in the economy and the positive economic and revenue growth will translate to restoration of a portion of the previous cuts to Judiciary funding.

G. PROGRAM REVENUES

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97, the Spouse and Child Abuse Special Account established by Act 232/94, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	02	First Circuit

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual 2015-16	Estimated 2016-17	Budget Period		Estimated Expenditures (\$000's)			
			2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	63,116,538	68,344,789	68,932,485	69,527,833	69,528	69,528	69,528	69,528
Other Current Expenses	21,525,672	20,313,365	20,710,275	20,710,275	20,710	20,710	20,710	20,710
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,021,323	0	25,020	0	0	0	0	0
Motor Vehicles	20,000	0	0	0	0	0	0	0
Total Operation Costs	85,683,533	88,658,154	89,667,780	90,238,108	90,238	90,238	90,238	90,238
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	85,683,533	88,658,154	89,667,780	90,238,108	90,238	90,238	90,238	90,238

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2015-16	Estimated 2016-17	Budget Period		Estimated Expenditures (\$000's)			
			2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	1,077.50 *	1,076.50 *	1,092.50 *	1,092.50 *	1,092.50 *	1,092.50 *	1,092.50 *	1,092.50 *
	0.00 **	100.58 **	93.58 **	93.58 **	93.58 **	93.58 **	93.58 **	93.58 **
General Funds	82,154,888	84,354,505	85,364,131	85,934,459	85,935	85,935	85,935	85,935
	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *	41.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	3,528,645	4,303,649	4,303,649	4,303,649	4,303	4,303	4,303	4,303
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1,118.50 *	1,117.50 *	1,133.50 *	1,133.50 *	1,133.50 *	1,133.50 *	1,133.50 *	1,133.50 *
	0.00 **	100.58 **	93.58 **	93.58 **	93.58 **	93.58 **	93.58 **	93.58 **
Total Financing	85,683,533	88,658,154	89,667,780	90,238,108	90,238	90,238	90,238	90,238

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	391	380	378	376	374	372	370	368
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	571	561	553	545	537	529	521	513

PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
T01	Civil Actions, Circuit Court	10,045	10,059	10,073	10,087	10,101	10,115	10,129	10,143
T02	Marital Actions	7,329	7,342	7,355	7,368	7,381	7,394	7,407	7,420
T03	Adoption Proceedings	647	650	653	656	659	662	665	668
T04	Parental Proceedings	2,664	2,660	2,664	2,668	2,672	2,676	2,680	2,684
A01	Civil Actions Filed, Circuit Court	2,455	2,461	2,466	2,471	2,476	2,481	2,486	2,491
A02	Criminal Actions Filed, Circuit Court	2,163	2,166	2,169	2,172	2,175	2,177	2,179	2,181
A03	Marital Actions Filed	3,781	3,791	3,801	3,811	3,820	3,829	3,838	3,847
A04	Traffic - New Filings (thousands)	322	323	324	325	326	327	328	329
A05	Traffic - Terminated (thousands)	362	350	350	350	351	351	351	351

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	26,927	27,489	28,039	28,600	29,172	29,755	30,351	30,958
Special Fund	9,156	9,225	9,389	9,557	9,728	9,902	10,081	10,262
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	36,083	36,714	37,428	38,157	38,900	39,657	40,432	41,220

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from Use of Money and Property	135	138	140	143	146	149	152	155
Revenues from Other Agencies	1,125	1,034	1,034	1,035	1,036	1,036	1,037	1,038
Charges for Current Services	18,003	18,386	18,753	19,128	19,511	19,902	20,299	20,705
Fines, Restitutions, Forfeits & Penalties	16,820	17,156	17,501	17,851	18,207	18,570	18,944	19,322
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	36,083	36,714	37,428	38,157	38,900	39,657	40,432	41,220

JUD 310 FIRST CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Salary Differential: Funding of \$204,746 in FY 2018 and \$413,352 in FY 2019 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries.

Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit: In 2007, the Legislature authorized eight positions for two District Family Judges and six related court support staff with no funding. In 2012, the Judiciary received funding for four of these positions: one Judge and three court support staff. This request is to fund the other previously authorized District Family Judge and three court support staff positions costing \$160,606 in FY 2018 and \$315,684 in FY 2019. These positions are necessary to address the heavy Family Court calendars and backlog issues, as well as the continual increase and complexities of familial cases heard before the court which impact the public's access to justice and safety.

Establish Specialty Court Coordinator and Social Worker IV Positions and Funding for the Driving While Impaired (DWI) Court Program: The DWI Court Program is growing in client population and is currently in its sixth and final year of federal grant funding awarded by the National Highway Traffic Safety Administration (NHTSA). The NHTSA grant terminates September 30, 2017. This request is to permanently establish this beneficial and nationally recognized program that targets the persistent problem of impaired driving in Hawai'i and focuses on the hard core, repeat offenders. To do that, positions and related funding for a full-time Specialty Court Coordinator and Social Worker IV DWI Court Case Manager are needed. The First Circuit is requesting \$61,348 in FY 2018 and \$117,636 in FY 2019 to fund these positions. Another \$77,550 is needed annually for program supplies and equipment, electronic monitoring, incentives, and treatment services for the offenders.

Establish Social Worker IV (Case Manager) Position for Hawai'i Zero to Three (HZTT) Program: The HZTT program in the Family Court provides services that focus on the well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect. This request is for \$27,116 in FY 2018 and \$50,772 in FY 2019 to fund a HZTT Case Manager position that is currently funded through Substance Abuse and Mental Health Services Administration (SAMSHA) grant funds that will expire in July, 2017, with no further extensions. Such funding will allow this program to achieve permanency within the Judiciary and continuation of these valuable services to those extremely young children that cannot protect themselves.

Purchase of Service (POS) funding for the Veteran's Treatment Court (VTC): The First Circuit is requesting funding of \$244,360 in each year of the fiscal biennium to procure POS contracts to provide VTC veterans, who are on probation, with housing, and with residential substance abuse and mental health treatment that is not funded by the Veterans Administration (VA).

Establish Three Social Worker Positions to create a Mental Health Unit (MHU) within the First Circuit, plus funding for Mental Health Assessments and Client Services: This request is to create a MHU within the First Circuit Court, Adult Client Services Branch (ACSB) that would encompass and provide services to not only Mental Health Court (MHC) clients and court-ordered conditional release (CR) clients with persistent and severe mental illness (SMI), but also others in the general population that are dual diagnosed with drug addiction and mental health issues. To do this, First Circuit is requesting \$162,998 in FY 2018 and \$227,316 in FY 2019 for three Social Worker IV positions, mental health assessments, client services/needs such as emergency housing and medical/dental care, and furniture and equipment (FY 2018 only). 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, whether it be MHC, CR, or general population clients that are not necessarily diagnosed with SMI; reduce recidivism and increase public safety; decrease tax dollars spent on incarceration and hospitalization; and improve the overall operations, success, and efficiency of the MHC.

Convert Seven Budgeted Temporary Positions in the Hawai'i Girls Court Program to Permanent Status: Since September 2004, the Hawai'i Girls Court has continued to demonstrate success in providing a gender-specific forum designed to address the needs of female juvenile offenders and their families. To sustain this program's success, permanent positions are crucial to the Judiciary's effort in the recruitment process and to retain current staffing. Therefore, this request asks for a no-cost conversion of seven budgeted temporary positions to permanent status: one Social Worker V (Coordinator), four Social Worker IVs, one Social Service Aide, and one Clerk. Funding these positions will allow the program to achieve permanency and to build upon its established success in significantly reducing recidivism, building stronger families, and effectively serving female offenders. It will also strengthen and prevent their further involvement in the justice system as offenders, as mothers in child protective cases, and as victims in domestic violence cases. As of September 2016, the Girls Court program is providing service to 41 girls and their family members.

Establish Two Social Worker IV positions and One Judicial Clerk Position for Temporary Restraining Order (TRO) Unit, Family Court: To keep up with public demand to obtain a TRO, three permanent positions and related funding totaling \$70,902 in FY 2018 and \$133,284 in FY 2019 are requested for the Family Court TRO Unit. Two Social Workers positions and one Judicial Clerk position will help increase public accessibility to the Family Court system to acquire domestic violence "intimate partner" protective orders; expedite processing of "time sensitive" court documents; and assist the involved parties in subsequent mandated court hearings.

B. REASON FOR BUDGET REQUESTS

Judges' Salary Differential: First Circuit is requesting \$204,746 in FY 2018 and \$413,352 in FY 2019 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries. The role of the Salary Commission is to fulfill Article XVI, section 3.5 of the Constitution which reads as follows: There shall be a commission on salaries for the justices, judges of all state courts, members of the legislature, department heads or executive

officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawai'i and the Department of Education (DOE).

Funding for a District Family Judge and Court Support Staff for the Family Court of the First Circuit: In 2007, the First Circuit Family Court requested the creation and funding for two additional District Family Judges and six court support staff positions. In 2012, the Legislature approved funding for one District Family Judge and three court support staff positions. This request seeks funding for the remaining four positions which are a District Family Judge, two Court Clerks, and one Court Bailiff costing \$160,606 in FY 2018 and \$315,684 in FY 2019.

Presently, the Family Court Judges do not have enough time to give to individual litigants and cases. This problem has continued to grow as the number of cases and the complexities of these cases increase. Rather than request additional resources and despite staff shortages, the Family Court Judges and staff have worked to maximize their efforts to meet the increasing demand. However, working at such a pace and overtaxing of staff for so long have come at a very high cost. The increase in caseload has resulted in delays in scheduling and hearing cases, increases in the number of ex-parte motions requesting expedited hearings, and delays in the timely processing of documents. All of this contributes to the frustration of the judges, staff, and the public, in addition to impacting the public's access to justice and safety.

The total caseload numbers do not accurately reflect the number of hearings per case, the length and complexity of these cases, the impact of the large number of self-representing litigants, and the changes in state and federal laws and regulations.

The Family Court of the First Circuit is divided into four divisions - Domestic, Special, Juvenile, and Adult Criminal. The Domestic Division deals with divorces, civil union divorces, and interstate child custody cases that involve pre-divorce decree, divorce trial, and post-decree issues. The Special Division deals with cases involving paternities, TROs/Orders for Protection, guardianship of minors and of incapacitated adults, involuntary and emergency mental health commitments, assisted community treatment, and adult hospitalizations. The Juvenile Division hears cases involving juvenile law violations, status offenses, and child abuse and neglect. The Adult Criminal Division deals with Abuse of Family Household Member charges and violations of TROs and Orders for Protection.

Domestic Division

Currently, there are three District Family Judges assigned to this division.

The Domestic Division handles hearings involving issues of child custody and visitation, custody evaluations, child support, tax dependency, alimony, occupancy of home, property and real property division (including business valuations and divisions), division of retirement benefits, inheritance, division of stocks, division of financial accounts, payment of debts, awarding of vehicles, provision of health/dental insurance coverage for children and/or spouses, uncovered medical/dental expenses, extra-curricular activity expenses, private school expenses, post high school educational expenses, payment of taxes, need for firearms prohibition, and federal and

military benefits. However, this is not an exhaustive list. On any given calendar, each judge has to decide any combination of these issues, all of which involve evidentiary hearings.

Motion to Set Calendar

One example of the backlog in the Domestic Division is with the Motion to Set calendar. Motions to Set are settlement conferences and/or trial setting conferences. When a Motion to Set is filed, litigants currently have to wait approximately three to four months for a hearing date, then an additional five to six months for a trial date.

Pre/Post Divorce Decree Motions Calendar

Another example of the backlogs affecting litigants is on the Wednesday Pre/Post Divorce Decree calendar. In presiding over these calendars, the Domestic Division Judges decide any combination of issues mentioned in the previous paragraphs.

On the morning calendar, each judge hears approximately 7 to 10 cases. On the afternoon calendar, each judge hears approximately 10 to 12 cases. This means that each Domestic Division Judge is presiding over anywhere from 17 to 22 evidentiary hearings on any given Wednesday.

Another factor to consider on the Pre/Post Divorce Decree calendars is that of the litigants who appear before the Domestic Division Judges on the Wednesday morning and afternoon calendars, over 50% of the cases involve at least one pro se litigant. Pro se litigants take up a considerable amount of court time. Due to the sheer volume of cases on calendar for that day, judges either run court overtime, which exhausts court staff, or rush through cases to complete their calendars in a timely manner.

Special Division

Currently, there are three District Family Judges assigned to this division.

Uncontested Adoptions

One example of the backlog is with the Uncontested Adoption calendar. The petitions related to adoption in Family Court are unique because these are the only documents which are screened completely from start to finish by Family Court staff. Currently, there are about 40 to 50 petitions waiting to be screened before they can be set for hearing. Adoption cases are becoming increasingly complex with having to confirm that the requirements of the Indian Child Welfare Act and the Hague Convention are met, consents are properly obtained from biological/birth parents in surrogacy cases, and proper documentation has been obtained in foreign adoption cases.

The lack of dedicated court time for these uncontested adoption petitions contributes to the backlog as well. Because adoptions are only one of the many cases that Special Division Judges hear, adoption hearings are only held one afternoon each week because of a lack of calendaring time and lack of judges. Families wanting to adopt children are forced to wait many months to have their adoptions granted.

Paternity Calendar

Another example of the backlog is with the Paternity calendar. These cases involve issues of legal and physical custody, child support, visitation, medical/dental health insurance coverage, the tax dependency exemption, payment of uncovered medical/dental expenses, child care costs, private school tuition, and extra-curricular activity expenses. However, this list is not exhaustive as well.

Like the Divorce calendar, over 50% of the litigants who appear before the Special Division Judges are pro se litigants. Like the Domestic Division Judges, the Special Division Judges spend a majority of their court time with the pro se parties.

Previously, when a paternity petition was filed, litigants had to wait approximately 10 months for a hearing date. To help alleviate this backlog, the Special Division Judges, with the help of the Senior Judge and Per Diem Judges, added additional calendars on Wednesday, Thursday, and Friday afternoons to hear paternity cases.

Now, litigants have to wait approximately two months for a hearing date. However, this is still a long time to wait for litigants who need child support or medical coverage for their children, or who have not been able to see or visit with their children for weeks or months prior to coming to Court. While this is a temporary fix, like every other calendar in Family Court, the backlog will continue to build again.

TRO/Order for Protection Calendar

Special Division Judges hear TRO/Order for Protection cases on Mondays, Tuesdays, and Wednesdays. Even when the judges are not in court, they are also reviewing and deciding on ex-parte (non-hearing) TRO petitions daily. If an ex-parte TRO petition is granted, then a hearing is set. Due to the sheer amount of cases needing a hearing, Special Division Judges may go overtime and/or may rush through the cases to complete their heavy calendars while balancing the extremely real safety concerns, domestic violence dynamics, and other concerns posed in these cases.

Like the other calendars in Family Court, a majority of the litigants who appear on the TRO calendar are pro se litigants which require additional court time by the Special Division Judges.

Juvenile Division

Currently, there are four District Family Judges assigned to this division.

Child Abuse and Neglect Cases ("CPS Cases")

Child Protective Services (CPS) Review cases are heard during the morning calendar, which equates to approximately a three and half hour time span Monday through Friday, which further breaks down to approximately only 15 minutes per case.

These cases involve issues including, but not limited to, child abuse and neglect, domestic violence, safety, substance abuse, mental health, and termination of parental rights.

Given the gravity of the situation and very real safety issues involved, Juvenile Division Judges balance the volume of the caseload and the seriousness of the issues while trying to build a working dynamic with the parties involved for the best interest of the children.

Law Violators and Status Offenders ("Juvenile Offender")

These cases involve juveniles who break the law or commit an offense that brings them under the jurisdiction of Family Court based solely on their status as a minor such as skipping school, breaking curfew, etc. Currently, the wait for trial for a juvenile offender case is approximately three months.

Additionally, these Juvenile Division Judges also preside over our Specialty Courts: Juvenile Drug Court, Zero to Three Court, Girls Court, Family Drug Court, and Permanency Court. A Juvenile Judge is also presiding over the Imua Kakou Court (Voluntary Care to age 21), which was legislatively mandated, and our newest project, Truancy Court.

Other Factors Affecting Family Court Judges

Family Court Litigant Demographics

Family Court has a self-help desk called the Ho'okele Help Desk. There are Help Desk stations located in the Ronald T.Y. Moon Kapolei Courthouse and the Ka'ahumanu Courthouse in Honolulu. In 2015, Family Court Help Desk employees assisted 57,169 litigants, and during the first six months of 2016, serviced approximately 42,000 litigants. Assuming this same rate of assistance continues the rest of the year, the service to Family Court litigants could increase by more than 26% in 2016 as compared to 2015. A majority of the phone calls and in-person help are for pro se litigants. The number of pro se litigants in need of assistance will continue to grow because of the complexity of Family Court cases.

These numbers illustrate the overwhelming volume of pro se litigants that pass through the Family Court doors on a daily basis. Over 50% of the cases involve at least one pro se litigant. Many of the cases have double pro se parties, which mean both parties choose to, or due to financial constraints are forced to, represent themselves through a Court process that is unfamiliar, intimidating, and extremely overwhelming. As a result, Family Court Judges spend a considerable amount of court time interacting with the pro se litigants in court to help them resolve their issues.

Family Court Hearings are Evidentiary Hearings

Unlike any other court, the majority of the hearings held in Family Court are evidentiary hearings which involve the taking of testimony from the parties and any other necessary witnesses, and which also may involve the introduction of exhibits. These hearings are extremely time consuming and require the full attention of the judge because they involve issues directly affecting families and children.

Sometimes, as a result of the calendar, each party is allotted only 15 minutes to present his or her case. This creates an access to justice issue as Family Court litigants are not fully afforded adequate time for their respective cases.

Not only do the litigants feel “rushed”, which impedes settlement and clogs the court calendar, but more importantly, litigants are often not satisfied with their Family Court experience as the presiding judge is compelled to quickly make a decision that affects their everyday lives.

Conclusion

All of these hearings held in the Domestic, Special and Juvenile Divisions involve issues that are sensitive in nature and highly emotional, and involve issues that are extremely important to the parties who appear before the Family Court Judges.

More often than not, the cases cross over among Divisions. It is not uncommon for a paternity case to have a related restraining order case and related child welfare case.

Ultimately, the cases that are heard in Family Court are unique in the sense that they involve fundamental issues that affect and are at the center of people’s everyday lives – the safety and well-being of their children and families.

In conclusion, Family Court needs the additional judgeship and court staff positions to be funded in order to meet the needs of our community.

We are requesting funding for one permanent full-time Judge to preside over Family Court hearings and for court staff, specifically, two permanent full-time Circuit Court Clerk II positions and one permanent full-time Court Bailiff II position, to assist the judge in performing his/her duties in court and outside of court. The Circuit Court Clerk positions are extremely important and essential to the Family Court Judge, not only to assist the Judge, but also to maintain efficient and consistent court operations.

The Court Clerks take minutes of court proceedings that become part of the court record, receive and file documents and exhibits, schedule hearings, and handle inquiries and concerns from attorneys, parties, and the public. While one Court Clerk is in court with the judge, the other Court Clerk will be in chambers, preparing documents and files for upcoming hearings, processing documents, entering minutes into the court’s data base systems of HAJIS, JUSTIS, ICAL or other data base systems, and answering telephone calls from attorneys and the public. The Court Clerks also manage and complete the daily tasks that are essential to ensure court mandates are fulfilled timely and forthwith as ordered by the court.

The Court Bailiff keeps order during court proceedings and facilitates the movement of cases being heard by the judges. The Court Bailiff also assists in directing the attorneys and parties to the correct courtroom or program, keeps order in the hallways by keeping parties to restraining order cases separate while they wait for their hearing to be called, and handles the phone calls from attorneys and parties who have permission to appear by phone for their hearing.

Our Kapolei Courthouse already has a courtroom, chambers, and office space available for the additional judge and staff.

According to the Judiciary's yearly caseload statistics, during FY 2015, the three judges in the Domestic Division handled 3,822 new cases plus the carryover of 3,535 cases from the prior fiscal year for a total caseload of 7,357 cases. During FY 2016, the Domestic Division handled 3,791 new cases plus the carryover of 3,557 cases from the prior fiscal year for a total caseload of 7,348 cases. The Domestic Division also handles Civil Union Actions and Proceedings which are included in the total number of cases per fiscal year. As such, each of the three Domestic Division Judges presides over trials and also has hearings to help parties reach an agreement and avoid court battles. Pre-trial and post-trial hearings are full evidentiary hearings, similar to the civil division, but without sufficient support staff and law clerks, and with no juries making dispositive decisions.

In FY 2015, the four Juvenile Division Judges handled 4,628 new juvenile cases and 1,109 new "children on status" cases ("children on status" cases are defined primarily as probation, protective supervision, family supervision, foster custody, and permanent custody cases.) Adding 2,545 carry-over juvenile cases and 2,191 carry-over "children on status" cases from FY 2014, the Juvenile Division Judges handled a total of 10,473 cases in FY 2015. During FY 2016, the Juvenile Division Judges handled 4,483 new juvenile cases plus the carry-over of 2,698 cases from the prior fiscal year for a total caseload of 7,181 juvenile cases. The Juvenile Division Judges also handled 1,254 new "children on status" cases plus the carry-over of 2,166 cases from the prior fiscal year for a total of 3,420 "children on status" cases. Altogether, the Juvenile Division Judges handled 10,601 cases in FY 2016. Again, the total number of cases does not reflect that number of actual hearings held in each case. Besides the initial hearings and trial, adjudicated cases require many subsequent hearings over a number of years. Additionally, these Juvenile Division Judges also preside over our Specialty Courts. The judges are also presiding over the Imua Kakou Court (Voluntary Care to 21), which the Legislature mandated; and our newest project, Truancy Court.

In FY 2015, the three Special Division Judges handled 6,379 new restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 2,535 cases from the prior fiscal year, for a total caseload of 8,914 cases. In FY 2016, the Special Division Judges handled 5,919 new restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 3,303 cases, for a total caseload of 9,222 cases. Although not every hearing is a trial, every hearing represents a family with all the complexities found in any family, except these families have the additional burdens that require court actions, such as domestic violence.

Additionally, Family Court Judges rotate monthly being on call 24 hours a day, 7 days a week, for emergency hospitalizations and mental health commitment determinations. The judges and staff also work with the community to create solutions for problems facing our children; speak at schools; and volunteer their time, after-hours, for mock trials, moot courts, task force meetings, and other community or school efforts and activities. The circuit is divided geographically with each Family Court Judge assigned a geographic area and the judges are expected to become familiar with their area's schools, community needs, community leaders, and services.

All of the statistics do not account for a very important part of the duties of a judge, which is, preparing for cases. The judges must review and research the motions and other documents in the case file and related case files as well as draft orders, decisions, and findings of fact and conclusions of law (Family Court Judges are without Law Clerks to assist them). Other responsibilities assigned to Family Court Judges include: conducting status conferences, discovery conferences, pre-trial conferences, and case management activities; conducting settlement and trial setting conferences; and participating in various community and other agency activities (e.g., attending school meetings with parents and students).

As a decision maker, the Family Court Judge must focus on the “best interest” of the child standard, render timely decisions, hear testimony and conduct other court activities, manage cases, and perform administrative duties. As a leader, the Family Court Judge collaborates with and convenes agencies and community stake-holder groups, works to improve the justice system, enforces accountability among stake-holders, trains and educates community participants, and improves and establishes service provisions for children and families. As a student, the Family Court Judge reviews relevant case materials; keeps current with professional journals and research articles; seeks new resources for more comprehensive servicing of children and families; meets with court personnel, other judges, and community groups/leaders; and attends judicial conferences and training workshops/sessions.

Over the last five years, Family Court, First Circuit has seen an increase in the use of per diem judges. The table below shows the cost of per diem judge coverage since FY 2012:

Fiscal Year	No. of Days	Cost
2012	587	\$299,209
2013	657	334,485
2014	696	483,421
2015	769	544,821
2016	815	588,976

With the additional judge, the total cost for per diem judges will reduce slightly, but the demand for per diem judge coverage will still exist because of the need for judges to recuse themselves due to case conflicts, attend meetings/provide services to various organizations and committees (both within the Judiciary and in the community), and to attend training classes. Per Diem judges also get temporarily assigned to handle Circuit Court cases and are needed when additional calendars are scheduled because of the demand for Family Court hearings. Presently, a per diem judge has been assigned to hear divorce cases every Wednesday in the Domestic Division since July, 2013.

Funding for the last District Family Judge and court support staff positions was provided in 2012. Due to the selection and confirmation process, the new judge did not begin his term until February, 2013. Family Court again became short staffed when one of its judges was confirmed

to fill a Circuit Court Judge position in late 2014. A new District Family Judge began serving in that position in July 2015.

The justification for the two new District Family Judge and Court Support staff positions was set forth in the Judiciary's 2007-2009 Biennium requests. It included the following:

"Family Courts throughout the country, ours being no exception, have been compared to hospital emergency rooms as people who show up there are in crises and misery, and are often at their worst. Because our Family Court hears every kind of family problem, our judges see every family emergency imaginable. Children, sometimes as young as 11 years old, are arrested and brought to Family Court for having made poor choices, and our judges must decide if the children should be sent to the Hawai'i Youth Correctional Facility, to a treatment program, or released back into the community.

What does the judge do when the parents of a 14 year old runaway girl, who is pregnant, addicted to methamphetamine and in love with her pimp, look to the court for help? Parents are also brought to Family Court for harming their children and our judges must decide whether or not to terminate their parental rights, sometimes for as long as 16 or 17 years, depending on the age of the child.

What does the judge do when an infant has been severely hurt, but no one can say for sure if either parent did it? Family members (spouses, grandparents, siblings, and grandchildren), boyfriends, and girlfriends come to our Family Court seeking orders prohibiting other family members from contacting them. What does the judge do when a wife says that yes, her husband did constantly beat her up and threaten her all the time, but he's been very nice since the TRO was issued and now she is adamant that he is not dangerous anymore? Our Family Court Judges are routinely asked to decide which parent gets to have the kids, inevitably altering forever the lives of not just the children, but of the parents as well.

What does a judge do when a divorcing parent decides to move to the mainland for a better job opportunity and wants to take the children with them, while the other parent wants to stay in Hawai'i with the children? These are gut-wrenching decisions, involving some of the most personal, emotional, and dangerous issues that exist. Yet, the painful reality, which has existed for some time now, is that the sheer volume of cases in Family Court makes it impossible to give the parties the time they want, need, and deserve, and to give the judges the time demanded by these complex and emotionally charged issues.

On any given morning (morning only, not a full day), a Family Court Judge handles between 10 and 20 Child Protective Services cases. These are cases where the judge must decide if the parents harmed their child and if so, whether to take the child from the parents. Looking at 15 cases in a morning, our Family Court Judges spend an average of just under 15 minutes per case, assuming that there are no delays that morning. Is 15 minutes a sufficient amount of time for a child?

In another real-life example, in one morning (morning only, not a full day), a Family Court Judge handles on average 12 to 15 TRO cases. These are cases where a judge must decide whether to restrain (keep away) fathers from mothers, grandchildren from grandparents, and so

forth, and if so, for how long and under what conditions. Looking at 12 cases in a morning, our Family Court Judges spend between 17 and 18 minutes per TRO case. Again, this time-frame assumes no delays. Would someone so fearful of a relative that they sought a restraining order, or someone accused by a family member of needing to be restrained, feel that 17 to 18 minutes was enough time for the entire case to be presented and decided?

In one final example, it is very common for Family Court Judges to have only one day of trial to decide which divorcing parent gets custody of the children. This unbelievably short time-frame is a by-product of high caseload volume and few Family Court Judges. Further, devoting more than one day to trial would further delay other cases.

Finally, one can only imagine the pressure our judges are under knowing that they have to make such life-altering decisions in minutes. The implications of their decisions can be severe. If a child is returned home too soon, the child might be killed. If a TRO is denied, a grandmother or mother might die. If a child is not sent to the best home possible, the child's development may be impeded forever. Add to this is the reality that many of these cases include issues of chronic drug addiction, severe domestic violence, longstanding mental illness, poverty, and homelessness."

The additional Family Court Judge is critically needed to help families truly have their day in court. Authorization to fund the remaining Family Court Judgeship and three Court Support staff positions are therefore requested to ensure that our judges have the collective resources to devote sufficient time to litigants and that justice is properly administered in Family Court cases.

Establish Specialty Court Coordinator and Social Worker IV Positions and Funding for the DWI Court Program: The First Circuit is requesting funding of approximately \$139,000 in FY 2018 and \$195,000 in FY 2019 to permanently establish the DWI Court Program. The funds will cover the cost of a permanent full-time Specialty Court Coordinator and Social Worker IV DWI Court Case Manager. Funding is also requested for other miscellaneous supplies, equipment, and software, as well as for electronic monitoring, incentives, and treatment services to help manage the offenders.

The DWI Court Program was established in April 2012 and has been operational since January 2013, with initial federal funding for the program coming from the NHTSA through a grant administered by the State Department of Transportation. NHTSA recently awarded the DWI Court program a sixth and final year of grant monies which will expire on September 30, 2017. No additional extensions are possible. The DWI Court Program confronts the persistent problem of impaired driving in Hawai'i and seeks to reduce recidivism among repeat and high-risk offenders by addressing the underlying cause of impaired driving, which is alcohol and substance abuse. Without intervention, this population of chronic impaired drivers will continue to reoffend, congest court dockets, and endanger public safety on our roadways.

According to the NHTSA Fatality Analysis Reporting System, more than 30,000 people were killed in motor vehicle crashes nationwide in both 2013 and 2014. Alcohol impaired driving accounted for more than 9,000 or 30% of these motor vehicle traffic fatalities each year. In both of these years, about 100 people were killed in motor vehicle crashes in Hawai'i with some 33%

of these fatalities resulting from alcohol-related crashes involving drivers whose blood alcohol concentration (BAC) was higher than 0.08%.

The DWI Court Program's target population is the hardcore, repeat offender, high BAC percent, impaired drivers who are overrepresented in these fatal crashes. Research indicates that this particular type of offender is not impacted by the same general deterrence methods that might affect other offenders, such as public awareness campaigns or traditional sanctions, such as incarceration or large fines.

While the penalties for a first offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) are minimal, repeat offenders are subject to increasing amounts of jail time if convicted of multiple offenses. When offenders have already been convicted of OVUII three or more times within a 10 year period, they can be charged with habitually operating a vehicle under the influence of an intoxicant pursuant to HRS 291E-61.5. This felony charge carries either an indeterminate term of imprisonment of five years or five years of probation that would prove more costly to the taxpayer.

The cost to house inmates in Hawaii's Correctional Facilities is \$140 per day which equates to an annual cost per inmate convicted of OVUII of \$51,100. The annual cost per individual enrolled in the DWI Court Program, which includes case management services and alcohol monitoring, is approximately \$4,600 per participant. Therefore, the potential annual cost savings of an individual participating in the DWI Court Program as an alternative to a jail sentence is close to \$46,000 annually. The cost of treatment services are primarily paid for through the participant's health insurance carrier or by the participant in order to keep them invested in their own recovery. When a participant is indigent and unable to pay for necessary treatment services, the program will pay for the treatment to ensure the same quality of care for everyone.

As of August 2016, 253 offenders have been referred to the DWI Court Program since inception. Of those referred, 241 offenders (95%) were deemed eligible for the program. Of those deemed eligible, 84 offenders (35%) were interested in the program, 57 (68%) petitioned to enter the program, and 45 (79%) chose to enroll in the program.

The DWI Court Program currently has 10 active participants and 33 successful graduates with a zero (0%) recidivism rate for subsequent drunk driving arrests. In comparison, there is a 28% recidivism rate for subsequent drunk driving arrests among those offenders who declined participation in the program.

The goal of the DWI Court Program is for participants to maintain sobriety through a comprehensive, court-regulated treatment plan that requires accountability and provides intervention support for non-violent offenders.

The anticipated results for establishing a DWI Court Program as a permanent program in the District Court of the First Circuit is that over time, there will be a reduction in recidivism in this population of repeat and high-risk offenders. This would ultimately save taxpayer money, reduce court caseload, and improve public safety on our roadways.

Research of similar programs in other states show success in reducing recidivism rates. The Pacific Institute for Research and Evaluation and NHTSA study of three Georgia DWI Courts found that:

- Repeat DWI offenders graduating from the DWI Courts were up to 65% less likely to be re-arrested for a new DWI offense.
- All DWI Court participants had a recidivism rate of 15%, whether or not they graduated or terminated; conversely, there was a rate of up to 35% for those not in DWI Court.
- The three DWI Courts prevented between 47 and 112 repeat DWI arrests.
- The DWI Courts saved a substantial amount of taxpayer money that would have been needed for incarceration, court time, and probation supervision.

A Wisconsin evaluation found that recidivism rates were significantly lower for its DWI Court participants than for a comparison sample of non-DWI offenders.

A Michigan study that evaluated DWI Courts in three counties found that nearly all of the comparisons favored better outcomes for DWI Court participants. In one county, the DWI Court participants were up to 19 times less likely to reoffend. The study also found that the DWI Courts saved the criminal justice system time and money when compared to a traditional court.

In March 2015, the Hawai'i DWI Court was honored with the NHTSA's top national award for public service at the Lifesavers Conference. The plaque citation reads: "In recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving by creating Hawaii's first DWI Court Program for repeat offenders."

By establishing the DWI Court Program as a permanent program within the District Court of the First Circuit, we will be able to continue the success of the initial pilot program and provide active monitoring of the treatment and recovery process for these repeat and high-risk offenders.

Establish Social Worker IV (Case Manager) Position for the HZTT Program: This vital program addresses the basic needs of infants and toddlers which are the largest single group of children in foster care in the United States and have the highest rates of victimization across all age groups. According to Department of Human Services (DHS) data in 2011, which is the latest research available, infants under one year of age constitute the largest age group in Hawai'i in foster care.

The HZTT Court began operation in 2008 through funding from Zero to Three, a national non-profit organization based in Washington, D.C. Zero to Three hired and employed a full-time community coordinator to work with the Hawai'i court program to perform the duties of a program coordinator. In November 2012, the funding source for the Coordinator position ended. Despite the loss of that funding, the HZTT program was able to obtain grant funding and has continued to work closely with the national Zero to Three Organization which provides technical assistance and data evaluation.

Recently, the First Circuit established a temporary full-time Coordinator position for the HZTT program which is presently in recruitment. The temporary Coordinator position was established

to provide stability to this vital program, and render quality service to the at-risk infants and toddlers in our communities. At present, the HZTT program is administered by the Family Drug Court Coordinator who manages the caseload and ensures the viability of the program. However, it is extremely important that the Family Drug Court Coordinator focus full attention on the Drug Court Program that the incumbent was hired to oversee and not have to manage and be responsible for two disparate type programs, that is, HZTT and Family Drug Court. Hence, First Circuit management decided to establish an unbudgeted temporary full-time position to meet the vital needs of the most defenseless and vulnerable members of our society; that is, our children.

HZTT is currently funded through a grant received from SAMSHA. The grant will end on July 31, 2017, and no further extensions are possible. Therefore, the HZTT program is requesting funding of \$27,116 in FY 2018 and \$50,772 in FY 2019 for a HZTT Case Manager position. A permanent Case Manager position is critical to providing quality specialized case management while fostering the coordinated team approach to ensure appropriate early intervention services are provided to infants, toddlers and their families to effectuate unification. The staffing shortages at DHS/Child Welfare Services (DHS/CWS) can compromise the intensive, prompt and specialized services infant and toddlers need to overcome the serious medical and developmental consequences, attachment disorders, and overall well-being which are commonly exacerbated in the foster care system due to infrequent visitation, multiple placement changes, and delays in achieving permanence. The HZTT Social Worker has been the key to holding the DHS/CWS Social Workers, service providers, and Guardian ad Litema responsible by identifying gaps in cases and keeping everyone accountable, including parents/caretakers. The HZTT Social Worker is the glue to keeping cases on the right track and through the collaborative and coordinated team approach, the DHS/CWS Social Workers receive the support and assistance to do their job more efficiently and effectively.

The Hawaii's Children 2015 report published by the Child Welfare League of America) organization in Washington D.C. states, "The federal Child and Family Service Reviews clearly demonstrated that the more time a caseworker spends with a child and family, the better outcomes for those children and families". Thus, the data provided in the January 2014 State of Hawai'i DHS Data Book is quite alarming, that is, in Hawai'i in 2013, there were a total of 1,361 confirmed cases of abuse and/or neglect, and 695 victims (51.1%) were children in the age range from 0 – 5 years. The soon to be published Data Book for FY 2015 reports 1,090 or 46% of all children in the foster care system are 0 – 5 years of age. The table below shows the steady increase over the past four years of foster children, ages 0 – 5 years, compared to the total number of foster children in the State of Hawai'i.

2015	46%
2014	43%
2013	41%
2012	35%

Foster care is for children with the most serious needs, whereby other forms of child protection intervention such as Family Supervision, and differential response, such as Voluntary Case Management and Family Strengthening Services, are not appropriate.

According to the National Zero to Three, which provides on-going technical assistance to the HZTT program, there is a national movement to expand the ZTT programs to five years of age, which the HZTT specialty court hopes to accomplish in the near future.

A study released in February 2012 by the Center for Disease Control and Prevention, “.....found that the lifetime cost for each victim of child maltreatment who survived was \$210,012: \$32,648 in childhood health care costs; \$10,530 in adult medical costs; \$144,360 in productivity losses; \$7,728 in child welfare costs; \$6,747 in criminal justice costs; and \$7,999 in special education costs.”

Research suggests that children who experience child abuse and neglect are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult, and 30% more likely to commit violent crime.

Thus far, the national Zero to Three’s Safe Babies Court Teams have undergone two evaluations. The first, completed by James Bell Associates, looked at evidence of system change, knowledge among Court Teams stakeholders regarding the impact of maltreatment on early development, and short-term outcomes for infants and toddlers monitored by the Safe Babies Court Teams. The second, completed by Kimberly McCombs-Thornton, PhD, looked at the effect of Safe Babies Court Teams on time to permanency and how children exit the foster care system. It also examined how program components or client characteristics affected time to permanency.

Both evaluations used data from the oldest four Safe Babies Court Team sites: Des Moines, Iowa; New Orleans, Louisiana; Fort Bend County, Texas; and Hattiesburg, Mississippi. Results from both evaluations were overwhelmingly positive. Key findings from the evaluations include:

- 99.05% of the 186 infant and toddler cases examined were protected from further maltreatment while under court supervision. (James Bell Associates, 2009)
- 97% of the 186 children received needed services. (JBA, 2009)
- Children monitored by the Safe Babies Court Teams Project reached permanency 2.67 times faster than the national comparison group ($p=.000$). (McCombs-Thornton, 2011)

While the Evaluation Report for the Hawai’i Zero to Three Program dated July 31, 2016, by David Leake, Ph.D. MPH, Center on Disabilities Studies, University of Hawai’i at Mānoa, was an attempt to evaluate how well the HZTT is meeting its objectives, the various data systems relied upon were not “well suited” to make a clear determination. However; the report did note that “....through the addition of qualitative data from interviews with 8 clients and 8 personnel involved with HZTT, all of these interviewees stated positive views of HZTT overall, and the preponderance of their responses concerning each objective were clearly positive. We can thus conclude that HZTT has made observable progress in achieving each of its objectives: 1) reduction of alcohol or drug consequences; 2) improved reunification outcomes for families; 3) decrease in length of stay in foster care; 4) increase visitation; 5) timeliness of service procurement; and 6) increase access to services.”

The interviews pointed to the effectiveness of having frequent court hearings and contributing to meeting “...all 6 objectives by alerting HZTT Court Team members to client services needs in a

timely manner and ensuring that clients are aware of their requirements and maintain focus on meeting them. Another important factor is the quality of the HZTT Court Team members and their commitment to the cause of reunification. Several clients praised the HZTT Case Manager and their DHS Social Workers in particular, for effectively supporting them, but clients are also supported by a range of other Court Team members from other involved agencies.”

The recent evaluation on the HZTT is a testament to the benefits of having such a specialty court program and the positive impact it has upon the children and families it serves. With support from the national level and the community, the HZTT has the capacity to refine and expand, and improve outcomes for Hawaii’s most vulnerable population in the child protective system and their families. As the presiding Judge of the HZTT program stated in the evaluation in reference to HZTT being a specialty court program, “So it’s an attitude that I think makes the program strong, or stronger than most. Because, at the end of the day, and I’ve said this on other occasions, who doesn’t want to help a baby?”

Since its inception in 2008, the HZTT program has serviced 57 families and 93 infants and toddlers. Presently, the HZTT program is servicing 15 families and 32 children; 20 of the children are ages 0-3. The current placement of children in the HZTT program is 18 in foster custody, 13 in family supervision, and 1 in permanent custody waiting adoption. With a dedicated Case Manager, more families and children will be served and a more responsive and efficient program will be ensured. Staff will be able to commit their time and focus on achieving the goals of the HZTT program which include: developmentally appropriate services, securing a safe environment for the child, and eventually reunification with the parents, if possible. Babies and toddlers who are considered to be at-risk have a chance to experience positive, well-being outcomes because of programs such as the HZTT which provides early intervention and is designed to promote the best developmental outcomes for infants and toddlers who have been removed from parental custody due to abuse and/or neglect.

POS funding for VTC participants: First Circuit is requesting \$244,360 in each year of the fiscal biennium to fund POS contracts that will provide veterans participating in the VTC with the appropriate level of care, treatment, and housing needed to help restore them to a productive lifestyle.

The VTC project began operations in October, 2012 when the First Circuit was awarded a three year grant through the Bureau of Justice Assistance and SAMHSA. The original grant had a provision for \$190,000 in treatment funds. The one-year, no-cost extension terminated on September 30, 2016, and all grant funds have been expended. In 2013 and 2015 respectively, the Legislature authorized two permanent positions to staff the VTC: a Social Worker V (Supervisor) and a Social Worker IV (Probation Officer). At this time, the VTC is seeking funding for substance abuse and mental health treatment, along with funds for housing the VTC participants who need short or long-term residential treatment or those who do not qualify for Veterans Administration (VA) benefits due to type of military discharge or type of military service (e.g., National Guard or non-service connected substance use/mental health disorders).

While most VTC’s across the country are limiting their admissions to veterans with Honorable Discharges or those with combat-related injuries only, the First Circuit’s VTC has adopted the definition of a veteran as cited in Hawai’i Revised Statute §363-1: “Veteran” means any person

who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged.” This means the program has cast the “widest net” possible to provide court-based services to veterans regardless of their VA eligibility and deployment status.

To date, the VTC has admitted 38 veterans; 14 have graduated, and one was terminated for violating the terms of the VTC program. There are 16 veterans on the VTC wait list.

While the VA is primarily responsible for providing substance abuse and mental health treatment (in addition to general medical, dental, and other related services) to veterans, each veteran must apply to the VA for eligibility determination. During the three years of the grant implementation, the VTC has discovered:

- The VA does not fund residential treatment, short or long term, for any veteran.
- The VA does not provide services to veterans who have less than an Honorable Discharge unless the veteran has a service-related injury or disorder.
- National Guard participants are not eligible for VA services unless they have served in an actual “deployment” because they are not veterans. Once a National Guard member has been activated for deployment and redeployed home, they may qualify for VA services.
- Many veterans do not want to receive treatment services from the VA for various reasons. Some have already tried the VA outpatient programs and found that they need a higher level of care; others need a combination of residential substance abuse and mental health treatment, services which are not funded by the VA.

All of the 38 veterans admitted to the VTC live with mental health diagnoses that range from chronic and severe depression (with suicide ideation), post-traumatic stress disorder, multiple traumatic brain injury, substance use disorders, schizophrenia, and other cognitive issues such as short-term memory loss. Each veteran needs supportive housing and for those with schizophrenia and paranoia, individual housing (single-room occupancy) is essential. The VTC has not been successful in securing single-room occupancy situations for any of the veterans and they continue to struggle in communal clean and sober houses unable to qualify for or use vouchers through the Department of Housing and Urban Development-VA Supportive Housing program.

The VA does not provide veterans with residential treatment; therefore, funding of \$234,360 for short and long-term residential substance abuse and mental health treatment is requested to provide veterans with this level of care. Treatment at a long-term residential facility costs \$180 per day, \$5,580 per month, and generally is for five to six months, so six to seven veterans could receive treatment with the funds being requested. To the extent that the number of veterans needing long-term treatment can be reduced or the number of treatment days lessened, short-term (30 to 45 days) residential treatment can be provided to some veterans. However, such short-term residential treatment often does not provide sufficient time to stabilize the participants, and assess their mental health needs and substance abuse issues.

The VTC is also requesting funds of \$10,000 to house veterans for at least one month (\$450 rent, plus \$190 deposit). Veterans who need clean and sober housing, and do not qualify for housing

through the VA, will be placed into appropriate housing whether it communal (shared) living situations, or single-room occupancy for those whose mental illness makes living with others difficult.

If this request for residential treatment and housing funds is granted, at least some of the veterans assigned to the VTC will have access to residential substance abuse and mental health treatment as an appropriate level of care. That is, those veterans with the strongest addictions and most severe mental health problems will receive the treatment they need in the supportive and structured environment of a residential program.

Some VTC participants (and future applicants) do not qualify for VA benefits through no fault of their own. If their discharge from the military or participation in the National Guard (without an active deployment) excludes them from VA benefits, they have to rely on self-pay, private insurance (if they are able to find and maintain employment), other State funding, or possibly go without the appropriate level of care and treatment they need. Many of these individuals spend additional and costly days in jail waiting for placement in the VTC program; the cost to house one veteran in jail is \$140 per day or \$51,000 annually. At this time, due to the lack of funds to pay for treatment and housing, the VTC has limited the number of admissions to the program. If residential treatment and housing funds are granted, the 14 incarcerated veterans on the wait list can be admitted into the VTC program and more treatment slots can be made available.

POS funding will help stabilize this very successful and life changing program geared to rehabilitate and effectively address the needs of the veterans in the VTC. Substance abuse treatment, mental health treatment, and housing are an integral part of the veterans healing process and acclimation back into society. Permanent funding will allow for an increase in the number of veterans admitted to the program, improve public safety, and reduce recidivism and crime. The VTC also helps lessen incarceration costs by keeping clients out of prison. The Judiciary will also continue to work with the VA in a collaborative way, through the Veterans Justice Outreach initiative, to help expedite appointments at the various clinics for substance abuse, mental health issues, primary and dental care, and cognitive testing. The VTC provides special care and attention to the men and women of the Armed Forces who have given so much to their country, and at a pivotal time in their lives, gives them the opportunity to heal and live a full and productive life.

Establish Three Social Worker Positions to create a Mental Health Unit (MHU) within the First Circuit, plus funding for Mental Health Assessments and Client Services: The First Circuit's goal is to create a MHU to provide services and intensive supervision to not only MHC clients and CR clients with SMI, but also general population clients that are dual diagnosed with drug addiction and mental health issues. To do this, First Circuit is requesting \$162,998 in FY 2018 and \$227,316 in FY 2019 for three Social Worker IV positions, mental health assessments, client services/needs such as emergency housing and medical/dental care, and furniture and equipment (FY 2018 only). 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, whether it be MHC, CR, or general population clients; reduce recidivism and increase public safety; decrease tax dollars spent on incarceration and hospitalization; and improve the overall operations, success, and efficiency of the MHC.

According to a Bureau of Justice “Statistic” report dated 2006, which is the most current report available, 64% of prison inmates have a mental health problem. It has been estimated that up to 40% of persons with SMI will come into contact with the criminal justice system at some point in their lives. Also, according to a report in the August 23, 2015 Honolulu Star Advertiser, approximately 51% of those arrested in Hawai‘i had SMI or severe substance intoxication, and 40% were homeless. These statistics demonstrate the severity and extent of the problems that probation officers have to deal with involving the homeless and mentally ill in our community.

The daily cost to house an inmate in Hawaii’s Correctional Facilities is \$140. As of September 30, 2016, First Circuit had 276 CR clients, that is, clients that have been placed on court ordered supervision following a judgment acquitting an offender of a criminal offense on the grounds of physical or mental disease, disorder, or defect. For these CR clients, non-compliance with their terms of supervision would result in hospitalization at the Hawai‘i State Hospital, not prison. Hospitalization costs approximately \$765 per day, which is a very costly alternative to providing the specialized supervision that a MHU would offer. If treatment and stabilization became available to the SMI population, including those clients on CR, it is anticipated that incarceration and hospitalization days would greatly decrease, public safety would increase, and such clients would have more successful outcomes.

In February 2004, the Judiciary received funding from the Byrne Memorial Grant to establish the MHC. When the grant initially funding the MHC expired in 2008, the Legislature appropriated \$250,000 in general funds to continue the program with funding for a Coordinator, two Probation Officers, and a 60-client caseload, that is 30 cases per Probation Officer. Unfortunately, MHC lost one Probation Officer during the economic downturn, and the caseload has had to remain at much less than the 60 envisioned. Currently, it has 36 clients, 9 approved for admission and waiting for an open slot, and 12 more in various stages of the referral and assessment process. Approximately one third of the clients in the MHC program are able to get their charges dismissed upon graduation, thus allowing them to avoid the issues that come from having a felony conviction. Since its inception, MHC has had 49 graduates, with only one incidence of recidivism.

Regarding the three Social Worker (Probation Officer) positions requested, one would be added to MHC to work with the current Coordinator and Probation Officer, and the other two would work with the CR and SMI population. The MHC goal remains constant – to work with their clients so that they do not reenter the criminal justice system once they graduate. The additional Probation Officers would also help to address clients on the waitlist and those in the referral process that may qualify for the program once the assessment process is completed.

Many of the mentally ill are arrested on warrants, largely for failing to appear in court or for technical violations that are directly attributed to their mental illness. Some mentally ill people end up spending more time in custody than a comparable felon, which is either a burden on the correctional system or contributory to the overcrowding at the Hawai‘i State Hospital because they are unfit to proceed with their criminal cases. For the homeless that are mentally ill, the added stress of not having an appropriate and stable residence exacerbates the underlying mental health problems and issues, which makes it difficult for probation officers and treatment providers to assist them.

Permanent funding is also needed for mental health assessments and client services. Mental health assessments are utilized to obtain an evaluation on the condition of the client. The evaluation includes the best treatment options and level of service necessary to manage the client needs. Client services include incentives, emergency housing, and medical and dental care for offenders. Incarceration and hospitalization days will be reduced with funding to provide housing. Clients incarcerated or institutionalized for longer than a month lose their medical and financial benefits and have no means for housing, food, and treatment upon release. Having support until they can get their government benefits back in place increases their chances of successfully reintegrating into the community.

The MHU Probation Officers will work in close partnership with defense counsel, prosecutor, community treatment professionals and other agencies to provide appropriate services to MHC and CR clients with SMI, and others in the general population that are not necessarily diagnosed with SMI that require intensive mental health services and treatment. The intent of the MHU is to focus on the offenders underlying problems that contribute to criminal behavior and to address those problems. MHU Probation Officers will be specially trained to supervise clients that are diagnosed with SMI and help facilitate behavioral changes to those who enter the criminal justice system. Also, the MHU Probation Officers will closely monitor client adherence to terms and conditions of their supervision, including compliance with mental health treatment; and take steps to lessen possible recidivism and hospitalization costs, and thereby improve public safety in communities.

Convert Seven Budgeted Temporary Positions in the Hawai'i Girls Court Program to Permanent Status: This request is to authorize a no-cost conversion of seven temporary budgeted positions (one Coordinator, four Social Workers, one Social Service Aide and one Clerk) to permanent status to staff the Hawai'i Girls Court Program. Since its inception as a pilot program on September 29, 2004, Girls Court has continued to demonstrate success in providing a gender-specific forum designed to address the needs of female juvenile offenders and their families. The Girls Court has operated with federal grant funds from March 2005 until October 2007. Since October 2007, the program has received state funds to continue operating.

To continue this program's success rate, permanent position authorization is crucial for recruitment and retention of staff. Temporary positions have made recruitment and retention a problem as candidates tend to seek the security of permanent positions. Throughout the years, constant turnover and lengthy vacancy periods in staff severely disrupted the efficiency of the program and negatively impacted the juvenile girls and their families. For a program built on the understanding that relationships based on consistency and trust are critical to the lives of adolescent girls, frequent turnover in staff is counterproductive.

In Hawai'i, girls account for 40% of all juvenile arrests, a proportionately higher rate than their national counterparts. As of October 2016, girls comprise 29% of cases on active legal status with the Family Court, First Circuit.

The 2006 Legislature passed Act 258 ("Parity for Female Offenders") that emphasized the need for parity for female offenders. The bill reads, in part, "Female offenders need gender responsive services that address substance abuse, family relationships, vocational education,

work, prior victimization and domestic violence.” The Hawai‘i Girls Court directly addresses the Legislature’s concerns.

In May 2006, a study by the Attorney General of the State of Hawai‘i on the “Female Juvenile Offender in Hawai‘i”, confirmed that girls have become a significant part of the juvenile offender population, nearly reaching parity with boys but being fundamentally different from their male counterparts in their pathways to delinquency and treatment needs. The female offender in Hawaii, versus her male counterpart, is more likely to:

- Have tried ice
- Have a history of victimization (prostitution, abuse, etc.)
- Have suicidal ideation and previous suicide attempts
- Experience depression/Post-Traumatic Stress Disorder
- Engage in self-injurious behavior
- Be arrested for status offenses, especially runaway

In an effort to combat these trends, Family Court of the First Circuit took groundbreaking steps with the initiation of a specialized Girls Court in September, 2004. Most existing criminal justice practices are based on male offender behavior and have been applied to female offenders. As such, existing practices and techniques are not gender-informed and not well suited to treat girls who follow these gendered pathways into the system.

Gender-specific programs reject a one-size fits all approach to supervision and services and are designed to target the unique risk factors girls face while also focusing on the development of protective factors. Current research suggests that this approach will significantly aid in the prevention of future delinquency and the continually increasing female adult caseloads in the Judiciary and elsewhere in the system.

A cornerstone component of the Girls Court program is mental health services. Girls Court strives to bring change in the way young female offenders are attended to in the Family Court. Through interagency and interdisciplinary collaborations, Girls Court provides a comprehensive continuum of gender-responsive services to address the areas of trauma assessment, mental health treatment, family strengthening, teen pregnancy prevention, and sexually transmitted diseases to name a few.

The Girls Court program continues to serve as a catalyst to establish an effective continuum of services to meet the gender-specific needs of female juvenile offenders and at-risk adolescent girls. Providing permanence to existing temporary positions will allow the program to build upon its established success in reducing recidivism, building stronger families, and effectively serving female offenders and their families.

Girls Court strives to bring change in the way young female offenders are served in the First Circuit. Through interagency and interdisciplinary collaborations, Girls Court provides a comprehensive continuum of gender-responsive services to address the following areas:

- Trauma Assessment
- Mental Health Treatment

- Family Strengthening
- Parent Support and Education
- Life-Skills Training
- Reengagement with academic education and planning for college
- Alternative Education & Vocational Training
- Domestic Violence Prevention
- Medical Services, Health Education
- Teen Pregnancy Prevention
- Sexually Transmitted Diseases Prevention Education
- Substance Abuse Detection and Treatment
- Mentoring
- Healthy Relationship Education
- Healthy Lifestyle Activities

The Girls Court convenes twice per month before the presiding Judge. Court sessions are held in an open court setting with the girls, their families, and Probation Officers present. These court sessions provide positive reinforcement as well as a method for imposing sanctions and creating accountability for the girls. The open court setting allows the girls to learn from and share each other's experiences, successes, and challenges. Some cases are set for closed hearings with the girl and her family appearing before the judge when highly sensitive issues arise that cannot be discussed in the open court setting.

The Girls Court includes parents as parties to the case, therefore legally requiring their active participation in the program. The entire household is strongly encouraged to participate in the family programming offered, including individual and family therapy, and multi-family group sessions.

Throughout the program year, the girls are required to attend group sessions developed with their needs in mind. These group sessions have included such topics as: teen pregnancy prevention, domestic violence prevention and intervention, suicide prevention, internet safety, various health related topics, substance abuse issues and problems, and escaping sexual exploitation. Gender responsive programming for girls includes an understanding that a girl's pathway into the justice system often includes victimization and trauma in the form of physical and/or sexual abuse. Part of the healing process involves giving girls a voice to share their stories when they are ready to do so, and thereby provide an environment of safety and therapeutic support. Group sessions promote self-esteem, build relationships, develop self-awareness, and the acquisition of life skills. In essence, the salient factors that correlate with the girl's involvement in delinquency and crime are addressed via the holistic nature of Girls Court.

Gender responsive programming is based on the relational model which holds that healthy development is strongly linked to positive relationships with others. All household members are invited to family group sessions where the core of the curriculum is healthy communication and

strengthening bonds. The adult caretakers of the girls not only include parent(s), but sometimes have also included grandparents and great grandparents who may be asked to attend a peer support group where they can gain support and problem solving skills.

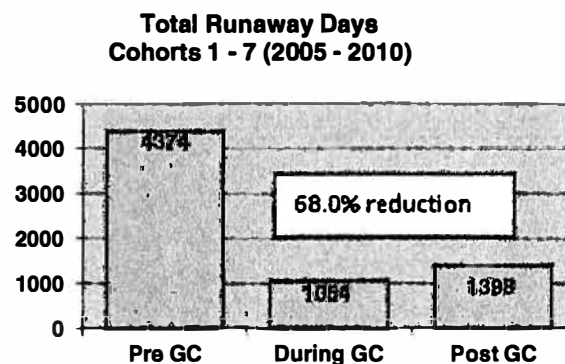
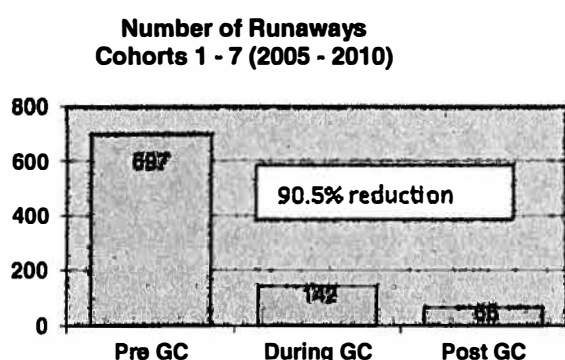
Services and activities are often provided beyond the traditional work day and include evenings and weekends in order to allow family members to participate while minimizing time-off from their employer.

Girls Court Caseload

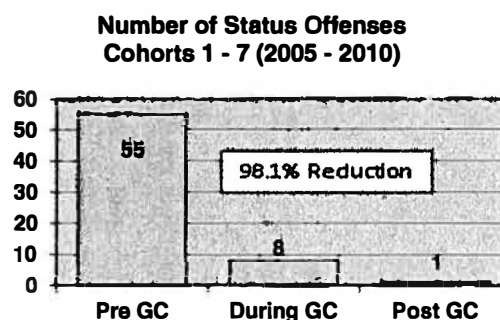
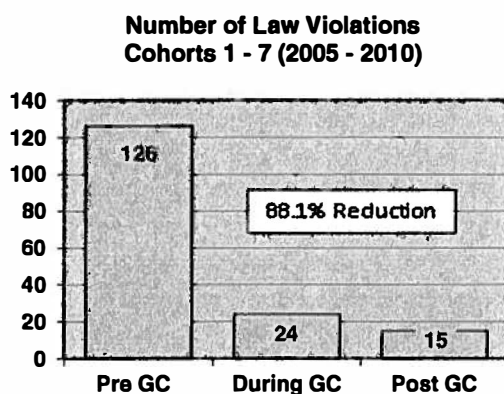
As of September 2016, the Girls Court program is providing service to 41 girls and their family members. The Girls Court Probation Officer is assigned a lower caseload of juvenile offenders as compared to Probation Officers that service the general population (juvenile intake and probation services). The Girls Court Probation Officer provides intensive supervision and support for their clients as well as for the parent(s)/guardian(s). Intensive supervision and support include meeting with the girl at least once a week or more depending on her circumstances and needs, and following up with her agency and service providers via telephone and in person which may include, but is not limited to: teachers, school counselors, school-based behavioral health providers, DOH Care Coordinators, family therapists, the Girls Court therapist, DHS Social Workers, Court Appointed Special Advocates, human trafficking interventionists, etc.

The intensive supervision and support allows for a more coordinated and meaningful provision of services to girls and their families. For the most part, girls who are involved with Family Court are also involved with other agencies like DOH, DHS, and the DOE. These agencies all come with an array of roles with different responsibilities, and it can be overwhelming and frustrating for the girls and their parents when trying to understand the difference between the DOE School Administrative Assistant and the Family Court - Court Appointed Special Advocate. The Girls Court Probation Officers' duty is to explain and help the girls and their parents understand the agencies roles and responsibilities so that they can make the most informed decision for themselves. An important part of gender responsive services for girls is the relational aspect, so the smaller caseload allows for the increased specialized attention and relationship building that is key for the girls and families to move from trauma to transformation. Additionally, the Girls Court Probation Officers participate in numerous activities throughout the year that are outside of the normal business hours. This includes providing supervision and support at court ordered pro-social activities on the weekends, evening Family Group sessions to accommodate the work schedules of the parents/guardians, and weekend community service events. In these ways, the responsibility of the Girls Court Probation Officers justifies the smaller caseload. Process and outcome evaluations of Girls Court by independent researchers have demonstrated positive benefits and outcomes related to this program. Research on the first five cohorts has established reduced levels of runaways and arrests. Especially noteworthy has been the overall reduction in runaways and time on the run when runaways did occur.

The following charts demonstrate statistically significant reductions from pre to post Girls Court in the instances of runaways (in total number and in days on the run), law violations, and other status offenses (besides runaways) for the first seven Girls Court cohorts.



Statistically significant reductions have also been measured in the number of arrests for law violations and status offenses from pre to post Girls Court:



While the quantitative results are positive, it is important to consider also qualitative evidence for the efficacy of the Girls Court model. Evaluation of Girls Court includes focus groups and interviews with both the girls and their parents.

In 2011, Dr. Janet Davidson, PhD prepared a program evaluation of the Hawai'i Girls Court Program. The following is an excerpt from Dr. Davidson's evaluation:

What do the Cohort Girls Think About Girls Court?

The girls interviewed from cohorts four and five were generally positive about their experience with Girls Court. As with past girls, these girls often used the term 'helpful' in describing their experience with Girls Court, the staff, and related activities. They generally felt that the judge, the Probation Officers, and the therapists were invested in their success and truly cared about their well-being. Although they did not always like this, they also stated that Girls Court did hold them accountable for their actions yet praised them for successes along the way as well.

Specifically, the girls were positive about the following:

- Girls Court staff, including the Judge, the Probation Officers, and the therapists who seem truly invested in them and their success.
- The activities and opportunities they gained via their tenure in Girls Court.
- The open-court and other settings that allowed them to realize a shared sense of being, and that other girls and families had similar problems as their own yet could still overcome the obstacles and be successful.
- Better problem-solving and communication skills that allowed them to have healthier relationships.

Some girls did express a desire for less contact and checking in, commensurate with their improvement in the program. However, they also understood why the staff felt the need to have frequent contacts with them.

What do the parents think about Girls Court?

Again, much like prior cohorts, the parents of the cohorts interviewed for this evaluation (cohorts 4, 5 and 6) were overwhelmingly positive about Girls Court and the related impact of this problem-solving court on their girls, their relationships with their girls, and their overall family functioning. The parents expressed that they learned a lot from the other families, most often as a result of the open-court format as well as the myriad activities (therapy, group, community service, etc.) that they were required to attend. They also mentioned that while Girls Court was work for both the girl and her parents, they were nonetheless grateful for their experiences in the court and the consistent attention they received. Parents appreciated that Girls Court held their girls accountable for their actions while praising them for their successes. They also believed that the Girls Court experience was directly responsible for better relationships with their girls, better behavior in the way of less truancy, less runaways, less (or no) drug use, and hope and goals for the future.

Specifically, parents were positive about the following:

- The help offered by Girls Court and the related positive behavior change in the girls.
- A compassionate and caring judge that nonetheless held the girls accountable for their actions.
- Probation Officers and therapists that had time and energy to devote to their girls' cases, including collateral contacts with school staff and others.
- The consistency of staff that allowed for deeper and more meaningful interventions.
- The collaboration between the therapist, the probation officer, and the families.
- The expectation of success (versus reaction to failure) by the Judge, the probation officer, and the therapist.
- The open and shared process of Girls Court, which allowed them to gain a sense of commonality.
- The activities in Girls Court which allowed their girls to develop greater levels of self-esteem.
- In the end, girls who were more goal-oriented, rational, and mature.

Control Group Data are also available through Dr. Davidson's evaluation reports. Girls Court girls fared well on a number of outcome measures, including substantially lower law violations and significantly fewer days on the run. Importantly, Girls Court girls had statistically fewer admissions to and days in long-term confinement at the Hawai'i Youth Correctional Facility. This translates into significant cost savings, as the financial and social costs attached to incarcerating our youth in the Hawai'i Youth Correctional Facility are considerable.

If Girls Court continues operation with temporary positions, staff retention will continue to be an issue and outcome measures would be expected to deteriorate. Girls Court trains its professional staff to specialize in serving the female youthful offender. Current staff persons are specially trained to facilitate girls support groups, are trauma informed, and have received in-service training through the DOH to work with this special population. Time, effort, and money have been spent to this end. Therefore, it is imperative to the Girls Court program that the seven staffing positions be converted to permanent status.

Another reason to convert the temporary positions to permanent status is that locally the Girls Court has built community collaborations and partnerships to effectively serve this population. The program continues to receive national attention and recognition, and the founding judge has been included in national groups working on this important issue alongside other experts in the field of gender responsive services for female offenders. By actively seeking and establishing partnerships with other government agencies and the private sector, Girls Court has provided a wide array of therapeutic and family strengthening services to program participants with no added cost to the Judiciary.

In 2005, the first cohort of girls and families participated and completed the Girls Court program. Today, this nationally recognized program has provided 458 girls and their family members with support, care, and guidance, along with educating these individuals through a wide variety of gender responsive programs for girls.

The Judiciary's goal is to sustain the Girls Court. The no-cost conversion of seven temporary budgeted positions to permanent status will tremendously help to retain the current staff hired to serve the participants in this viable program that focuses on the female youth in our communities through counsel and support, while encouraging them to become successful citizens in our society.

Establish Two Social Worker IV positions and One Judicial Clerk Position for the TRO Unit, Family Court: The Family Court TRO Unit's mission is to prevent and deter the occurrence and re-occurrence of domestic violence in the community, and ensure individual and public safety through court intervention and education. The Unit's objective is to ensure public accessibility to the Family Court system to obtain domestic violence "intimate partner" protective orders without having to retain legal representation. To accomplish this, the First Circuit is requesting funding for three permanent positions (two Social Workers and one Judicial Clerk) totaling \$70,902 in FY 2018 and \$133,284 in FY 2019 for the TRO Unit to help increase public accessibility to the Family Court system to acquire domestic violence "intimate partner" protective orders; expedite processing of "time sensitive" court documents; and assist involved parties in subsequent mandated court hearings.

Since 2011, the TRO Unit and Family Court judge have reviewed and filed approximately 3,000 TROs annually. Because of the high number of TROs processed over the past several years and to increase public access to the courts, another TRO Unit besides the one in Kapolei was established at Ka'ahumanu Hale in Honolulu to assist individuals with the application process. Initially, the Honolulu office opened part-time, three days a week, to service the public. In November 2015, the TRO Unit received a directive from the Senior Family Court Judge, instructing the TRO staff to provide all day coverage, five days a week, to assist with TRO intake and processing services at Kapolei and Honolulu worksites to ensure that all applicants/petitioners receive the proper court orders and related documents within the same day they process their application. Consequently, there were a number of occasions that resulted in the TRO staff having to work overtime to meet every individual's need for court assistance. Given this extended work responsibility, and with the current number of staff dedicated to the TRO Unit, there has been and is very little leeway in terms of staff availability to cover duties and responsibilities at two worksites. On several occasions, walk-in applicants/petitioners were re-directed to a private non-profit program for assistance, as no TRO staff was available to cover the morning office hours at the Honolulu worksite due to staff shortages (unexpected illness, training, or approved leave of absence). The danger of re-directing applicants/petitioners to another agency, especially those who are ambivalent, is that they may change their mind with regard to seeking assistance, which in turn defeats the mission and objective of the Family Court TRO Unit to deter domestic violence in the community, and ensure public safety through court intervention and education.

With this in mind, the addition of two Social Workers and a Judicial Clerk will ensure ample, all day staff coverage at Ka'ahumanu Hale in Honolulu and the Ronald T.Y. Moon Judiciary Complex in Kapolei to allow greater public access to TRO services. Applicants and petitioners will receive assistance and court orders and related documents timely, will not have to be referred to another agency for help, and access to justice will be served to individuals who are vulnerable to domestic violence in our community.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	03	Second Circuit

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	11,584,789	12,430,208	12,696,638	12,967,599	12,967	12,967	12,967	12,967
Other Current Expenses	4,501,426	4,428,653	4,428,653	4,428,653	4,429	4,429	4,429	4,429
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	332,726	0	40,340	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	16,418,941	16,858,861	17,165,631	17,396,252	17,396	17,396	17,396	17,396
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	16,418,941	16,858,861	17,165,631	17,396,252	17,396	17,396	17,396	17,396

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	207.00 *	207.00 *	214.00 *	214.00 *	214.00 *	214.00 *	214.00 *	214.00 *
	0.00 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **
General Funds	16,418,941	16,858,861	17,165,631	17,396,252	17,396	17,396	17,396	17,396
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	207.00 *	207.00 *	214.00 *	214.00 *	214.00 *	214.00 *	214.00 *	214.00 *
	0.00 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **	1.68 **
Total Financing	16,418,941	16,858,861	17,165,631	17,396,252	17,396	17,396	17,396	17,396

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Med. Time to Dispo., Circl. Ct. Crim. Act. (Days)	255	255	254	254	253	253	253	252
Med. Time to Dispo., Circl. Ct. Civil Act. (Days)	495	475	470	470	469	469	469	468

PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
T01	Civil Actions, Circuit Court	2,005	2,020	2,030	2,039	2,047	2,054	2,060	2,065
T02	Marital Actions	915	921	926	931	936	941	946	951
T03	Adoption Proceedings	75	75	76	76	76	76	76	76
T04	Parental Proceedings	385	400	414	428	441	454	467	479
A01	Civil Actions Filed, Circuit Court	667	677	687	697	708	719	730	741
A02	Criminal Actions Filed, Circuit Court	1,166	1,168	1,170	1,172	1,173	1,174	1,175	1,176
A03	Marital Actions Filed	532	538	544	549	554	559	563	567
A04	Traffic - New Filings (thousands)	39	38	38	38	39	39	39	39
A05	Traffic - Terminated (thousands)	40	39	39	39	40	40	40	40

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	2,996	3,152	3,152	3,152	3,152	3,152	3,152	3,152
Special Fund	855	876	876	876	911	911	911	911
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	3,851	4,028	4,028	4,028	4,063	4,063	4,063	4,063

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	16	15	15	15	15	15	15	15
Charges for Current Services	1,710	1,838	1,838	1,838	1,862	1,862	1,862	1,862
Fines, Restitutions, Forfeits & Penalties	2,125	2,175	2,175	2,175	2,186	2,186	2,186	2,186
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	3,851	4,028	4,028	4,028	4,063	4,063	4,063	4,063

JUD 320 SECOND CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Salary Differential: Funding of \$39,102 in FY 2018 and \$78,943 in FY 2019 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries.

District Court Judgeship and Support Staff: Funding of \$177,120 for FY 2018 and \$306,132 for FY 2019 is requested for a District Court Judge and related support staff to assist with increases in caseload.

Positions for Client Services: The Second Circuit is requesting \$90,548 in FY 2018 and \$152,316 in FY 2019 for three positions to assist with the workload in the Adult Client Services Branch (ACSB).

B. REASON FOR BUDGET REQUESTS

Judges' Salary Differential: Second Circuit is requesting \$39,102 in FY 2018 and \$78,943 in FY 2019 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries. The role of the Salary Commission is to fulfill Article XVI, section 3.5 of the Constitution which reads as follows: There shall be a commission on salaries for the justices, judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawai'i and the DOE.

District Court Judgeship and Support Staff: The Second Circuit is requesting \$177,120 in FY 2018 and \$306,132 in FY 2019 for a District Court Judgeship and related staff support. The last Second Circuit District Court Judgeship was legislatively authorized in 1982 and that increased the number of District Court judge positions from two to three. Since then, the Maui County population has more than doubled from 76,970 in 1982 to 164,637 in 2015.

In conjunction with the population growth, there has been a significant increase in criminal and traffic filings that have resulted in court calendars often taking all day to complete. For example, just from FY 2011 to FY 2016, new criminal filings have increased by 50 percent, from 2,859 to 4,307, and traffic filings by 27 percent, from 21,694 to 27,496. This leaves District Court Judges unable to attend to other judicial duties such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees; requests for review and approval of charging by felony information packet; requests for orders pertaining to bail; requests for execution of search warrants; requests for orders to show cause; requests for approval of TROs and protective orders;

review of civil traffic written statements; review of traffic notices of discrepancies; and review and action on ex-parte and non-hearing motions.

The District Court convenes in Hāna and Lānaʻi only once a month and on Molokaʻi twice a month. These calendars are insufficient to keep up with the growing number of cases being filed in the rural and off-island courts. On Maui, court congestion is exacerbated by the fact that nearly all District Court civil, criminal, and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in Wailuku.

It is expected that the additional judge and staff would be housed at the Lahaina District Court. This will allow for increasing the Lahaina District Court from a three day a week court calendar to a full five day a week rural court. It will also allow the Second Circuit to utilize the other three District Court judges for additional court calendars in Wailuku, as well as for the Hāna, Molokaʻi, and Lānaʻi rural courts.

The additional judge will not only help address the growing caseload in criminal and traffic filings while permitting the courts to accommodate the needs of its growing rural communities that are underserved at present, but will also enable the judges to attend to other judicial duties in a timelier manner.

Social Workers for Client Services: The Second Circuit Client Services Division is requesting \$90,548 in FY 2018 and \$152,316 in FY 2019 for three Social Worker IVs due to continued increases in workload.

In 2009, two Social Worker IV positions in the ACSB were lost due to budget reductions during the economic recession. In January 2016, research conducted by Janet Davidson, PhD, Principal Investigator on behalf of the ACSBs statewide, identified the need for additional Probation Officers in the State of Hawaiʻi. The published report, titled “Adult Probation Officer Workload Study-Hawaiʻi,” concluded that a minimum of four Probation Officer positions were needed within the ACSB, Second Circuit, in order to better assess offenders, to change offender behavior, and to address violations with effective interventions other than incarceration.

In addition, in 2012, the Hawaiʻi Justice Reinvestment Initiative (JRI) identified contributing factors that have negatively impacted the overall effectiveness of probation in Hawaiʻi such as “95 percent of felony probationers in Hawaiʻi are ordered to terms of more than three years versus 83 percent in the largest US counties.” The JRI also showed that “probation cases had been on supervision an average of 61 months in FY 2011 as compared to 49 months for FY 2006, a 25 percent increase in the length of supervision.”

The overall workload of the ACSB has continued to increase over the past five fiscal years both in the number of supervision cases being managed by the Branch as well as the number of investigations being completed.

The ACSB works directly with high risk populations. Specific high risk groups such as individuals with mental illness as well as those who are experiencing homelessness

present additional dynamic risks and needs that contribute to the overall workload of the Branch. Probation staff faces significant challenges when working with these high risk groups.

Factors that have contributed to the increase in workload have come from various aspects of the Criminal Justice system. Information from the Maui County Department of the Prosecuting Attorney shows a continued increase in the number of felony level cases received and charged for the last five fiscal years:

Table 1: Felony Cases Received, Charged, Information Charged, Department of the Prosecuting Attorney - Second Circuit

<u>FY</u>	<u>Felony Cases Received</u>	<u>Felony Cases Charged*</u>	<u>Felony Cases Information Charged**</u>
2011	1,115	585	468
2012	1,443	672	554
2013	1,584	800	634
2014	1,787	907	742
2015	1,783	927	760

*Prosecutor Charges via Grand Jury

**No Grand Jury; Directly to Preliminary Hearing

The Judiciary's Annual Statistical Supplement also reflects this increase in workload as shown in the number of Second Circuit disposed criminal cases below:

Table 2: Disposed Criminal Cases, Circuit Court Proper – Second Circuit

<u>FY</u>	<u>Disposed Criminal Cases, Circuit Court Proper – Second Circuit</u>
2012	731
2013	624
2014	835
2015	918
2016	1,096

Increases in the overall workload of the Branch are reflected by increases in the number of supervision cases being managed and investigations being completed:

Table 3: Number of Supervisions Managed – Second Circuit

<u>FY</u>	<u>Number of Supervisions Managed</u>
2012	3,299
2013	3,557
2014	3,586
2015	3,726
2016	3,990

Table 4: Number of Investigations Completed – Second Circuit

<u>FY</u>	<u>Number of Investigations Completed</u>
2012	962
2013	829
2014	985
2015	1,062
2016	1,110

Legislative mandates have also contributed to the increase in workload in the ACSB. For example, Act 161, passed in 2002, amended HRS 706-622.5 and required that first time non-violent drug offenders be sentenced to undergo and complete drug treatment rather than incarceration. This HRS section was further revised in 2006 when Act 230 allowed for first time non-violent C felony property offenders to be sentenced to probation, and again in 2012 when Act 140 allowed a sentence of probation for certain second time drug offenses.

The following chart shows the impacts of sentencing under HRS 706-622.5 in terms of referring offenders to probation since FY 2004:

<u>FY</u>	<u>Number Referred to Probation for Sentencing:</u>
2005	19
2006	47
2007	38
2008	73
2009	74
2010	94
2011	42
2012	42
2013	34

<u>FY</u>	<u>Number Referred to Probation for Sentencing:</u>
2014	39
2015	27
2016	<u>31</u>
Total	<u>560</u>

The impacts of sentencing under HRS 706-622.5 are felt at both the Intake and Supervision levels. Specifically, Intake Officers must ensure that statutory requirements are met in order to determine eligibility at the time of sentence. This involves reviewing case histories to ensure eligibility, making referrals to service providers, collecting completed assessments, and forwarding the applicable information to the sentencing courts. Supervision Officers are impacted by having to secure treatment as recommended, ensuring compliance, providing updates to the courts as required, and ensuring that statutory requirements are met should non-compliance become an issue.

Recidivism is defined as any re-arrest or revocation, within three years of onset of supervision. Ongoing research conducted by the Interagency Council on Intermediate Sanctions regarding recidivism rates have reflected the following regarding the ACSB, Second Circuit.

Table 5: Recidivism Rates

<u>Time Period Covered by the Study:</u>	<u>Recidivism rate – Maui County:</u>
FY 2005	40.5 %, at that time the lowest in the State of Hawai'i
FY 2012	52.6%, second highest rate of recidivism in the State of Hawai'i

It is of considerable concern that the rate of recidivism has escalated in Maui county. It could be that the Judiciary's decrease in resources and increasing workload demands have played a part in this documented trend.

U.S. Department of Justice and SAMHSA surveys have found that at least nine percent of individuals on probation have a serious mental illness, and that individuals who have a serious mental illness and are on community supervision are significantly more likely to have their probation or parole suspended or revoked.

According to a State of Hawai'i Homeless Point-in-Time Count 2015 study conducted by the DHS, there were 7,620 documented homeless individuals statewide, of which 1,137 were in Maui County.

The ACSB provides direct services to individuals who have various degrees of mental illness and homelessness. A review of caseloads on Maui reflect that:

- 464 offenders are currently being managed and are experiencing some degree of mental illness; and
- 202 offenders are currently experiencing some degree of homelessness, which is about 18 percent of the total homeless population of Maui County.

Probation Officers work directly with these high risk populations and face many uphill challenges that include:

- Limited community resources,
- Systems that are not responsive to the needs of the client,
- Community professionals who choose to not work with court mandated clients, and
- Inability by offenders to fulfill court ordered obligations due to these challenges.

This request for three Social Worker IV positions include one for the Pre-Sentence Investigation Unit, one for the Domestic Violence Unit, and one for the Special Services Unit.

Previous efforts by ACSB to address workload growth included a Branch re-organization in 2006. This re-organization maximized existing resources and allowed the Branch to create a unit to manage higher risk populations (i.e., sex offenders, HRS 706-622.5 cases for first time non-violent substance abusers, and conditional release cases). The Special Services Unit which utilizes the HOPE Probation strategies of immediate sanctions was created using existing resources. In 2006, the Second Circuit anticipated average caseload sizes for the Special Services Unit and two other units to be:

Anticipated Caseload Per Probation Officer FY 2006

General Supervision Unit	13 officers	140 cases
Domestic Violence Unit	4 officers	120 cases
Special Services Unit	5 officers	75 cases

Actual Average Caseload Per Probation Officer -- FY 2015

General Supervision Unit	13 officers	150 cases
Domestic Violence Unit	4 officers	202 cases
Special Services Unit	5 officers	133 cases
Pre-Sentence Investigation Unit	6 officers	183 investigations/per officer

With the three additional positions being requested, we anticipate the following caseload sizes:

Anticipated Average Caseload Size Per Probation Officer

Domestic Violence Unit	5 officers	162 cases
Special Services Unit	6 officers	110 cases
Pre-Sentence Investigation Unit	7 officers	157 investigations

The Second Circuit anticipates that with additional Probation Officers, the recidivism rates will begin to decrease to levels that were experienced prior to losing two Social Worker IV positions in 2009. Staff should have more time to implement Evidenced Based Practices such as Motivational Interviewing and Cognitive Behavioral Restructuring, two critical practices that have been shown to reduce recidivism. The additional staff should also bring about improved case management to individuals sentenced to a term of probation for a domestic violence related matter. Smaller caseload sizes will allow probation staff more time to interact with victims of domestic violence to improve their overall safety and to hold offenders accountable.

Probation Officers have already received training in proven cognitive behavioral techniques that allow them to focus on changing the offenders' thinking and belief structure, targeting specific behavior needs through effective assessment, and matching services to meet specific identified needs. If these positions are funded, staff will have more opportunities to effectively implement these techniques. Intervention and service levels can be delivered in a more efficient and effective manner to the probation population. Retention in treatment and recidivism outcomes could be improved as offenders would be targeted for specific behavior changes without unnecessary risk to the public.

Current evidence based research is clear that in order to influence offenders, Probation Officers must spend time with the offender to build a working alliance. The most recent Workload Study revealed many issues and stressed the importance of "getting caseloads and workloads to manageable levels such that officers are able to perform their direct offender related tasks effectively". Lower caseloads would allow for the effective use of Evidence Based Practices on higher risk individuals, thus reducing rates of recidivism and improving public safety.

The combined reduction in allocated resources, the increase in charged and disposed cases in the circuit, the documented longer stays on probation, and the challenges faced working with specific high risk populations and various legislative mandates have contributed to increases in the overall workload of the Branch, which demonstrates the need to replace the resources lost in 2009.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	04	Third Circuit

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	12,693,032	13,797,385	13,924,302	14,098,138	14,100	14,100	14,100	14,100
Other Current Expenses	6,358,980	6,125,091	6,245,091	6,245,091	6,246	6,246	6,246	6,246
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	323,154	0	7,290	2,530	0	0	0	0
Motor Vehicles	31,167	0	0	0	0	0	0	0
Total Operation Costs	19,406,333	19,922,476	20,176,683	20,345,759	20,346	20,346	20,346	20,346
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	19,406,333	19,922,476	20,176,683	20,345,759	20,346	20,346	20,346	20,346

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	228.00 *	228.00 *	231.00 *	234.00 *	234.00 *	234.00 *	234.00 *	234.00 *
	0.00 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **
General Funds	19,406,333	19,922,476	20,176,683	20,345,759	20,346	20,346	20,346	20,346
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	226.00 *	228.00 *	231.00 *	234.00 *	234.00 *	234.00 *	234.00 *	234.00 *
	0.00 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **	5.68 **
Total Financing	19,406,333	19,922,476	20,176,683	20,345,759	20,346	20,346	20,346	20,346

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

PLANNED LEVELS OF PROGRAM EFFECTIVENESS

Measures of Effectiveness	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	311	310	309	308	308	307	307	306
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	501	499	497	495	493	491	489	487

PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period		Estimate			
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
T01	Civil Actions, Circuit Court	3,037	3,057	3,076	3,094	3,111	3,127	3,142	3,156
T02	Marital Actions	1,510	1,520	1,531	1,541	1,551	1,562	1,572	1,582
T03	Adoption Proceedings	101	96	96	96	97	97	97	97
T04	Parental Proceedings	1,371	1,362	1,375	1,380	1,384	1,387	1,389	1,390
A01	Civil Actions Filed, Circuit Court	865	872	878	883	887	890	892	893
A02	Criminal Actions Filed, Circuit Court	892	901	909	916	922	927	931	934
A03	Marital Actions Filed	584	587	590	593	596	599	602	605
A04	Traffic - New Filings (thousands)	42	43	43	43	44	44	44	44
A05	Traffic - Terminated (thousands)	48	44	44	44	45	45	45	45

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	3,490	3,578	3,669	3,760	3,760	3,760	3,760	3,760
Special Fund	1,166	1,173	1,173	1,172	1,192	1,192	1,192	1,192
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	4,656	4,751	4,842	4,932	4,952	4,952	4,952	4,952

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	112	113	113	113	113	113	113	113
Charges for Current Services	2,079	2,115	2,149	2,179	2,195	2,195	2,195	2,195
Fines, Restitutions, Forfeits & Penalties	2,465	2,523	2,580	2,640	2,644	2,644	2,644	2,644
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	4,656	4,751	4,842	4,932	4,952	4,952	4,952	4,952

JUD 330 THIRD CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Salary Differential: Funding of \$47,561 for FY 2018 and \$96,025 for FY 2019 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Positions for Big Island VTC/Drug Court: Third Circuit is requesting three Social Worker positions and related funding of \$206,646 in FY 2018 and \$278,712 in FY 2019 to continue and expand operations as grant funding comes to an end for the Big Island VTC.

Positions for Kona Courthouse: The Third Circuit is requesting \$48,546 in FY 2019 for three positions in preparation for the opening of the Kona Judiciary Complex in September/October 2019. The positions are needed to help ensure that the new Kona Judiciary Complex is operational and that qualified and trained facilities staff are on board when the building opens.

B. REASON FOR BUDGET REQUESTS

Judges' Salary Differential: Third Circuit is requesting \$47,561 in FY 2018 and \$96,025 in FY 2019 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries. The role of the Salary Commission is to fulfill Article XVI, section 3.5 of the Constitution which reads as follows: There shall be a commission on salaries for the justices, judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawai'i and the DOE.

Positions for Big Island Veterans' Treatment Court (VTC)/Drug Court: Third Circuit is requesting three Social Worker positions and related funding of \$206,646 in FY 2018 and \$278,712 in FY 2019 to continue and expand operations as grant funding comes to an end for the Big Island VTC.

In 2006, one in four veterans aged 18 to 25, met the standardized criteria for substance abuse. The Bureau of Justice Assistance found that 81 percent of all veterans involved in the justice system had a substance abuse problem prior to incarceration, 35 percent were identified as suffering from alcohol dependency, 23 percent had been homeless in the prior year, and 25 percent were identified as mentally ill. The underlying causes for the incarceration of many of these veterans was often Post Traumatic Brain Disorder, Traumatic Brain Injury, and/or a substance use disorder. The VA estimates that there are

approximately 117,000 veterans in the State of Hawai'i, of which more than 15,000 reside on the Big Island.

Veterans may be apprehensive about communicating the need for help with non-veterans, and may need extra assistance in pursuing eligibility for VA services. In addition, most treatment services are designed to serve the general public and not veterans. Until recently, veterans had few options and none could offer the combination of high level supervision, mentoring, verification and monitoring of VA services, incentives, consequences, and veteran specific treatment planning that the Big Island VTC is able to provide.

The Third Circuit is currently in its third and final year of a federal grant that awarded funds to implement a Big Island VTC. Through this grant, the Big Island launched its VTC in November 2014 and currently has 16 participants and one graduate. The goal is to have 24 participants by the end of September 2017. Unfortunately, the federal grant will expire at the end of September 2017, therefore, this request addresses the need for additional funds to continue this worthy program. Currently, there is only one position assigned to the VTC. This request is to convert this position into a permanent Social Worker IV to remain situated on the Kona side. In addition, a second Social Worker IV position is being requested and would be located in Hilo. Together, these positions would enable a total maximum caseload of 40 participants, 20 in Hilo and 20 in Kona. The Social Workers (Probation Officers) would act as case managers for these veterans and assist them in seeking services such as housing, financial assistance, advocacy, mental health and chemical dependency counseling and treatment, employment and skills training assistance, and other referral services.

In addition, a Social Worker V position is needed to provide supervision to the Big Island Drug Court and the Big Island VTC in West Hawai'i. Presently, there is one Social Worker V supervisory position who oversees the Big Island Drug Court and VTC in the Hilo area. The requested West Hawai'i Social Worker V will serve as a working supervisor who will provide direct supervision to three (possibly four, if approved) Probation Officers and one clerk, which is consistent with Hilo's operations. The Social Worker V will not only provide immediate supervision, but will also assist with handling cases. The funding for this position will help ensure that the programs are delivered at a high quality level by making sure that participants are compliant with their probation.

Positions for Kona Courthouse: The Third Circuit is requesting \$48,546 in FY 2019 for three positions in preparation for the opening of the Kona Judiciary Complex in September/October 2019. The positions are needed to help ensure that the new Kona Judiciary Complex is operational and that qualified and trained facilities staff are on board when the building opens.

The Kona Judiciary Complex is scheduled to be completed in September/October 2019. It will consist of three stories, with a total square footage of 143,000 square feet. The ground level will house the sheriffs for courtroom security, holding cells for adults and juveniles awaiting court appearances, client services (adult probation, juvenile probation, drug court, driver education), and secured parking for judges. The second and third

floors will house the courtrooms and support staff for the District, Family, and Circuit Courts.

This request is for the positions for court maintenance/facilities personnel which are needed to be on staff prior to the opening of the building and are also needed once the building is in full operation. Staff consisting of one Facilities Manager, one Building Maintenance Worker, and one Janitor will be required when the building is turned over to the Judiciary, approximately six months prior to the opening of the courthouse. It is important to have these positions on staff during the transitional period, at the end of the construction project, but prior to the building being taken over by the Judiciary. This will allow them to become familiar with the project and receive direct training by specialized contractors on the operations of the elevators, security systems, fire suppression systems, mechanical plant, and other critical systems, as well as any other areas involving facilities maintenance and repair. They will also be able to assist with the procurement and stocking of essential consumable supplies and small tools that will be required for daily maintenance and custodial support, with the coordination and implementation of moves from disparate existing locations to the consolidated new location, and with the planning and implementation for the demobilization from existing facilities including activities involving disposal of worn or broken furnishings and equipment and cleaning and turnover of leased facilities.

To ensure that the new Kona Judiciary Complex is fully operational on day one, it is imperative to have qualified and trained facilities staff on board when the building is open. The remainder of the necessary facilities crew will be requested in the next biennium.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	05	Fifth Circuit

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	5,357,411	5,819,711	6,043,865	6,272,140	6,272	6,272	6,272	6,272
Other Current Expenses	2,023,190	1,927,903	1,927,903	1,927,903	1,928	1,928	1,928	1,928
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	201,733	0	12,380	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	7,582,334	7,747,614	7,984,148	8,200,043	8,200	8,200	8,200	8,200
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	7,582,334	7,747,614	7,984,148	8,200,043	8,200	8,200	8,200	8,200

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	99.00 *	99.00 *	105.00 *	105.00 *	105.00 *	105.00 *	105.00 *	105.00 *
	0.00 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **
General Funds	7,582,334	7,747,614	7,984,148	8,200,043	8,200	8,200	8,200	8,200
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	99.00 *	99.00 *	105.00 *	105.00 *	105.00 *	105.00 *	105.00 *	105.00 *
	0.00 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **	2.60 **
Total Financing	7,582,334	7,747,614	7,984,148	8,200,043	8,200	8,200	8,200	8,200

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Med. Time to Dispo., Circl. Ct. Crim. Act. (Days)	327	326	325	325	325	324	324	324
Med. Time to Dispo., Circl. Ct. Civil Act. (Days)	606	450	440	431	422	415	409	404

PROGRAM SIZE INDICATORS (T=target group Indicators; A=activity Indicators)

Code No.	Program Size Indicators	Actual	Estimate	Budget Period		Estimate			
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
T01	Civil Actions, Circuit Court	1,176	1,185	1,194	1,203	1,212	1,221	1,230	1,239
T02	Marital Actions	682	693	704	715	726	737	748	759
T03	Adoption Proceedings	55	58	61	64	67	70	73	76
T04	Parental Proceedings	474	483	492	501	510	519	528	537
A01	Civil Actions Filed, Circuit Court	194	203	212	221	230	239	248	257
A02	Criminal Actions Filed, Circuit Court	481	485	489	493	497	501	505	509
A03	Marital Actions Filed	212	215	218	221	224	227	230	233
A04	Traffic - New Filings (thousands)	11	12	12	12	12	13	13	13
A05	Traffic - Terminated (thousands)	15	15	15	14	14	14	14	14

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (In thousands of dollars)

Fund to Which Deposited	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	1,464	1,466	1,479	1,478	1,479	1,478	1,479	1,479
Special Fund	375	375	375	382	382	384	382	382
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	1,839	1,841	1,854	1,860	1,861	1,862	1,861	1,861

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (In thousands of dollars)

Type of Revenue	Actual	Estimate	Budget Period		Estimate			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	728	720	723	728	729	730	729	729
Fines, Restitutions, Forfeits & Penalties	1,111	1,121	1,131	1,132	1,132	1,132	1,132	1,132
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	1,839	1,841	1,854	1,860	1,861	1,862	1,861	1,861

JUD 350 FIFTH CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Salary Differential: Funding of \$17,436 for FY 2018 and \$35,201 for FY 2019 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Additional Judgeship and support staff: This request for \$164,866 in FY 2018 and \$315,684 in FY 2019 is for an additional Family Court Judge and staff. Workload issues have prompted a need for an additional judgeship in the Fifth Circuit.

Establish Social Worker Positions to Assist with Defendants with Mental Health Conditions: This request for \$54,232 in FY 2018 and \$101,544 in FY 2019 is for two Social Worker IV positions in the Adult Client Probation Services Branch to assist with defendants with mental health conditions.

B. REASON FOR BUDGET REQUESTS

Judges' Salary Differential: Fifth Circuit is requesting \$17,436 for FY 2018 and \$35,201 for FY 2019 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Additional Judgeship and support staff: The Fifth Circuit is requesting \$164,866 in FY 2018 and \$315,684 in FY 2019 for an additional Family Court Judge and staff. The additional judgeship is needed to address the continuing increase in complexity of cases and the time required to schedule and hear cases on the court calendars, and to improve public service and safety.

Presently, the Fifth Circuit has only one Family Court Judge to handle its entire caseload of Family Court proceedings. The nature of Family Court civil proceedings, often involving complicated disputes regarding the best interests of the child or children, is such that it is difficult to push such cases or place arbitrary limits on time allotments for hearings and trials. For example, there has been a recent upward trend in the number of TRO filings. Currently, only one afternoon each week is used to schedule a return on a petition for protective order (respondent appears in court and is given the opportunity to agree to the protective order or contest the allegations). The return on petition is usually set within 15 days of the granting of the TRO. If the matter is contested, the hearing could last from 45 minutes to two hours depending on the number of witnesses who are called to testify. Sometimes a hearing cannot be completed in the time allotted so it has to be continued to another day. Because of Family Court's trial schedule, hearings often cannot be continued the same week and must be scheduled a number of weeks away.

Such delays are not in the best interests of the child, especially considering issues that may arise regarding temporary child custody, visitation, and more importantly the safety of all individuals involved. Also, part of one afternoon is spent on the adult domestic violence criminal calendar for proceedings which include proof of compliance, sentencing, entry of pleas, and arraignment and pleas. The domestic violence criminal trials are scheduled for only one day per month due to space and time limitations on the weekly Family Court calendar.

The Family Court implemented a revised weekly schedule in December 2014, and has made further revisions since, to help address their overcrowded court calendar. The Family Court schedule dedicates most of one calendar day to address approximately 5 to 10 DHS Child Protective Service (CPS) cases. Contested hearings are held in the afternoon and can last two to four hours depending on the amount of evidence being presented. Often, there are recorded interviews from the Children's Justice Center, as well as testimony from experts, social workers, and the parents. There are time constraints for these hearings so sometimes hearings have to be continued at a later date. Because the calendar is only one day a week, it is very difficult to reschedule hearings or find continued dates for hearings. Many of the attorneys involved in these cases also specialize in other areas of the law which requires them to be in other courtrooms at the same time. This makes scheduling even more difficult. In a recent review of Family Court dependency cases, one of the areas of concern was the ability to schedule hearings in a timely manner. Return hearings have to be scheduled within 15 days from when a child is placed into temporary foster custody, which has been a challenge due to the limited days available to do these hearings. Achieving permanency (termination of parental rights) is supposed to be reached within a reasonable period of time. Like TRO hearings, it is not in the best interests of all the involved parties to have such hearings postponed for any lengthy period.

Due to the number of domestic cases, proceedings are spread over two calendar days. On one of the days, usually two trials are scheduled. In addition to the trials scheduled, the morning calendar usually consists of about 10 new actions and about 5 status hearing cases. Because so many cases are already scheduled, a party generally has to wait about a month to have a matter placed on the domestic calendar. If a party is requesting a trial, the trial dates are being scheduled approximately three to four months from the date of the parties' first appearance depending on the amount of time expected to complete the trial. But sometimes it takes even longer due to continuances, rescheduling(s) due to conflicts, and the overloaded court calendar. Providing more timely court dates would have a positive effect on reducing tension and conflict for the children who are caught in the middle of the adult disputes between parents. To alleviate the court calendar, the parties are often required to participate in an alternative dispute resolution program before the matter is set for trial. On the second calendar day used for domestic cases, civil post-decree and pre-decree motions and other miscellaneous civil motions or petitions are scheduled in the morning for two hours. There are approximately 5 to 10 cases heard during this time.

One day of the Family Court calendar is dedicated to juvenile delinquency type cases. These include law violations, status offenses, DOE truancy petitions, and the Juvenile

Drug Court. The normal caseload is between 30 and 50 cases per day. The large number of cases each day does not allow much court time for each case to be heard. Again, due to space and time limitations on the weekly Family Court calendar, juvenile delinquency trials are only scheduled for one day per month.

Finally, one and one half calendar days are used to schedule civil trials for cases from any of the calendars. Often, the whole day is consumed by one trial due to the large number of witnesses called.

On any given day, calendars could be delayed due to special hearings scheduled at 1:00 p.m. each day (block of court time set aside as needed). The special hearings include special criminal arraignments or preliminary hearings, juvenile detention hearings, and involuntary commitment hearings.

While the Fifth Circuit has operated with only one dedicated Family Court Judge since 1999, the Second and Third Circuits have three and four Family Court Judges, respectively. In comparison to the Second and Third Circuit's Family Courts, the Family Court Judge for the Fifth Circuit has a much greater caseload (pending cases at the beginning of the year plus new filings) on a per judge basis. For example, in FY 2016, the Fifth Circuit's Family Court Judge had a total caseload of 6,428 cases in comparison to the Second and Third Circuits whose Family Court Judges' caseload averaged 2,343 and 2,834 cases, respectively. FY's 2015 and 2014 were similar as Fifth Circuit's Family Court Judge's caseload averaged 7,200 cases annually, as compared to Second and Third Circuit's Family Court Judges whose caseload averaged 2,500 and 2,800 cases, respectively.

A comparison of Fifth Circuit Family Court with the First Circuit Family Court revealed results similar to the disparity noted with neighbor island caseloads. The First Circuit's Family Court's Juvenile Division hears CPS cases that include, but are not limited to, issues involving child abuse and neglect, domestic violence, safety, substance abuse, mental health, and termination of parental rights. Four judges are assigned to the Juvenile Division. In FY 2016, the average caseload per Juvenile Division Judge was 1,795 juvenile and 855 children on status cases (these include probation, protective supervision, family supervision, foster custody, and permanent custody cases). In comparison, the Fifth Circuit Family Court Judge's caseload was 3,215 juvenile and 669 children on status cases. In FY 2015, the average caseload for each First Circuit Juvenile Division Judge was 1,793 juvenile and 825 children on status cases as compared to the Fifth Circuit Family Court Judge's caseload of 3,300 juvenile and 638 children on status cases. FY 2014 comparison numbers were similar to those for FY 2015.

It should also be noted that due to its large population base on O'ahu, the First Circuit has three more Family Court divisions, which are the Domestic, Special, and Adult Criminal Divisions. Each division has its own set of judges. The Domestic Division handles cases involving, but not limited to, divorces and civil union divorces. The Special Division deals with cases such as paternity, TROs and orders for protection, guardianship, and involuntary mental health commitments. The Adult Criminal Division handles cases involving abuse of family household members, and violations of TROs and orders for

protection. The Fifth Circuit's lone Family Court Judge handles all matters dealing with the Family Court, not just specific types of Family Court cases.

Due to the limitations and delays in obtaining court time for contested hearings, the Family Court has noticed that attorneys are increasingly applying for Ex Parte orders. Ex Parte orders are orders issued without the benefit of a contested or evidentiary hearing and can deprive opposing litigants of the opportunity to present their positions or evidence prior to an order from the Court. Consequently, the Court is placed in the difficult position of having to rule on matters with only one side being presented to the Court. Preferably, opposing parties should be able to fully litigate contested issues prior to an order being issued. However, given the delay between the filing of the motion and obtaining an available hearing date, attorneys have no option but to seek Ex Parte orders to address issues that need to be quickly resolved. For every week that passes where a child is denied the right to see one of their parents based on nothing more than allegations raised in a court filing, that child (and that parent) suffers irreversible harm and the loss of time that cannot be recovered.

The Fifth Circuit's Judges have met with Kaua'i attorneys to discuss issues or concerns that they believed were important to their practice of law on Kaua'i. Many of the responses revolved around the need of an additional judge position to address Family Court matters. While the Fifth Circuit does utilize per diem judges to keep the court operating when the Family Court Judge has conflicts with the case or times or otherwise is unable to be in court, they serve only part-time and their availability is sometimes limited since many are attorneys with their own practices.

The Family Court Judge is in court every day for most of the day. Additionally, the Judge is involved with several judicial committees and represents the Judiciary in some local organizations, convenes stakeholder meetings, prepares court orders when both parties are self-represented, does his own legal research, holds pre-trial conferences, reviews TRO orders, and reviews uncontested divorce actions. He also reviews Judicial Determination of Probable Cause and requests for arrest warrant packets submitted by the Kaua'i Police Department, and is on call 24 hours a day/7 days a week in the event there is a request for involuntary commitment of an individual due to mental illness. The Family Court Judge's out-of-court responsibilities have to fit in between court hearings. However, if the need arises due to time constraints, the Family Court tries its best to accommodate the parties by deviating from the court schedule.

The Judiciary's mission is to dispense justice. Unreasonable delay due to court congestion and the unavailability of courtroom time does a great disservice to our clients, the users of the court. It cannot be stressed enough that the civil litigants in contested Family Court matters include those who most need our assistance such as victims of domestic violence, children dealing with the breakdown of a family unit or who are without adequate child support, and abused or neglected children. It is strongly believed that more must be done for these individuals and an additional Family Court Judge and support staff would permit the Fifth Circuit to be more effective in this regard. The requested court staff would be able to provide the administrative support to handle the resulting workload generated by the additional judge.

More courtroom time is needed to accommodate the current Family Court civil caseload. An additional judge and support staff would permit the Family Court to handle expedited hearings, evidential hearings could be scheduled sooner, and more actual court time could be provided for contested matters including TRO and DHS/CPS hearings. Additionally, it would be possible to require and hold settlement conferences in all contested cases if another judge, other than the trial judge, was available.

Establish Social Worker Positions to assist with Defendants with Mental Health Conditions: The Fifth Circuit is requesting \$54,232 in FY 2018 and \$101,544 in FY 2019 for two Social Worker IV positions in the Adult Client Probation Services (ACPS) Branch. Over the years, the ACPS Branch has been experiencing a growing number of defendants with mental health conditions. In order to manage these defendants with dignity, compassion, and consistency, Social Worker IV positions with mental health backgrounds are needed in the Pre-Sentence Investigations (PSI) Section and in the Specialized Services Unit (SSU) Section.

According to a Bureau of Justice “Statistic” report dated 2006, 64% of prison inmates have a mental health problem. It has been estimated that up to 40% of persons with SMI will come into contact with the criminal justice system at some point in their lives. Also, according to a report in the August 23, 2015 Honolulu Star Advertiser, approximately 51% of those arrested in Hawai‘i had SMI or severe substance intoxication, and 40% were homeless. These statistics demonstrate the severity and extent of the problems that Probation Officers have to deal with involving the homeless and mentally ill in our community.

PSI Section

Section 704-400 (1), HRS provides “A person is not responsible, under this code, for conduct if at the time of the conduct as a result of physical or mental disease, disorder, or defect, the person lacks substantial capacity either to appreciate the wrongfulness of the person’s conduct or to conform the person’s conduct to the requirements of law.” “Section 704” defendants are referred to the PSI Section by the courts to gather background information about the defendant. The information is presented to an examination panel and is used in its review to determine whether the defendant is fit to stand trial. The Social Workers (also referred to as Probation Officers) in the PSI Section do not have a background in mental health and are currently performing their duties literally with knowledge obtained “on the job.”

The Social Worker’s responsibilities for defendants with mental health problems are time intensive and time sensitive as the mental examination panel is required to make a decision within 30 to 60 days. The Social Worker’s duties include interviewing the defendant to determine the defendant’s medical, substance abuse, psychiatric, rehabilitative, educational, and correctional history. Extremely crucial to this process is locating the defendant and obtaining the consent for release of information. The PSI Section has also experienced defendants with mental health conditions not wanting to provide the consent for release of information for various reasons including not

understanding what is being requested, not trusting the Social Worker, and for fear of being harmed by others including the Social Worker. In addition, the defendant may not even know that a mental health condition exists, which makes dealing with the individual more difficult. If the defendant is homeless or is no longer at the last listed address, the Social Worker tries his/her best to locate the defendant, which in itself can be a daunting task. Without the consent for release of information, the records on the defendant's background cannot be released to the Social Worker.

As a standard practice, information is solicited from the State Courts, Public Safety Department's Corrections Division, DOH's Adult Mental Health Division, and Mahelona Hospital on Kaua'i. Information from all other service providers identified during the interview process must also be solicited. All the information gathered by the Social Worker is put in a diagnostic report and is used by the examination panel to determine whether the defendant is fit to stand trial. Again, the PSI Section is under extreme time constraints to gather all the information about "Section 704" defendants and such demands are disruptive to all the other duties which include other pre-sentence investigations, courtesy supervision investigations, formal and instant record checks, and restitution investigations that service the Circuit, District, and Family Courts on Kaua'i. In FY 2011, the PSI Section conducted 56 mental health examinations, while between FY's 2012 and 2016, the average number of mental health examinations per year was 143, a 255% increase.

Having a Social Worker with a background and training in mental health issues, would provide a better mechanism to maneuver through the difficulties facing the PSI Section when working with "Section 704" defendants because such a Social Worker would be trained specifically in how to deal with individuals with mental health conditions.

SSU Section

The ACPS's SSU Section is responsible for supervising all defendants placed on court ordered CR supervision following a judgment acquitting an offender of an offense on the grounds of physical or mental disease, disorder, or defect. Similar to the PSI Section, the number of defendants with mental health conditions placed on supervision with the SSU Section has increased over the years. The SSU Section Social Worker is responsible to read the court ordered release conditions to the defendant, which both will sign; meet with the defendant on a monthly basis; attend court and review hearings (as necessary); and work with the mental health treatment service providers to insure that defendant is in compliance with release conditions.

The DOH's Adult Mental Health Division is the primary contact for the SSU Section, which coordinates all treatment services for the defendant on conditional release. The Social Worker works with forensic coordinators, case managers, psychiatrists, social workers, and various other parties that may be involved with the defendant's treatment. The situation can become more complicated if the defendant is also battling a substance abuse problem (dual diagnosis). The difficulty in part is due to not being able to prescribe medication for the mental health condition while the individual has a substance abuse problem. The individual would also have to be treated for the substance abuse

problem as well. This dual diagnosis condition takes more time and effort by all those involved with the treatment and supervision of the defendant.

If the defendant is not in compliance with the release conditions, the Social Worker initiates the documents necessary for the defendant to be apprehended and/or placed into custody. The daily cost to house an inmate in Hawaii's Correctional Facilities is \$140. For these conditional release defendants, non-compliance with their terms of supervision would result in hospitalization at the Hawai'i State Hospital, not prison. Hospitalization costs approximately \$765 per day, which is a very costly alternative to providing the specialized supervision that a Social Worker with a mental health background would offer. With proper supervision provided by the SSU Section working together with the team of treatment and stabilization services, it is anticipated that incarceration and hospitalization days would greatly decrease, public safety would increase, and such clients would have more successful outcomes.

In FY 2011, the SSU Section had 59 defendants under CR supervision; between FY 2012 and FY 2016, the number of defendants under CR supervision increased by some 34 % to an average 80 per year. Overall, the SSU Section had 1,240 defendants under supervision in FY 2011, while between FY 2012 and FY 2016, an average 1,485 per year, an increase of about 20%. In general, defendants with mental health issues under CR supervision are increasing at a greater rate than the overall population of supervised defendants.

Although the Social Worker does not provide treatment services to the defendant, an individual with background and training in mental health issues would be in a better position to assist the defendant's treatment providers and to alert them when there is evidence of mental health changes or deterioration.

In summary, the PSI and SSU Sections of the ACPS Branch are in need of Social Workers with a background and training in mental health and related issues. This extensive training provides the Social Worker with much better understanding, compassion, and necessary techniques and strategies to use when working with and supervising individuals afflicted with mental health problems; and would offer more consistency to the defendants, the courts, and the mental examiners. The number of defendants with mental health problems being referred has been increasing over the years. The requested Social Workers would be better equipped to serve, gain the trust, and allow these individuals to receive the mental health treatment that they need and provide them with a better chance of staying out of the costly incarceration or mental health institution systems.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	01	Judicial Selection Commission

PROGRAM EXPENDITURES

EXPENDITURES IN DOLLARS

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	64,668	66,973	66,973	66,973	67	67	67	67
Other Current Expenses	50,800	31,817	31,817	31,817	32	32	32	32
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,729	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	117,197	98,790	98,790	98,790	99	99	99	99
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	117,197	98,790	98,790	98,790	99	99	99	99

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
General Funds	117,197	98,790	98,790	98,790	99	99	99	99
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Total Financing	117,197	98,790	98,790	98,790	99	99	99	99

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

<u>Measures of Effectiveness</u>	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23

N/A

PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	<u>Program Size Indicators</u>	Actual	Estimate	Budget Period			Estimate		
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23

N/A

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (In thousands of dollars)

<u>Fund to Which Deposited</u>	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23

N/A

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (In thousands of dollars)

<u>Type of Revenue</u>	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23

N/A

JUD 501 JUDICIAL SELECTION COMMISSION PROGRAM INFORMATION

A. PROGRAM OBJECTIVES

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

B. PROGRAM ACTIVITIES

The Judicial Selection Commission is responsible for reviewing applicants for judgeships in Hawai'i courts and submitting a list of six nominees to the appointing authority for each vacancy. The Governor, with the consent of the Senate, appoints justices to the Supreme Court and judges to the Intermediate Court of Appeals and Circuit Court. The Chief Justice appoints and the Senate confirms District Court and District Family Court judges. The Commission has sole authority to act on reappointments to judicial office.

The Judicial Selection Commission is attached to the Judiciary for administrative purposes only.

C. KEY POLICIES

The Judicial Selection Commission strives to effectively and efficiently oversee the activities relating to judicial vacancies and justices'/judges' retention.

D. IMPORTANT PROGRAM RELATIONSHIPS

None

E. MAJOR EXTERNAL TRENDS

None.

F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA

There is no significant discrepancy between the program size and cost variables in the Judicial Selection Commission.

G. PROGRAM REVENUES

None.

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JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	02	Administration

PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual 2015-16	Estimated 2016-17	Budget Period		Estimated Expenditures (\$000's)			
			2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Operating Costs								
Personal Services	15,037,429	16,495,330	16,501,133	16,507,053	18,507	16,507	16,507	16,507
Other Current Expenses	18,558,923	18,053,271	18,387,203	18,053,271	18,053	18,053	18,053	18,053
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,464,135	944,061	981,258	944,061	944	944	944	944
Motor Vehicles	21,853	0	0	0	0	0	0	0
Total Operation Costs	33,082,140	35,492,862	35,849,594	35,504,385	35,504	35,504	35,504	35,504
Capital & Investment Costs	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
Total Program Expenditures	88,082,140	35,492,862	51,214,594	54,254,385	59,979	50,474	43,204	38,904

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2015-16	Estimated 2016-17	Budget Period		Estimated Expenditures (\$000's)			
			2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *	227.00 *
	0.00 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **	10.48 **
General Funds	25,703,612	27,155,664	27,512,596	27,167,387	27,167	27,167	27,167	27,167
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **	9.00 **
Special Funds	7,365,377	7,993,737	7,993,737	7,993,737	7,994	7,994	7,994	7,994
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **	0.00 **
Revolving Funds	13,151	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	55,000,000	0	15,365,000	18,750,000	24,475	14,970	7,700	3,400
	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *
	0.00 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **	19.48 **
Total Financing	88,082,140	35,492,662	51,214,594	54,254,385	59,979	50,474	43,204	38,904

*Permanent Position FTE

**Temporary Position FTE

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

<u>Measures of Effectiveness</u>	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Avg Time to Process JUDHR001 Form (Days)	5	5	5	5	5	5	5	5
Avg Time to Process Payment Document (Days)	5	5	5	5	5	5	5	5

PROGRAM SIZE INDICATORS (T= target group indicators; A= activity indicators)

Code No.	<u>Program Size Indicators</u>	Actual	Estimate	Budget Period			Estimate		
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
A01	Number of Payment Documents Processed	34,346	34,346	34,346	34,346	34,346	34,346	34,346	34,346
A02	Number of Recruitment Announcements	880	749	880	880	880	880	880	880
A03	Number of JUDHR001 Forms Processed	5,679	4,400	4,000	4,000	4,000	4,000	4,000	4,000
A04	Library-Size of Collection (000's)	284	284	284	285	285	285	286	286
A05	Library-Circulation & Reference Use (000's)	31	31	31	31	31	31	31	31
A06	Library-Patrons Served (000's)	7	7	7	7	7	7	7	7

PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

<u>Fund to Which Deposited</u>	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	120	108	108	108	108	108	108	108
Special Fund	141	141	141	141	143	143	143	143
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	261	249	249	249	251	251	251	251

PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

<u>Type of Revenue</u>	Actual	Estimate	Budget Period			Estimate		
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues from use of Money and Property	21	21	21	21	22	22	22	22
Revenues from Other Agencies	76	76	76	76	76	76	76	76
Charges for Current Services	164	152	152	152	153	153	153	153
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	261	249	249	249	251	251	251	251

JUD 601 ADMINISTRATION PROGRAM INFORMATION AND BUDGET REQUESTS

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary.

A. PROGRAM OBJECTIVES

Overall Program Objective

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation, fiscal control, and administrative services.

Policy and Planning

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To maintain oversight and coordination of the Judiciary's capital improvement projects to ensure compliance with the Judiciary's policies and applicable State and Federal rules and regulations.

- To coordinate the Judiciary's legislative activities and special projects.
- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity (EEO) laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

Financial Services

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To provide a fair and expeditious administrative process for revoking the driver licenses and motor vehicle registrations of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

Information Technology and Systems

- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

Intergovernmental and Community Relations

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media;

and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.

- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from pre contact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.

- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

Human Resources

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

Commission on Judicial Conduct

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

B. PROGRAM ACTIVITIES

The Office of the Administrative Director of the Courts serves as the administrative arm of the Judiciary. It is headed by an Administrative Director who is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director is assisted by a Deputy Administrative Director of the Courts in fulfilling the duties and responsibilities assigned to the office. The Director's Office is comprised of a number of staff and specific programs, including the Administration Fiscal Office and the Judiciary Security & Emergency Management Office.

The planning, statistical data management, program evaluation, budgeting, capital improvement, audit, and legislative coordination functions are carried out by the Policy and Planning Department.

The financial, purchasing, and administrative driver's license revocation functions are performed by the Financial Services Department.

The data processing, reprographics, telecommunications, and records management functions are performed within the Information Technology and Systems Department.

The Human Resources Department manages centralized programs of recruitment, compensation, record keeping, employee and labor relations, employee benefits, disability claims, and continuing education.

The Intergovernmental and Community Relations Department provides legal services, public relations, and information services for the Judiciary; coordinates citizen volunteer services and investigative processes in cases of intrafamilial and extrafamilial child sex abuse; researches, plans, and develops alternate dispute resolution procedures and programs; and provides educational programs using a variety of interpretive media that promote understanding and appreciation of the history of Hawaii's Judiciary. This department is also concerned with providing public guardianship for incapacitated adults, promoting equality and accessibility in the State's justice system, and providing legal reference resources and services to the courts, the legal community, and the public.

The Commission on Judicial Conduct, which is attached to the Judiciary for administrative purposes only, is responsible for investigating allegations of judicial misconduct and disability. Rules of the court require that three licensed attorneys and four non-attorney citizens be appointed to this Commission. An additional function allows the Commission to issue advisory opinions to aid judges in the interpretation of the Code of Judicial Conduct.

C. KEY POLICIES

The Judiciary's Administration strives to improve and streamline procedures to attain maximum productivity from available resources, promote uniformity in statewide court operations, and prevent duplication of effort from circuit to circuit.

D. IMPORTANT PROGRAM RELATIONSHIPS

As one of the three branches of state government, the Judiciary works closely with and cooperates with the executive and legislative branches. Executive agencies with which the Judiciary has frequent contact include the Departments of Health, Education, and Human Services. The Department of the Attorney General is regularly consulted regarding the interpretation of laws governing the Judiciary. Other executive agencies which provide services or consultations to the Judiciary are the Departments of Budget and Finance, Accounting and

General Services, Human Resources Development, and Public Safety. Because any new legislation potentially affects the courts, the Judiciary's interaction with the legislative branch is also of critical importance.

E. MAJOR EXTERNAL TRENDS

Increasing population and urbanization, dynamic economic conditions, changing social values, expansion of the rights of criminal defendants and consumers, the creation of new classes of civil and criminal actions, and the increasing tendency for litigants to exercise their right to a review of trial court decisions all contribute to the rising workload of the courts, and impact the activities of the Office of the Administrative Director.

F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA

There is no significant discrepancy between the program size and cost variables in the Administrative Director's Program.

The major focus of this program for the upcoming biennium period is to continue providing quality administrative support and direction to the rest of the Judiciary, and enhancing efficiency within the current fiscal constraints.

G. PROGRAM REVENUES

Revenues are collected from movie production companies, photographers, and others that use Judiciary facilities for their work, and are deposited into the state general fund.

In accordance with section 601-3.5, HRS, revenues from library fines, other charges for late, lost, or damaged books, and for photocopying services are deposited into the Supreme Court Law Library Revolving Fund.

H. DESCRIPTION OF BUDGET REQUEST

Administrative Director and Deputy Administrative Director Salary Differential: Funding of \$5,803 in FY 2018 and \$11,723 in FY 2019 is requested for the Judiciary's Administrative Director's and Deputy Administrative Director's pay increases authorized by the 2014 Legislature.

Human Resource Management System (HRMS) Upgrade: Funding of \$351,129 in FY 2018 is requested to transition from PeopleSoft HRMS 9.1 to HCM 9.2.

I. REASON FOR BUDGET REQUESTS

Administrative Director and Deputy Administrative Director Salary Differential: Funding of \$5,803 in FY 2018 and \$11,723 in FY 2019 is being requested for the Judiciary's Administrative Director's and Deputy Administrative Director's pay adjustments authorized by the Legislature in Act 180, 2014 SLH.

Prior to the passage of Act 180, the Judiciary's Administrative Director and the Deputy Administrative Director did not have a mechanism to set their salaries. Act 180 established that mechanism by providing that the salary for the Judiciary's Administrative Director be equal to the Administrative Director of the State; and for the Judiciary's Deputy Administrative Director to be equal to 95% of the salary of the Judiciary's Administrative Director, effective July 1, 2014.

HRMS Upgrade: Funding of \$351,129 in FY 2018 is being requested to upgrade the Judiciary's HRMS PeopleSoft HRMS 9.1 to HCM 9.2 (PeopleSoft) due the vendor's suspension of its extended support in January 2018.

Oracle's extended support for the Judiciary's current PeopleSoft HRMS 9.1 version ends in January of 2018. If the Judiciary does not upgrade to the latest HCM 9.2 version of the product, the vendor will continue to provide only sustaining support which allows the system to operate status-quo, but will not provide any security and operating systems patches and updates that are needed to maintain critical and required functionality.

PeopleSoft is relied upon to maintain and process Judiciary personnel and payroll data in a secure manner, as well as generate a multitude of reports on employee data, including position data for vacancy reports.

The extended support provided by the vendor will allow the Judiciary to ensure that the latest security and operating system patches and updates will be made available to alleviate data integrity issues.

The vendor expects to support HCM 9.2 through December 2027 on an extended support basis, which would provide all patches for the software.

As an aside, the Executive Branch completed their upgrade to PeopleSoft 9.2 on January 20, 2015.

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PART IV



Capital Improvements Appropriations and Details

JUDICIARY
STATE OF HAWAII

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Judiciary
PROGRAM STRUCTURE NO: 01

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2016	FY2017	Recommended		Fiscal Year Estimates			
						2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
JUDICIARY TOTAL	Plans	2,480	780	0	0	50	50	550	550	50	450
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	18,351	9,506	0	0	1,315	450	1,815	595	4,370	300
	Constr	161,582	39,367	55,000	0	13,975	11,475	22,085	13,800	3,255	2,625
	Equip	6,901	1	0	0	25	6,775	25	25	25	25
	Total	193,864	54,204	55,000	0	15,365	18,750	24,475	14,970	7,700	3,400
	G.O. Bonds	193,864	54,204	55,000	0	15,365	18,750	24,475	14,970	7,700	3,400

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2016	FY2017	Recommended		Fiscal Year Estimates			
						2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Kona Judiciary Complex, Hawai'i	Plans	500	500								
	Land	4,550	4,550								
	Design	8,500	8,500								
	Constr	89,000	34,000	55,000							
	Equip	6,750					6,750				
	Total	109,300	47,550	55,000	0	0	6,750	0	0	0	0
	G.O. Bonds	109,300	47,550	55,000	0	0	6,750	0	0	0	0
Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu	Plans	29	29								
	Land	0									
	Design	810	410			400					
	Constr	20,400				8,900	6,300	5,200			
	Equip	0									
	Total	21,239	439	0	0	9,300	6,300	5,200	0	0	0
	G.O. Bonds	21,239	439	0	0	9,300	6,300	5,200	0	0	0
Lump Sum CIP for Judiciary Facilities, Statewide (for FB 13-15 through FB 17-19)	Plans	301	1			50	50	50	50	50	50
	Land	0									
	Design	1,801	1			300	300	300	300	300	300
	Constr	18,937	3,187			2,625	2,625	2,625	2,625	2,625	2,625
	Equip	151	1			25	25	25	25	25	25
	Total	21,190	3,190	0	0	3,000	3,000	3,000	3,000	3,000	3,000
	G.O. Bonds	21,190	3,190	0	0	3,000	3,000	3,000	3,000	3,000	3,000
Hoapili Hale Security Improvements, Maui	Plans	0									
	Land	0									
	Design	450				100	150	200			
	Constr	4,350				900	1,450	2,000			
	Equip	0									
	Total	4,800	0	0	0	1,000	1,600	2,200	0	0	0
	G.O. Bonds	4,800	0	0	0	1,000	1,600	2,200	0	0	0
Kaua'i Judiciary Complex Reroof and Repair Leaks and Damages, Kaua'i	Plans	0									
	Land	0									
	Design	390				390					
	Constr	3,400				1,000	1,100	1,300			
	Equip	0									
	Total	3,790	0	0	0	1,390	1,100	1,300	0	0	0
	G.O. Bonds	3,790	0	0	0	1,390	1,100	1,300	0	0	0
Status Offender Shelter and Juvenile Services Center, O'ahu	Plans	250	250								
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	Total	250	250	0	0	0	0	0	0	0	0
	G.O. Bonds	250	250	0	0	0	0	0	0	0	0

JUDICIARY
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2016	FY2017	Recommended		Fiscal Year Estimates			
						2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Hoapili Hale Building Exterior Remedial Improvements, Maui	Plans	0									
	Land	0									
	Design	470	470								
	Constr	1,630	1,630								
	Equip	0									
	Total	2,100	2,100	0	0	0	0	0	0	0	0
	G.O. Bonds	2,100	2,100	0	0	0	0	0	0	0	0
Hoapili Hale Exhaust Monitoring and Ventilation Systems Upgrade, Maui	Plans	0									
	Land	0									
	Design	125	125								
	Constr	550	550								
	Equip	0									
	Total	675	675	0	0	0	0	0	0	0	0
	G.O. Bonds	675	675	0	0	0	0	0	0	0	0
Kapuaiwa Building Separate Storm Drain and Sanitary Sewer Systems, O'ahu	Plans	0									
	Land	0									
	Design	125				125					
	Constr	550				550					
	Equip	0									
	Total	675	0	0	0	675	0	0	0	0	0
	G.O. Bonds	675	0	0	0	675	0	0	0	0	0
Kapuaiwa Building Roof Replacement, O'ahu	Plans	0									
	Land	0									
	Design	100							100		
	Constr	1,000							1,000		
	Equip	0									
	Total	1,100	0	0	0	0	0	0	1,100	0	0
	G.O. Bonds	1,100	0	0	0	0	0	0	1,100	0	0
Hoapili Hale Parking Structure Sewer, Storm Drain, AC and Fire Sprinkler Piping Improvements, Maui	Plans	0									
	Land	0									
	Design	150						150			
	Constr	2,750						2,750			
	Equip	0									
	Total	2,900	0	0	0	0	0	2,900	0	0	0
	G.O. Bonds	2,900	0	0	0	0	0	2,900	0	0	0
Hoapili Hale Legal Documents Reorganization and Upgrades, Maui	Plans	0									
	Land	0									
	Design	95							95		
	Constr	2,725							2,725		
	Equip	0									
	Total	2,820	0	0	0	0	0	0	2,820	0	0
	G.O. Bonds	2,820	0	0	0	0	0	0	2,820	0	0

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS**

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**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02

[illegible]

**JUDICIARY
STATE OF HAWAII**

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS**

**PROGRAM PLAN TITLE: Administration
PROGRAM STRUCTURE NO: 01 02 02**

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2016	FY2017	Recommended		Fiscal Year Estimates			
						2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Kauikēaouli Hale Reorganization, O'ahu	Plans	400									400
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	Total	400	0	0	0	0	0	0	0	0	400
	G.O. Bonds	400	0	0	0	0	0	0	0	0	400
Judiciary Total (Active Projects within FB 2017-2019)	Plans	2,480	780	0	0	50	50	550	550	50	450
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	18,351	9,506	0	0	1,315	450	1,815	595	4,370	300
	Constr	161,582	39,367	55,000	0	13,975	11,475	22,085	13,800	3,255	2,625
	Equip	6,901	1	0	0	25	6,775	25	25	25	25
	Total	193,864	54,204	55,000	0	15,365	18,750	24,475	14,970	7,700	3,400
	G.O. Bonds	193,864	54,204	55,000	0	15,365	18,750	24,475	14,970	7,700	3,400

PART V



Variance Report

VARIANCE REPORT

INTRODUCTION

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following four categories:

A. FORECASTING AND DATA COLLECTION METHODS

At present, the forecasting techniques used are largely bivariate regression. This methodology is then further refined by smoothing and by normative trend/event analysis. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts. Such techniques are beyond the financial resources of the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are generally temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

B. EXTERNAL TRENDS AND EVENTS

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and/or technological change on a global, national, state, or local level; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

C. OTHER FACTORS

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

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VARIANCE DETAILS

STATE OF HAWAII
PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

Program Structure No. 01 01 01

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2016									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	71.0	70.0	1.0	-	1					
	Expenditures	6,564	6,562	2	-	0					
Totals	Positions	71.0	70.0	1.0	-	1					
	Expenditures	6,564	6,562	2	-	0					
		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	72.0	69.0	3.0	-	4	72.0	71.0	1.0	-	1
	Expenditures	1,678	1,527	151	-	9	5,035	5,353	318	+	6
Totals	Positions	72.0	69.0	3.0	-	4	72.0	71.0	1.0	-	1
	Expenditures	1,678	1,527	151	-	9	5,035	5,353	318	+	6

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Median Time to Decision, Criminal Appeal (Mo)	16	14	2	-	13	14	14	0	+	0
2.	Median Time to Decision, Civil Appeal (Mo)	12	12	0	+	0	12	12	0	+	0
3.	Median Time to Decision, Original Proc. (Mo)	1	1	0	+	0	1	1	0	+	0

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	A01 Criminal Appeals Filed	220	267	47	+	21	222	260	38	+	17
2.	A02 Civil Appeals Filed	405	479	74	+	18	412	470	58	+	14
3.	A03 Original Proceedings Filed	105	86	19	-	18	120	100	20	-	17
4.	A04 Appeals Disposed	650	744	94	+	14	665	740	75	+	11
5.	A05 Motions Filed	3,025	2,817	208	-	7	3,040	2,820	220	-	7
6.	A06 Motions Terminated	3,030	2,811	219	-	7	3,045	2,821	224	-	7

JUD 101 COURTS OF APPEAL

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, the variance in positions was due to normal employee turnover and there was no significant expenditure variance.

In the first quarter of FY 2017, there were no significant position and expenditure variance. For the remainder of the fiscal year, estimated expenditures are expected to reflect normal procurement and operational practices and collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 1, Criminal Appeals Filed, was 21% over the estimated level in FY 2016 due to an under projection based in part on actual filings that were lower in prior years – 235 in FY 2013, 208 in FY 2014 and 206 in FY 2015.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

VARIANCE DETAILS

Program Structure No. 01 01 02

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2016				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions					
	Expenditures					
Operating	Positions	1,118.5	1,061.5	57.0	-	5
	Expenditures	84,856	85,684	828	+	1
Totals	Positions	1,118.5	1,061.5	57.0	-	5
	Expenditures	84,856	85,684	828	+	1

		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1117.5	1049.5	68.0	-	8	1117.5	1061.5	56.0	-	5
	Expenditures	21,582	17,916	3,666	-	17	64,747	70,743	5,996	+	9
Totals	Positions	1117.5	1049.5	68.0	-	8	1117.5	1061.5	56.0	-	5
	Expenditures	21,582	17,916	3,666	-	17	64,747	70,743	5,996	+	9

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circl. Cl. Crim. Act. (Days)	310	391	81	+	26	298	380	82	+	28
2.	Med. Time to Dispo., Circl. Cl. Civil Act. (Days)	466	571	105	+	23	398	581	183	+	41

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	10,500	10,045	455	-	4	10,700	10,059	641	-	6
2.	T02 Marital Actions	7,320	7,329	9	+	0	7,040	7,342	302	+	4
3.	T03 Adoption Proceedings	525	647	122	+	23	450	650	200	+	44
4.	T04 Parental Proceedings	2,520	2,664	144	+	6	2,530	2,660	130	+	5
5.	A01 Civil Actions Filed, Circuit Court	3,006	2,455	551	-	18	3,316	2,461	855	-	26
6.	A02 Criminal Actions Filed, Circuit Court	2,110	2,163	53	+	3	2,220	2,166	54	-	2
7.	A03 Marital Actions Filed	3,883	3,781	102	-	3	4,023	3,791	232	-	6
8.	A04 Traffic - New Filings (thousands)	330	322	8	-	2	290	323	33	+	11
9.	A05 Traffic - Terminated (thousands)	330	362	32	+	10	289	350	61	+	21

JUD 310 FIRST CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, position variances were the result of normal employee turnover as well as recruitment time factors. All position vacancies are carefully screened as part of the ongoing process to ensure that new hires are necessary to continue vital court services.

In FY 2016, First Circuit expenditures were slightly higher than budgeted largely due to collective bargaining increases and Judges' salary increase recommended by the Commission on Salaries and approved by the Legislature.

In the first quarter of FY 2017, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditure variances in the first quarter are largely due to the timing of actual payroll disbursements, conservative hiring practices, and normal procurement and operational practices.

For the balance of FY 2017, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2017 by new employees subject to a 20-day pay lag is disbursed), and payments made for court ordered services. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year. Estimated expenditures are also expected to increase due to collective bargaining cost items appropriated and enacted by the Legislature.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 26% greater than the actual number of days due to an under projection of the estimated level for FY 2016, as Circuit Court continues to clean up and dispose of older cases.

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 23% greater than the actual number of days due to an under projection of the estimated level for FY 2016, and because of the unexpected length of time required to resolve and close foreclosure cases.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 23% over the estimated level due to an under projection of the estimated level for FY 2016. This occurred because of a significant drop in the number of adoption proceedings terminated in FY 2015 which, in turn, increased the pending number of cases at the beginning of FY 2016.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

VARIANCE DETAILS

Program Structure No. 01 01 03

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2016									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	207.0	206.0	1.0	-	0					
	Expenditures	16,145	16,419	274	+	2					
Totals	Positions	207.0	206.0	1.0	-	0					
	Expenditures	16,145	16,419	274	+	2					
		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	207.0	203.0	4.0	-	2	207.0	201.0	6.0	-	3
	Expenditures	4,104	3,970	134	-	3	12,311	12,889	578	+	5
Totals	Positions	207.0	203.0	4.0	-	2	207.0	201.0	6.0	-	3
	Expenditures	4,104	3,970	134	-	3	12,311	12,889	578	+	5

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%			Amount	+/-	%
1.	Med. Time to Dispo., Circl. Cl. Crim. Act. (Days)	252	255	3	+	1	247	255	8	+	3
2.	Med. Time to Dispo., Circl. Cl. Civil Act. (Days)	483	495	12	+	2	340	475	135	+	40

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%			Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	2,800	2,005	795	-	28	2,950	2,020	930	-	32
2.	T02 Marital Actions	985	915	70	-	7	1,002	921	81	-	8
3.	T03 Adoption Proceedings	76	75	1	-	1	79	75	4	-	5
4.	T04 Parental Proceedings	560	385	175	-	31	670	400	270	-	40
5.	A01 Civil Actions Filed, Circuit Court	775	667	108	-	14	923	677	246	-	27
6.	A02 Criminal Actions Filed, Circuit Court	984	1,166	182	+	18	916	1,168	252	+	28
7.	A03 Marital Actions Filed	551	532	19	-	3	600	538	62	-	10
8.	A04 Traffic - New Filings (thousands)	34	39	5	+	15	29	38	9	+	31
9.	A05 Traffic - Terminated (thousands)	34	40	6	+	18	29	39	10	+	34

JUD 320 SECOND CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, position variances were the result of normal employee turnover as well as recruitment time factors. Actual expenditures were slightly higher than budgeted due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2017, the variance in the number of filled authorized positions is minimal and a result of normal employee turnover. Expenditure variances are a result of position vacancies and normal procurement and operational practices.

For the balance of FY 2017, estimated expenditures are expected to be slightly higher than budgeted due to the liquidation of first quarter billings and collective bargaining increases that were appropriated in a separate bill. There should be normal position vacancies through the remainder of the year.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 1, Civil Actions, Circuit Court, was 28% under the estimated FY 2016 level, primarily due to a steady decrease in filings, especially new foreclosure filings on which the estimate was partly based (i.e., in FY 2012, new foreclosure filings totaled 905; in FY 2016, they totaled 329).

Item 4, Parental Proceedings, was 31% under the estimated FY 2016 level due to a drop in filings, increased terminations, and estimates based on significantly higher caseloads during the last three fiscal years. Further, there has been an increased effort by the court to dispose of and close old cases on file.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Third Circuit

Program Plan ID: JUD 330

VARIANCE DETAILS

Program Structure No. 01 01 04

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2016									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	222.0	8.0	-	3					
	Expenditures	19,145	19,408	261	+	1					
Totals	Positions	228.0	222.0	8.0	-	3					
	Expenditures	19,145	19,408	261	+	1					
		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	218.0	10.0	-	4	228.0	222.0	6.0	-	3
	Expenditures	4,857	8,580	3,723	+	77	14,571	11,342	3,229	-	22
Totals	Positions	228.0	218.0	10.0	-	4	228.0	222.0	6.0	-	3
	Expenditures	4,857	8,580	3,723	+	77	14,571	11,342	3,229	-	22

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%			Amount	+/-	%
1.	Med. Time to Dispo., Circl. Ct. Crim. Act. (Days)	370	311	59	-	16	260	310	50	+	19
2.	Med. Time to Dispo., Circl. Ct. Civil Act. (Days)	420	501	81	+	19	360	499	139	+	39

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%			Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	3,630	3,037	593	-	16	3,770	3,057	713	-	19
2.	T02 Marital Actions	1,580	1,510	70	-	4	1,588	1,520	68	-	4
3.	T03 Adoption Proceedings	80	101	21	+	26	79	96	17	+	22
4.	T04 Parental Proceedings	1,250	1,371	121	+	10	1,246	1,362	116	+	9
5.	A01 Civil Actions Filed, Circuit Court	959	865	94	-	10	1,059	872	187	-	18
6.	A02 Criminal Actions Filed, Circuit Court	935	892	43	-	5	909	901	8	-	1
7.	A03 Marital Actions Filed	615	584	31	-	5	636	567	49	-	8
8.	A04 Traffic - New Filings (thousands)	39	42	3	+	8	37	43	6	+	16
9.	A05 Traffic - Terminated (thousands)	40	48	8	+	20	41	44	3	+	7

JUD 330 THIRD CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, position variances were the result of normal employee turnover as well as recruitment time factors. Actual expenditures were slightly higher than budgeted due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2017, the variance in the number of filled authorized positions is a carryover from the previous year and a result of normal employee turnover. Expenditures are greater than budgeted in the first quarter due to the majority of recurring expenses (utilities, contracts, rentals, service on a fee, purchase of service) being encumbered up front for the fiscal year. Estimated expenditures are expected to be lower than budgeted amounts for the balance of FY 2017 because of this. The remainder of the fiscal year should result in normal position variances.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 26% over estimated amounts due to an increase in filings, and estimates being based on the lower caseloads (i.e., proceedings) in FYs 2014 (75) and 2015 (82).

Item 9, Traffic - Terminated, was 20% over the estimated most likely due to a change in previous reporting from Entry of Judgement to Terminated and too low estimated levels.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

VARIANCE DETAILS

Program Structure No. 01 01 05

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2016									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	99.0	94.0	5.0	-	5					
	Expenditures	7,380	7,582	202	+	3					
Totals	Positions	99.0	94.0	5.0	-	5					
	Expenditures	7,380	7,582	202	+	3					
		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	99.0	92.0	7.0	-	7	99.0	95.0	4.0	-	4
	Expenditures	1,878	1,881	3	+	0	5,635	5,867	232	+	4
Totals	Positions	99.0	92.0	7.0	-	7	99.0	95.0	4.0	-	4
	Expenditures	1,678	1,881	3	+	0	5,635	5,867	232	+	4

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circl. Ct. Crim. Act. (Days)	320	327	7	+	2	304	326	22	+	7
2.	Med. Time to Dispo., Circl. Ct. Civil Act. (Days)	400	606	206	+	52	340	450	110	+	32

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2016					Fiscal Year 2017				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	TO1 Civil Actions, Circuit Court	1,310	1,176	134	-	10	1,310	1,185	125	-	10
2.	TO2 Marital Actions	800	682	118	-	15	820	693	127	-	15
3.	TO3 Adoption Proceedings	50	55	5	+	10	125	58	67	-	54
4.	TO4 Parental Proceedings	600	474	126	-	21	540	483	57	-	11
5.	A01 Civil Actions Filed, Circuit Court	287	194	93	-	32	306	203	103	-	34
6.	A02 Criminal Actions Filed, Circuit Court	440	481	41	+	9	435	485	50	+	11
7.	A03 Marital Actions Filed	230	212	18	-	8	234	215	19	-	8
8.	A04 Traffic - New Filings (thousands)	14	11	3	-	21	13	12	1	-	8
9.	A05 Traffic - Terminated (thousands)	15	15	0	+	0	13	15	2	+	15

JUD 350 FIFTH CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, the variance in positions was due to normal employee turnover. The expenditure variance was primarily due to collective bargaining augmentation.

In the first quarter of FY 2017, there were no significant position and expenditure variances. For the remainder of the fiscal year, estimated expenditures are expected to reflect normal procurement and operational practices and collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Medium Time to Disposition, Circuit Court Civil Actions, was 52% over the estimated level due to an increased effort to dispose of and close old cases sitting on the court's records.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 4, Parental Proceedings, was 21% lower than the estimated level due to an increased effort by the court to dispose of and close old cases on file.

Item 5, Civil Actions Filed, Circuit Court, was 32% lower than the estimated level primarily due to a decreasing trend in mortgage foreclosure cases filed relative to the prior year on which the estimate was partly based.

Item 8, Traffic – New Filings, was 21% lower than estimated due to a significant decrease in new filings as compared to 14,000 in both FYs 2014 and 2015, on which the estimates are partly based.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

VARIANCE DETAILS

Program Structure No. 01 02 01

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2016									
				Change From A TO B							
		A Budgeted	B Actual	Amount	+/-	%					
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0					
	Expenditures	93	117	24	+	26					
Totals	Positions	1.0	1.0	0.0	+	0					
	Expenditures	93	117	24	+	26					

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
				Change From A TO B					Change From A TO B		
		A Budgeted	B Actual	Amount	+/-	%	A Budgeted	B Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	23	22	1	-	4	70	77	7	+	10
Totals	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	23	22	1	-	4	70	77	7	+	10

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2016					Fiscal Year 2017				
				Change From A TO B					Change From A TO B		
		A Estimated	B Actual	Amount	+/-	%	A Planned	B Estimated	Amount	+/-	%
N/A											

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2016					Fiscal Year 2017				
				Change From A TO B					Change From A TO B		
		A Estimated	B Actual	Amount	+/-	%	A Planned	B Estimated	Amount	+/-	%
N/A											

JUD 501 JUDICIAL SELECTION COMMISSION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

The Judicial Selection Commission (JSC) reflects no position variance for FY 2016 as the sole position was filled throughout the year. The operating expenditures variance for the fiscal year is attributed to an increase in the number of judicial selections reviewed by the JSC in FY 2016.

In FY 2016, the Judiciary (JUD-601-Administration) transferred \$23,000 to the JSC to support its budget shortfall.

The first quarter of FY 2017 remains consistent with FY 2016's cautious spending strategy. However, JSC anticipates a budget shortfall in FY 2017, again due the increased number of judicial selections projected for FY 2017.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

N/A.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

N/A.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Administration

Program Plan ID: JUD 601

VARIANCE DETAILS

Program Structure No. 01 02 02

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2016									
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-				Amount	+/-	
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	216.0	12.0	-	5					
	Expenditures	34,347	33,082	1,265	-	4					
Totals	Positions	228.0	216.0	12.0	-	5					
	Expenditures	34,347	33,082	1,265	-	4					
COST (Expenditures in \$1,000's)		Three Months Ended 9-30-16					Nine Months Ended 6-30-17				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-				Amount	+/-	
Research and Development	Positions										
	Expenditures										
Operating	Positions	228.0	216.0	12.0	-	5	228.0	228.0	0.0	+	0
	Expenditures	8,544	17,061	8,517	+	100	25,631	18,432	7,199	-	28
Totals	Positions	228.0	216.0	12.0	-	5	228.0	228.0	0.0	+	0
	Expenditures	8,544	17,061	8,517	+	100	25,631	18,432	7,199	-	28

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2016					Fiscal Year 2017				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-				Amount	+/-	
1.	Average Time to Process JUDHR001 Form (days)	5	5	0	+	0	5	5	0	+	0
2.	Average Time to Process Payment Document (days)	5	5	0	+	0	5	5	0	+	0

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2016					Fiscal Year 2017				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-				Amount	+/-	
1.	A01 Number of Payment Documents Processed	32,328	34,346	2,018	+	6	34,346	34,346	0	+	0
2.	A02 Number of Recruitment Announcements	749	680	131	+	17	680	680	0	+	0
3.	A03 Number of JUDHR001 Forms Processed	3,500	5,679	2,179	+	62	4,400	4,400	0	+	0
4.	A04 Library-Size of Collections (000's)	264	264	0	+	0	264	264	0	+	0
5.	A05 Library-Circulation, Transaction & Reference Use (000's)	50	31	19	-	36	31	31	0	+	0
6.	A06 Library-Patrons Served (000's)	7	7	0	+	0	7	7	0	+	0

JUD 601 ADMINISTRATION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2016, the variance in positions was due primarily to normal employee turnover and recruitment delays combined with an increased number of employee retirements. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices.

In the first quarter of FY 2017, the variance in positions remained relatively stable as the programs continued their recruiting efforts.

Expenditures reported for the first quarter of FY 2017 reflected full-year funding encumbered to support various contracts and operating expenses. In particular, \$2.6 million in utility expenditures and nearly \$4.5 million for IT-related support contracts were encumbered in the first quarter. This fiscal practice results in the proportionately lower level of operating expenses projected for the remaining three quarters of FY 2017 which are offset somewhat by collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

There are no variances identified.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

The variance reflected in the HRD-JUDHR001 Forms Processed was 62% more than the estimated level in FY 2016 due to a higher number of staff transfers, separations, and hires. In addition, the Judiciary has noticed an increase of Leave Without Pay over the past two years.

The variance reflected in the Library – Circulation, Transaction & Ref Use was 38% less than the estimated level in FY 2016, partly due to a change in software used to gather such information.

