



The Judiciary

State of Hawai'i

Supplemental Budget (2017-2019) and Variance Report (2016-2018) Submitted to the Twenty-Ninth State Legislature



December 2017

**To the Twenty Ninth State Legislature of Hawai'i
Regular Session of 2018**

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 Supplemental 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, even with that, the Hawai'i Council on Revenues at its most recent meeting expressed some uncertainty about the future and had particular concerns that the economy may have reached the end of its current expansionary cycle. While the Council noted that visitor arrivals and expenditures, job counts, and construction activities continued to be strong, members were also concerned that the construction cycle may have peaked. Further, various state and legislative officials have indicated that even with a projected budget surplus, funds will continue to be tight as there are many outstanding funding issues that need to be addressed, such as increasing health care costs and their impact on premiums.

Overall, the Judiciary is requesting 30.5 new permanent positions and additional funding of \$1.57 million for FY 2019, which is less than one percent of the Judiciary's current budget. Twelve of these positions are no-cost conversions of temporary to permanent positions for the very successful Hawai'i Opportunity Probation with Enforcement (HOPE) and Interagency Council on Intermediate Sanctions (ICIS) programs 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 are requests for two additional bailiffs in Third Circuit, one each for the South Kohala Division and the Hilo Family Court; and for janitorial and facilities maintenance personnel for the Lahaina Courthouse and Kona, partly in response to the *Konno vs County of Hawai'i* decision by the Hawai'i Supreme Court and to the scheduled completion and opening of the new Kona Courthouse in 2019.

The only two other general fund budget requests directly relate to client services in the Second Circuit. Specifically, three Social Worker (Probation Officer) positions are needed to significantly reduce individual Probation Officer workload in Adult Client Services Branch's Domestic Violence, Special Services, and Pre-Sentence Investigation Units to a more

manageable size; and additional purchase of service contract funding is requested for the Maui/Moloka'i Drug Court to sustain treatment services at current levels and possibly expand the number of clients served.

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. Our top priority CIP funding request is for \$5.8 million for furniture, fixtures, and equipment (FF&E) for our new Kona Judiciary Complex. Construction of the new courthouse is currently ongoing, with the project on schedule for opening in late summer/early fall 2019, so it is extremely important that the procurement process for the new FF&E begin early in FY 2019. Another \$10.1 million in CIP funding is being requested for FY 2019 to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, the Judiciary is requesting funds 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, are tied into each other, and which continue to malfunction with greater frequency; and to reroof and repair leaks and damages at Pu'uohonua Kaulike in the Fifth Circuit. Lastly, CIP lump sum funding of \$3 million is being requested 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 supplemental budget request reflects consideration of these concerns yet still provides a cost-effective opportunity to provide the necessary court and legal services to the public and to the clients we serve.

We 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,

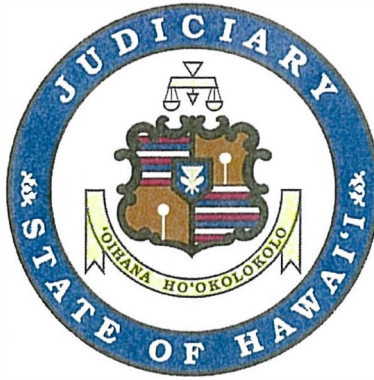
A handwritten signature in black ink, reading "Mark E. Recktenwald". The signature is fluid and cursive, with the first name "Mark" being more prominent and the last name "Recktenwald" following in a similar style.

MARK E. RECKTENWALD
Chief Justice
December 19, 2017

TABLE OF CONTENTS

	Chief Justice's Message	
	Table of Contents	
Part I.	Introduction	1
Part II.	Operating Program Summaries	6
	The Judicial System	7
	Court Operations	8
	Support Services	9
Part III.	Operating Program Plan Details	11
	Courts of Appeal	13
	First Circuit	19
	Second Circuit	31
	Third Circuit	41
	Fifth Circuit	45
	Judicial Selection Commission	51
	Administration	53
Part IV.	Capital Improvements Appropriations and Details	58
Part V.	Variance Report	65
	Courts of Appeal	67
	First Circuit	69
	Second Circuit	71
	Third Circuit	73
	Fifth Circuit	75
	Judicial Selection Commission	77
	Administration	79

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 I II III	Program I.D.
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

This document contains the Judiciary Supplemental Budget. It has been prepared to supplement the Judiciary Budget Document presented to the Legislature in December 2016, and serves as the basis for amending the Judiciary Appropriations Act (Act 195, SLH 2017) passed by the Twenty-Ninth State Legislature.

The following is an explanation of the sections contained in this document:

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 Supplemental Budget is presented by major program areas. Each program area includes a financial summary, followed by narratives on the program objectives, and related data. The budget requests are listed and then discussed.

Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and means of financing 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 for FY 2019 by major programs are as follows:

Operating Expenditures (in \$)

Major Program	MOF	Current Appropriation	Supplemental Request	Total Request
Courts of Appeal	A	6,973,769	108,311	7,082,080
First Circuit	A	84,869,401	330,316	85,199,717
	B	4,303,649	---	4,303,649
Second Circuit	A	16,937,804	594,012	17,531,816
Third Circuit	A	20,018,501	200,254	20,218,755
Fifth Circuit	A	7,782,815	334,576	8,117,391
Judicial Selection Commission	A	98,790	---	98,790
Administration	A	26,417,387	---	26,417,387
	B	7,993,737	---	7,993,737
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>
Total	A	163,098,467	1,567,469	164,665,936
	B	12,297,386	---	12,297,386
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>

Revenues

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

Revenues (in \$)

Major Program	Amount
Courts of Appeal	78,200
First Circuit	33,537,140
Second Circuit	3,795,919
Third Circuit	4,687,230
Fifth Circuit	1,571,045
Administration	<u>134,925</u>
Total	<u>43,804,459</u>

Cost Categories, Cost Elements, and Means of Financing

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

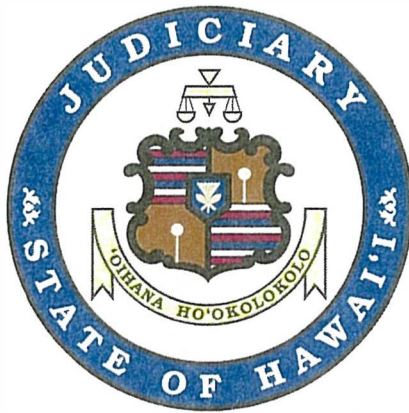
"**Cost elements**" identifies the major subdivisions of a cost category. The category "operating" includes personal services, other current expenses, and equipment. The category "capital investment" includes plans, land acquisition, design, construction, and equipment.

"**Means of financing**" (**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.

(This page intentionally left blank.)

PART II



Operating Program Summaries

POSITION IN PROGRAM STRUCTURE

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

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	1,964.50 * ^ 124.02 #	0.00 * 0.00 #	1,964.50 * ^ 124.02 #	1,964.50 * ^ 124.02 #	30.50 * (12.00) #	1,995.00 * ^ 112.02 #	1,964.50 * ^ 124.02 #	1,995.00 * ^ 112.02 #
Personal Services	123,851,012	0	123,851,012	124,269,804	1,427,274	125,697,078	248,120,816	249,548,090
Other Current Expenses	50,839,181	0	50,839,181	50,525,249	80,000	50,605,249	101,364,430	101,444,430
Equipment	989,418	0	989,418	944,061	60,195	1,004,256	1,933,479	1,993,674
Motor Vehicles	0	0	0	0	0	0	0	0
	1,964.50 * ^ 124.02 #	0.00 * 0.00 #	1,964.50 * ^ 124.02 #	1,964.50 * ^ 124.02 #	30.50 * (12.00) #	1,995.00 * ^ 112.02 #	1,964.50 * ^ 124.02 #	1,995.00 * ^ 112.02 #
Total Operation Costs	175,679,611	0	175,679,611	175,739,114	1,567,469	177,306,583	351,418,725	352,986,194
Capital & Investment Costs	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	1,964.50 * ^ 124.02 #	0.00 * 0.00 #	1,964.50 * ^ 124.02 #	1,964.50 * ^ 124.02 #	30.50 * (12.00) #	1,995.00 * ^ 112.02 #	1,964.50 * ^ 124.02 #	1,995.00 * ^ 112.02 #
Total Program Expenditures	183,429,611	0	183,429,611	177,339,114	20,447,469	197,786,583	360,768,725	381,216,194

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1,922.50 * ^ 115.02 #	0.00 * 0.00 #	1,922.50 * ^ 115.02 #	1,922.50 * ^ 115.02 #	30.50 * (12.00) #	1,953.00 * ^ 103.02 #	1,922.50 * ^ 115.02 #	1,953.00 * ^ 103.02 #
General Fund	163,038,964	0	163,038,964	163,098,467	1,567,469	164,665,936	326,137,431	327,704,900
	42.00 * 9.00 #	0.00 * 0.00 #	42.00 * 9.00 #	42.00 * 9.00 #	0.00 * 0.00 #	42.00 * 9.00 #	42.00 * 9.00 #	42.00 * 9.00 #
Special Funds	12,297,386	0	12,297,386	12,297,386	0	12,297,386	24,594,772	24,594,772
	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	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond Fund	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	1,964.50 * ^ 124.02 #	0.00 * 0.00 #	1,964.50 * ^ 124.02 #	1,964.50 * ^ 124.02 #	30.50 * (12.00) #	1,995.00 * ^ 112.02 #	1,964.50 * ^ 124.02 #	1,995.00 * ^ 112.02 #
Total Financing	183,429,611	0	183,429,611	177,339,114	20,447,469	197,786,583	360,768,725	381,216,194

* Permanent position FTE

Temporary position FTE

^ Includes 2 permanent positions FTE for the Community Court Outreach Project per Act 195/17, Section 7(3)

POSITION IN PROGRAM STRUCTURE

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

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	1,735.50 * ^ 104.54 #	0.00 * 0.00 #	1,735.50 * ^ 104.54 #	1,735.50 * ^ 104.54 #	30.50 * (12.00) #	1,766.00 * ^ 92.54 #	1,735.50 * ^ 104.54 #	1,766.00 * ^ 92.54 #
Personal Services	107,282,906	0	107,282,906	107,695,778	1,427,274	109,123,052	214,978,684	216,405,958
Other Current Expenses	33,190,161	0	33,190,161	33,190,161	80,000	33,270,161	66,380,322	66,460,322
Equipment	8,160	0	8,160	0	60,195	60,195	8,160	68,355
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	140,481,227	0	140,481,227	140,885,939	1,567,469	142,453,408	281,367,166	282,934,635
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	140,481,227	0	140,481,227	140,885,939	1,567,469	142,453,408	281,367,166	282,934,635

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	1,694.50 * ^ 104.54 #	0.00 * 0.00 #	1,694.50 * ^ 104.54 #	1,694.50 * ^ 104.54 #	30.50 * (12.00) #	1,725.00 * ^ 92.54 #	1,694.50 * ^ 104.54 #	1,725.00 * ^ 92.54 #
Special Funds	41.00 * 0.00 #	0.00 * 0.00 #	41.00 * 0.00 #	41.00 * 0.00 #	0.00 * 0.00 #	41.00 * 0.00 #	41.00 * 0.00 #	41.00 * 0.00 #
Revolving Funds	4,303,649	0	4,303,649	4,303,649	0	4,303,649	8,607,298	8,607,298
G.O. Bond Fund	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 #
Total Financing	140,481,227	0	140,481,227	140,885,939	1,567,469	142,453,408	281,367,166	282,934,635

* Permanent position FTE

Temporary position FTE

^ Includes 2 permanent positions FTE for the Community Court Outreach Project per Act 195/17, Section 7(3)

POSITION IN PROGRAM STRUCTURE
Level No. Title

Level I 01 The Judicial System
Level II 02 Support Services
Level III

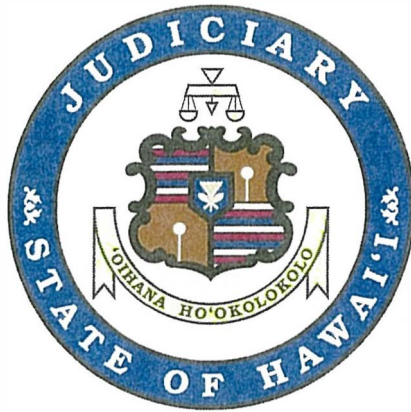
PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	229.00 *	0.00 *	229.00 *	229.00 *	0.00 *	229.00 *	229.00 *	229.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Personal Services	16,568,106	0	16,568,106	16,574,026	0	16,574,026	33,142,132	33,142,132
Other Current Expenses	17,649,020	0	17,649,020	17,335,088	0	17,335,088	34,984,108	34,984,108
Equipment	981,258	0	981,258	944,061	0	944,061	1,925,319	1,925,319
Motor Vehicles	0	0	0	0	0	0	0	0
	229.00 *	0.00 *	229.00 *	229.00 *	0.00 *	229.00 *	229.00 *	229.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Operation Costs	35,198,384	0	35,198,384	34,853,175	0	34,853,175	70,051,559	70,051,559
Capital & Investment Costs	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	229.00 *	0.00 *	229.00 *	229.00 *	0.00 *	229.00 *	229.00 *	229.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Program Expenditures	42,948,384	0	42,948,384	36,453,175	18,880,000	55,333,175	79,401,559	98,281,559

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	10.48 #	0.00 #	10.48 #	10.48 #	0.00 #	10.48 #	10.48 #	10.48 #
General Fund	26,861,386	0	26,861,386	26,516,177	0	26,516,177	53,377,563	53,377,563
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	2.00 *
	9.00 #	0.00 #	9.00 #	9.00 #	0.00 #	9.00 #	9.00 #	18.00 #
Special Funds	7,993,737	0	7,993,737	7,993,737	0	7,993,737	15,987,474	15,987,474
	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	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond Fund	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	229.00 *	0.00 *	229.00 *	229.00 *	0.00 *	229.00 *	229.00 *	229.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Financing	42,948,384	0	42,948,384	36,453,175	18,880,000	55,333,175	79,401,559	98,281,559

* Permanent position FTE
Temporary position FTE

(This page intentionally left blank)

PART III



Operating Program Plan Details

(This page intentionally left blank)

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	73.00 *	0.00 *	73.00 *	73.00 *	1.00 *	74.00 *	73.00 *	74.00 *
	1.00 #	0.00 #	1.00 #	1.00 #	0.00 #	1.00 #	1.00 #	1.00 #
Personal Services	6,531,196	0	6,531,196	6,578,620	103,236	6,681,856	13,109,816	13,213,052
Other Current Expenses	395,149	0	395,149	395,149	0	395,149	790,298	790,298
Equipment	0	0	0	0	5,075	5,075	0	5,075
Motor Vehicles	0	0	0	0	0	0	0	0
	73.00 *	0.00 *	73.00 *	73.00 *	1.00 *	74.00 *	73.00 *	74.00 *
	1.00 #	0.00 #	1.00 #	1.00 #	0.00 #	1.00 #	1.00 #	1.00 #
Total Operation Costs	6,926,345	0	6,926,345	6,973,769	108,311	7,082,080	13,900,114	14,008,425
Capital & Investment Costs	0	0	0	0	0	0	0	0
	73.00 *	0.00 *	73.00 *	73.00 *	1.00 *	74.00 *	73.00 *	74.00 *
	1.00 #	0.00 #	1.00 #	1.00 #	0.00 #	1.00 #	1.00 #	1.00 #
Total Program Expenditures	6,926,345	0	6,926,345	6,973,769	108,311	7,082,080	13,900,114	14,008,425

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	73.00 *	0.00 *	73.00 *	73.00 *	1.00 *	74.00 *	73.00 *	74.00 *
	1.00 #	0.00 #	1.00 #	1.00 #	0.00 #	1.00 #	1.00 #	1.00 #
General Fund	6,926,345	0	6,926,345	6,973,769	108,311	7,082,080	13,900,114	14,008,425
	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 Fund	0	0	0	0	0	0	0	0
	73.00 *	0.00 *	73.00 *	73.00 *	1.00 *	74.00 *	73.00 *	74.00 *
	1.00 #	0.00 #	1.00 #	1.00 #	0.00 #	1.00 #	1.00 #	1.00 #
Total Financing	6,926,345	0	6,926,345	6,973,769	108,311	7,082,080	13,900,114	14,008,425

* Permanent position FTE
Temporary position FTE

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
- To discipline judges

ICA

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law.
- 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. DESCRIPTION OF BUDGET REQUESTS

Staff Attorney for the ICA: This request in funding of \$108,311 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.

C. REASON FOR BUDGET REQUESTS

Staff Attorney for the ICA: This request of \$108,311 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, subject to 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 approximately 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 then.

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 the 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.

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.

(This page intentionally left blank)

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1,128.50 * ^	0.00 *	1,128.50 * ^	1,128.50 * ^	12.00 *	1,140.50 * ^	1,128.50 * ^	1,140.50 * ^
	93.58 #	0.00 #	93.58 #	93.58 #	(12.00) #	81.58 #	93.58 #	81.58 #
Personal Services	68,600,307	0	68,600,307	68,859,685	326,256	69,185,941	137,459,992	137,786,248
Other Current Expenses	20,313,365	0	20,313,365	20,313,365	0	20,313,365	40,626,730	40,626,730
Equipment	8,160	0	8,160	0	4,060	4,060	8,160	12,220
Motor Vehicles	0	0	0	0	0	0	0	0
	1,128.50 * ^	0.00 *	1,128.50 * ^	1,128.50 * ^	12.00 *	1,140.50 * ^	1,128.50 * ^	1,140.50 * ^
	93.58 #	0.00 #	93.58 #	93.58 #	(12.00) #	81.58 #	93.58 #	81.58 #
Total Operation Costs	88,921,832	0	88,921,832	89,173,050	330,316	89,503,366	178,094,882	178,425,198
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1,128.50 * ^	0.00 *	1,128.50 * ^	1,128.50 * ^	12.00 *	1,140.50 * ^	1,128.50 * ^	1,140.50 * ^
	93.58 #	0.00 #	93.58 #	93.58 #	(12.00) #	81.58 #	93.58 #	81.58 #
Total Program Expenditures	88,921,832	0	88,921,832	89,173,050	330,316	89,503,366	178,094,882	178,425,198

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1,087.50 * ^	0.00 *	1,087.50 * ^	1,087.50 * ^	12.00 *	1,099.50 * ^	1,087.50 * ^	1,099.50 * ^
	93.58 #	0.00 #	93.58 #	93.58 #	(12.00) #	81.58 #	93.58 #	81.58 #
General Fund	84,618,183	0	84,618,183	84,869,401	330,316	85,199,717	169,487,584	169,817,900
	41.00 *	0.00 *	41.00 *	41.00 *	0.00 *	41.00 *	41.00 *	41.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	4,303,649	0	4,303,649	4,303,649	0	4,303,649	8,607,298	8,607,298
	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 Fund	0	0	0	0	0	0	0	0
	1,128.50 * ^	0.00 *	1,128.50 * ^	1,128.50 * ^	12.00 *	1,140.50 * ^	1,128.50 * ^	1,140.50 * ^
	93.58 #	0.00 #	93.58 #	93.58 #	(12.00) #	81.58 #	93.58 #	81.58 #
Total Financing	88,921,832	0	88,921,832	89,173,050	330,316	89,503,366	178,094,882	178,425,198

* Permanent position FTE

Temporary position FTE

^ Includes 2 permanent positions FTE for the Community Court Outreach Project per Act 195/17, Section 7(3)

JUD 310 FIRST CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

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 for \$330,316 to fund the other previously authorized District Family Judge and three court support staff positions. 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.

Convert 12 Budgeted Temporary Positions in the Interagency Council on Intermediate Sanctions (ICIS) and Hawai'i Opportunity Probation with Enforcement (HOPE) to Permanent Status: This no-cost conversion request of two ICIS and ten HOPE temporary positions to permanent standing is an effort to establish continuity in manpower and to stabilize these very successful programs which are geared to achieve offenders' compliance with the terms and conditions of their probation, and to effect a reduction in recidivism.

B. REASON FOR BUDGET REQUESTS

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 \$330,316 in funding for the remaining four positions: a District Family Judge, two Court Clerks, and one Court Bailiff.

Presently, the Family Court Judges do not have enough time to give to individual litigants and cases. This problem has continued to grow with the significant increase in pro se litigants, who require additional court time, the overall heavy caseload in Family Court, and the increasing complexity of cases. 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 conditions noted above have 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, as shown later on, 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 is responsible for cases involving paternities, Temporary Restraining Orders (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 is involved with cases related to Abuse of Family Household Member charges and violations of TROs and Orders for Protection.

Domestic Division

Currently, three District Family Judge positions (one position is currently vacant) are assigned to this division, along with regularly assigned per diem judges to handle the volume of cases/hearings.

The Domestic Division handles hearings involving issues such as 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. On any given court 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.

Each judge hears approximately 7 to 10 cases on the morning calendar and 10 to 12 cases on the afternoon calendar. So this means that on any given Wednesday, each Domestic Division Judge presides over some 17 to 22 evidentiary hearings.

Another factor to consider on the Pre/Post Divorce Decree calendars is that over 50% of the cases on Domestic Division Judge Wednesday calendars 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 Wednesday calendars, judges either run court overtime, which exhausts court staff, or rush through cases to complete their calendars in a timely manner.

Special Division

Three District Family Judge positions (one position is vacant) are currently assigned to this division, along with regularly assigned per diem judges to handle the volume of cases/hearings.

Uncontested Adoptions

One example of the backlog being experienced 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, about 40 to 50 petitions are 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 of a lack of available calendaring time and lack of judges, and because adoptions are only one of the many cases that Special Division Judges hear, adoption hearings are held only one afternoon each week. 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, but are not limited to, 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.

Like the Pre/Post Divorce Decree calendar, over 50% of the litigants who appear before the Special Division Judges handling the Paternity calendar are pro se litigants. As with 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 just five 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. However, since this is just a temporary fix, the backlog will continue to build again like every other calendar in Family Court.

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, four District Family Judges are 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, and 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 the 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 2016, Family Court Help Desk employees assisted 60,926 litigants compared to 57,169 litigants in 2015, an increase of 7%. 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, highly emotional, and 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.

Specifically, we are requesting funding for one permanent full-time Judge to preside over Family Court hearings, and for 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 and outside of court and to help 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 2017, the judges assigned to the Domestic Division handled 3,537 new cases plus the carryover of 4,286 cases from the prior fiscal year for a total caseload of 7,823 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 2017, the judges assigned to the Juvenile Division handled 3,711 new juvenile cases and 1,203 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 1,216 carry-over juvenile cases and 1,309 carry-over "children on status" cases from FY 2016, the Juvenile Division Judges handled a total of 7,439 cases in FY 2017. 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 preside over our various Specialty Courts, the Imua Kakou Court (Voluntary Care to 21) mandated by the Legislature, and our new Truancy Court.

In FY 2017, the judges assigned to the Special Division handled 5,795 new restraining order, paternity, adoption, involuntary commitment, and guardianship cases, plus the carryover of 3,745 cases from the prior fiscal year, for a total caseload of 9,540 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 one very important part of the duties of a judge, that 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, discovery, pre-trial,

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 six years, Family Court, 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
2017	1,099	810,117

The increase in cost for FY 2017 was the result of reassignment of Family Court Judges to help cover higher than usual judicial vacancies in the Circuit and District Courts. Unless the First Circuit continues to experience a higher level of judicial vacancies, per diem judge costs should return to previous levels as the vacancies are filled. Even with the additional judge, there will still be significant demand for per diem judge coverage as vacancies occur, and based on the need for judges to recuse themselves due to case conflicts, to attend meetings/provide services to various organizations and committees (both within the Judiciary and in the community), to attend training classes, to cover for judges temporarily reassigned to help other courts, and to sit in court 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.

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 support staff positions is 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.

Convert 12 Budgeted Temporary Positions in the ICIS and HOPE Programs to Permanent Status: First Circuit is requesting that six Social Workers and six Social Service Assistants working within the ICIS and HOPE programs be converted from temporary to permanent status. This is a no-cost conversion as funds were previously provided for these temporary positions.

ICIS (two positions): At the Order of the Chief Justice in 2002, ICIS was created with a vision to reduce recidivism by 30% among its adult offenders across the criminal justice system in Hawai'i, through the use of effective evidence-based risk assessments and treatment approaches. This effort has enabled the correct targeting of resources toward the higher risk offenders, that is, those who are responsible for the repeated criminal activity in the state, as well as being more efficient at managing the lower risk population.

The ICIS probation officer position was created in the Intake/Pre-Sentencing Units of the Adult Client Services Branch to assess risk and criminogenic needs of an offender using validated instruments. Performing this task at the presentence phase assists judges in setting conditions of release and assists probation staff in identifying the risk factors that require interventions.

The ICIS social service assistant collects DNA samples (buccal swab and print impressions) from all felons and maintains the data related to the collections in the Criminal Justice Information System supported by the Hawai'i Department of the Attorney General. DNA sample collections are mandated by Section 844D, HRS.

HOPE (ten positions): HOPE is a critical component in the continuum for felony probation supervision. Through ICIS's efforts, we can now triage offenders by risk and needs, and determine where and how a probationer's risk is better and more cost-effectively managed, whether it be probation-as-usual (at \$1,000/offender/year), HOPE (at \$1,500/offender/year), or our specialty courts where offender costs per year are generally much higher.

HOPE was created and shepherded by retired First Circuit Judge Steven Alm in response to Hawai'i Revised Statutes (HRS), 706-605.1, enacted in 1995, which mandates the Judiciary "to implement alternative programs that place, control, supervise, and treat selected defendants in lieu of a sentence of incarceration."

HOPE was designed as a probationer-centered collaborative strategy targeting higher risk, higher need probationers to effect behavioral change to reduce recidivism. HOPE's three-part strategy involves well-educated and skilled probation officers using evidence-based principles; a patient

judge who provides a caring and supportive environment; and swift, certain, consistent and proportionate sanctions. Given the large number of probationers with drug and alcohol issues, a robust drug testing component is critical to HOPE's success.

HOPE began in 2004 with 34 felony probationers; by 2010, it had some 1,800 probationers and now, just seven years later, HOPE has more than 2,600 probationers out of 3,800 probationers on active supervision and which includes all sex offenders on probation on O'ahu. This increase in growth by over 40% since 2010 attests to the success of, and commitment to, the program. The notable success is also documented by research by the Hawai'i Department of the Attorney General, Pepperdine University, UCLA, and the Smith Richardson Foundation in 2009. Probationers in HOPE, compared to those in the control group on probation-as-usual, used drugs 72% less often, were arrested 55% less often for new crimes, and were sentenced to prison 48% less often.

Follow up research published in 2014 showed that HOPE had impressive sustainability. By this time, with virtually all of the probationers no longer under supervision, HOPE's recidivism reduction effects persevered. Offenders who had been in HOPE were arrested for new crimes 23% less often (50% less often for drug offenses) and were being sent to prison 50% less often than those who had been in the control group. Given that prison in Hawai'i costs over \$50,000 per inmate per year, the cost savings realized by the HOPE strategy are substantial.

Initiatives based on HOPE have now begun in 32 states in the areas of probation, parole, and for pretrial; further, three states are also using the HOPE sanctions component to reduce inmate-on-inmate and inmate-on-staff assaults, and to reduce their overall reliance on restrictive housing/solitary confinement. Hawai'i has served as an effective model for implementing effective supervision in these areas.

The Judiciary seeks to make ICIS and HOPE permanent programs, and integrate them as an additional intermediate sanction within the criminal justice system. With improved compliance to probation officer appointments, drug testing, and treatment, offenders are more likely to demonstrate approved adjustment in the community. These efforts to change offender behavior has resulted in an overall reduction in recidivism of 27.6% to date. Given the appropriate resources, it is believed that ICIS and HOPE will continue to be a factor in this trend.

Employee turnover due to the temporary nature of these positions has resulted in increased risk exposure to the community (two of these positions are assigned to the sex offender unit and two others are assigned to manage the high risk, actively using substance abusers). Applicants and those filling temporary positions look for and will accept more desirable positions elsewhere that offer permanency. The turnover and continual recruitment and retraining efforts are neither a cost effective nor efficient way of utilizing limited resources. When employees leave and positions remain unfilled for a period of time, their caseloads require distribution to other staff who may already have caseloads of up to 150, resulting in less supervision of the offender. Moreover, the constant movement of cases resulting from employee turnover negatively affects the morale of program staff and the quality of the relationship between the probation officer and the probationer. Our drug testing capacity is also impacted by our inability to fill vacant positions.

Permanent positions within the ICIS and HOPE programs will play a vital role in their continued success and longevity, and help to stabilize these very successful and life changing programs that are geared to monitor the high risk offender. Research supports the fact that focusing attention on the high risk offender produces a larger impact on the reduction of crime since these are the individuals most likely to commit new crimes. We believe that this will benefit the community in many ways including improved public safety, fewer costly imprisonments, and more working individuals contributing to society

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	207.00 *	0.00 *	207.00 *	207.00 *	7.50 *	214.50 *	207.00 *	214.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Personal Services	12,469,310	0	12,469,310	12,509,151	474,732	12,983,883	24,978,461	25,453,193
Other Current Expenses	4,428,653	0	4,428,653	4,428,653	80,000	4,508,653	8,857,306	8,937,306
Equipment	0	0	0	0	39,280	39,280	0	39,280
Motor Vehicles	0	0	0	0	0	0	0	0
	207.00 *	0.00 *	207.00 *	207.00 *	7.50 *	214.50 *	207.00 *	214.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Operation Costs	16,897,963	0	16,897,963	16,937,804	594,012	17,531,816	33,835,767	34,429,779
Capital & Investment Costs	0	0	0	0	0	0	0	0
	207.00 *	0.00 *	207.00 *	207.00 *	7.50 *	214.50 *	207.00 *	214.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Program Expenditures	16,897,963	0	16,897,963	16,937,804	594,012	17,531,816	33,835,767	34,429,779

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	207.00 *	0.00 *	207.00 *	207.00 *	7.50 *	214.50 *	207.00 *	214.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
General Fund	16,897,963	0	16,897,963	16,937,804	594,012	17,531,816	33,835,767	34,429,779
	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 Fund	0	0	0	0	0	0	0	0
	207.00 *	0.00 *	207.00 *	207.00 *	7.50 *	214.50 *	207.00 *	214.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Financing	16,897,963	0	16,897,963	16,937,804	594,012	17,531,816	33,835,767	34,429,779

* Permanent position FTE

Temporary position FTE

JUD 320 SECOND CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

District Court Judgeship and Support Staff: Funding of \$341,954 is requested for a District Court Judge and related support staff to handle increased caseload and expand court calendars in the Second Circuit.

Purchase of Service (POS) Contract Funding for Maui Drug Court (MDC): The Second Circuit is requesting \$80,000 for MDC to continue treatment services with a POS contractor, and possibly expand the number of clientele served.

Probation Officer Positions for Adult Client Services Branch (ACSB): Funding of \$172,058 for three Social Worker positions is requested to support increased workload at the ACSB on Maui.

Janitor Position for Lahaina District Court: Second Circuit is requesting one half-time Janitor position for the Lahaina District Courthouse, pursuant to the 1997 Konno vs. County of Hawai'i ruling.

B. REASON FOR BUDGET REQUESTS

District Court Judgeship and Support Staff: The Second Circuit is requesting \$341,954 to establish a District Court Judgeship and three related staff support positions. Congested court calendars, caused in part by increased case filings, combined with Maui County's unique tri-isle geography, remote rural jurisdictions, and demographics, have sometimes hindered and posed significant barriers to Second Circuit's ability to administer justice in a timely, accessible, and efficient manner.

The last District Court judge position for the Second Circuit was legislatively authorized in 1982, which increased the number of judge positions from two to three. Since then, the population of Maui County has more than doubled, from about 77,000 in 1982 to a projected 173,000 in 2017. Just from 2011 to 2017, the population is projected to increase by 16,000 or some 10.2%, while during this same basic period, new traffic filings increased by 30.3% from 21,694 to 28,276 cases and new criminal filings by 16.2% from 2,859 to 3,322 cases.

These statistics indicate that an additional judge and more court calendar time are needed in District Court as court calendars are currently inadequate. On Maui, 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. The District Court also convenes in Hāna and Lāna'i once a month, on Moloka'i three times per month, and in Lahaina three days per week. These calendars are insufficient to keep up with also the growing number of cases being filed in the rural and off-island courts, and have become quite congested, especially in Wailuku where the two courtrooms have court scheduled all day, every day of the week. Further, this heavy calendar workload sometimes does not allow Maui's District Court judges to timely attend

to other important judicial responsibilities such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees, review and approval of charging by felony information packet, orders pertaining to bail, execution of search warrants, orders to show cause, and approval of temporary restraining orders and protective orders; and review of and action on civil traffic written statements, traffic notices of discrepancies, and ex-parte and non-hearing motions.

It is expected that this new District Court judge and support staff (two District Court Clerks and one Bailiff) would be based at the Lahaina District Court. This would allow for increasing the Lahaina District Court from a three day to a five day a week rural court, and for the three District Court judges in Wailuku to expand the existing court calendars in Wailuku as well as in Hāna, Molokaʻi and Lānaʻi.

In summary, the additional judge and staff would not only help address the increasing number of filings and congested calendars, but would also accommodate the needs of the growing rural communities that are underserved at present and enable the judges to attend to other duties in a timelier manner.

POS Contract Funding for MDC: The Second Circuit is requesting an additional \$80,000 in POS contract funds for the MDC to continue treatment services with a POS contractor and possibly expand the number of clientele served.

Since August 2000, MDC has been providing evidenced based treatment services and supervision to offenders with a high risk for criminal behavior and criminal justice involvement on the island of Maui. On January 16, 2005, MDC expanded its services to the island of Molokaʻi. MDC participants are provided intensive substance abuse treatment that can help them live a clean and sober life, and thereby reunite with their families and become productive citizens.

Over the last five years, an average 114 clients were referred annually to the MDC program. In FY 2017, MDC provided services to 139 men and women who had chronic addictions to alcohol and other drugs. To date, MDC has been highly successful with 577 clients completing the Maui program and 30 completing the Molokaʻi program. Since MDC's inception, the combined recidivism rate of MDC graduates is less than 14%. Currently, Maui has 68 MDC participants with a waitlist of 33 and Molokaʻi has 4 participants with no waitlist.

MDC provides an effective treatment alternative to incarceration and minimizes the cost to taxpayers. Based on its current compensation rate, the cost of MDC treatment for each participant in active treatment is \$5,560 annually (12 months of treatment). Defendants who are admitted into MDC save our community and State money by treating individuals who would otherwise face long-term imprisonment costing \$51,000 annually per offender. Ultimately, without treatment, the correctional system is severely impacted as it detains defendants with addictions in overcrowded correctional facilities. The State of Hawaiʻi also achieves a significant cost savings when clients who complete the program have no further involvement in serious criminal behavior as is the case with over 86% of the MDC graduates who have not reoffended.

The MDC budget and contract amounts for these treatment services were \$417,000 for Maui and \$56,000 for Molokaʻi in FY 2017. On June 30, 2017, the contractor providing services for MDC

on Moloka'i closed its agency and terminated its contract with MDC due to inadequate funding. Since then, the sole Judiciary drug court counselor on Moloka'i has had to provide treatment services to clients while simultaneously continuing his intensive case management position's responsibilities. In addition, the MDC Clinical Supervisor on Maui has been traveling to Moloka'i at least twice a month to assist the counselor with treatment and supportive services.

In early 2017, the current MDC provider for Maui indicated that it would be unable to continue its services to clients after December 31, 2017, citing that it could no longer absorb the losses incurred by increasing operational costs.

Without the additional funding being requested, MDC clients may have to be placed on a waitlist for longer periods of time or admissions may have to be significantly reduced which would certainly negatively impact the Maui community. Clients may also be required to pay for their services which would then likely limit participation in MDC to only those who have the resources to do so. In the event the MDC provider on Maui terminates its contract with the Second Circuit, MDC program staff may be required to provide some of the services normally contracted out. The counselors and staff would then need to provide both intensive case management and treatment services which would result in a significant decrease in program capacity and effectiveness.

Probation Officer Positions for ACSB: The Second Circuit is requesting \$172,058 to establish three Social Worker IV Probation Officer positions in the ACSB to support increased workload resulting, in part, from legislative mandates and the increasing number of felony cases being charged. The addition of three Probation Officer positions will allow clients to obtain improved intervention and service levels as the average caseload per Probation Officer in three specific ACSB units would be reduced to more productive levels.

In 2012, the Hawai'i Justice Reinvestment Initiative (JRI) identified various contributing factors that negatively impacted the overall effectiveness of probation in Hawai'i such as "95% of felony probationers in Hawai'i are ordered to terms of more than 3 years vs. 83% 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% increase in the length of supervision."

Four years later, Janet T. Davidson, Ph.D., Principle Investigator on behalf of the ACSBs statewide, identified the need for additional Probation Officers in the State of Hawai'i in her report, Adult Probation Officer Workload Study-Hawai'i ("Workload Study"). Conducted in January 2016, the Workload Study concluded that "the number of full-time equivalent (FTE) officers recommended based on this study has declined from the last report in 2006, but all categories still demonstrate shortages." The Workload Study also found that "probation statewide was short approximately 31 FTE Probation Officer positions." In particular, it identified that a minimum of four Probation Officer positions was needed within the Second Circuit ACSB in order to better assess offenders, change offender behavior, and address violations with effective interventions other than incarceration.

Legislative measures have impacted Probation Officers and contributed to increased workload in ACSB. HRS 706-605.1, Act 25, SLH 1995 mandated the Judiciary's responsibility to implement Intermediate Sanctions. In April 2002, the Interagency Council for Intermediate Sanctions

(ICIS) was established and set the stage for subsequent legislation focused on the Judiciary providing special or additional services to specific populations, which included:

- Related to sentencing of first time non-violent substance abusers (HRS 706-622.5);
- Required the Probation Officer to contact and keep victims of domestic violence informed of offender status (HRS 806-73(a) amended by the 2001 legislature);
- Established probation and treatment requirements for first time non-violent substance abusers (HRS 706-622.5 amended by the 2004 legislature);
- Required Probation Officer to explain sex offender registration requirements, complete registration documents, obtain fingerprints and enter registration information into the Criminal Justice Information System (HRS 846E amended by Act 45, SLH 2005);
- Required the collection of DNA samples of all convicted felons (Act 112, SLH 2005);
- Allowed first time non-violent C Felony property offenders with substance abuse problems to be sentenced to probation and treatment requirements (Act 230, SLH 2006); and
- Allowed for the sentence of probation for certain second time drug offenses (Act 140, SLH 2012).

Along with these legislative matters, other factors related to the criminal justice system have contributed to increases in Probation Officer workload. Information from the Maui County Department of the Prosecuting Attorney shows a continuing trend in the high number of felony level cases received and charged for the last five fiscal years:

Table 1: Felony Cases Received and Charged – Second Circuit

FY	Cases Received	Cases Charged*	Cases Information Charged**
2013	1,584	800	634
2014	1,787	907	742
2015	1,783	927	760
2016	1,846	1,059	892
2017	1,695	991	837

*Prosecutor charges via Grand Jury

**No Grand Jury; directly to preliminary hearing

The Judiciary's Annual Statistical Supplement also reflects this workload increase in the high number of disposed criminal cases:

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

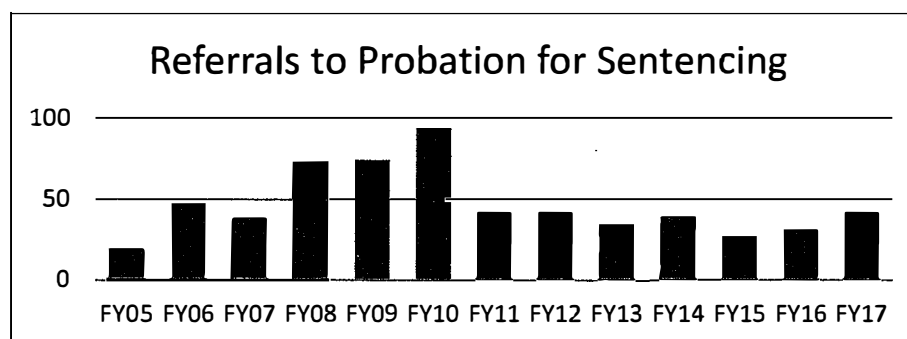
FY	Disposed Criminal Cases
2013	624
2014	835
2015	918
2016	1,096
2017	875

Further increases in the overall ACSB workload are reflected by the number of supervision cases managed and investigations completed:

Table 3: Number of Supervisions Managed/Investigations Completed

FY	Supervisions Managed	Investigations Completed
2013	3,557	829
2014	3,586	985
2015	3,726	1,062
2016	3,990	1,110
2017	3,961	943

Also of importance is the impact of sentencing under the HRS 706-622.5 legislative amendments, as shown below since 2004:



Such impact is 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 recommended treatment, ensure compliance and that statutory requirements are met should non-compliance become an issue, and provide required updates.

Ongoing research conducted by ICIS regarding recidivism, which is defined as any re-arrest or revocation within three years of the onset of supervision, shows considerable concern over the increased rate of recidivism in Maui County:

Table 4: Recidivism Rates - Maui County

FY	Recidivism Rates – Maui County:
FY 2005	40.5 %, lowest rate in the State of Hawai‘i
FY 2013	53.4%, highest rate in the State of Hawai‘i

U.S. Department of Justice and SAMHSA surveys have found that at least 9 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 2017 study conducted by the Department of Human Services, there were 7,220 documented homeless individuals statewide, of which 896 were in Maui County, an increase of 22 since 2012.

Table 5: Number of Homelessness – Maui County

	No. of Homelessness (Maui County)
2012	874
2013	876
2014	959
2015	1,137
2016	1,145
2017	896

The ACSB provides direct services to individuals who have various degrees of mental illness and homelessness. On Maui:

- 476 offenders currently being managed are experiencing some degree of mental illness; and
- 363 offenders currently being managed are experiencing some degree of homelessness, which is about 41 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 not to work with court mandated clients; and
- Inability by offenders to fulfill court ordered obligations due to these challenges.

As shown, many factors affect ACSB Probation Officer workload with such workload requirements essentially outweighing current dedicated resources. In 2006, the Second Circuit reorganized its ACSB staffing and used existing resources to create the Special Services Unit that would be tasked to manage the higher risk populations (i.e., sex offenders, HRS 706-622.5 cases for first time non-violent substance abusers, and conditional release cases). At that time, the staffing configuration was based on the following projections:

Table 6: Projected Caseload per Probation Officer – FY 2006

Unit	Probation Officers	Projected Caseload per Probation Officer
General Supervision	13	140
Domestic Violence	4	120
Special Services	5	75

Two of these three Units have seen an over 50% increase in average Probation Officer caseload since FY 2006, while a third Unit, Pre-Investigation, has also been experiencing a very high caseload, averaging 164 cases per Probation Officer over the last five years.

The average caseload per Probation Officer in FY 2017 for all four Units is shown in the following Table, along with the significant reduction that would occur in FY 2019 with the additional three Probation Officers being requested:

Table 7: Caseload per Probation Officer – FY 2017 and 2019

Unit	Actual FY 2017		Projected FY 2019	
	Probation Officers	Ave. Caseload per Prob. Off.	Probation Officers	Ave. Caseload per Prob. Off.
General Supervision	13	168	13	168
Domestic Violence	4	182	5	146
Special Services	5	167	6	139
Pre-Investigation	6	157	7	135

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 last 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”. 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 individual 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. Further, lower caseloads would allow for the effective use of Evidence Based Practices on higher risk individuals, thereby reducing rates of recidivism and improving public safety, and would also allow probation staff more time to interact with victims of domestic violence to improve their overall safety and to hold offenders accountable.

In summary, the addition of the three Social Workers being requested would allow clients in three of the four Units to receive more timely, comprehensive, and efficient services as the average caseload per Probation Officer would be significantly reduced to a more manageable size.

Janitor Position for Lahaina District Courthouse: The Second Circuit is requesting to establish a permanent half-time (20 hours per week) Janitor position for the Lahaina District Courthouse. This no-cost request is in response to Second Circuit’s efforts to comply with the Hawai‘i Supreme Court’s ruling relating to the 1997 Konno v. County of Hawai‘i ruling. The janitor will be stationed at Lahaina District Courthouse to perform janitorial duties and maintain the grounds.

In the 1997 decision of *Konno vs. County of Hawai'i*, regarding privatization of jobs normally held by civil servants, the Hawai'i Supreme Court voided a contract between the County of Hawai'i and a private contractor for the operation of a county landfill as a violation of civil service laws and merit principles and adopted the "nature of the service" test holding that civil service as defined by state law, encompasses those services that have been "customarily and historically" provided by civil servants.

No funding is being requested for this position. Currently, the Second Circuit has private contracts for janitorial services (six hours per week) and grounds keeping services (nine hours per week) for Lahaina District Courthouse, which will be terminated with this request.

Hoapili Hale, located in Wailuku, currently has three full-time janitors, a working supervisor, and a full-time groundskeeper that service the entire complex. Sending a janitor from Hoapili Hale, the main courthouse in Wailuku, to Lahaina would result in the janitor spending approximately 25% of the work day traveling to and from Lahaina as the one way 23 mile commute can take 45-60 minutes due to the high traffic. Additionally, trying to send staff from Hoapili Hale would likely compromise the quality of service provided due to the inadequate time available to provide services to both the Lahaina District Courthouse and Hoapili Hale.

(This page intentionally left blank)

9

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	228.00 *	0.00 *	228.00 *	228.00 *	6.00 *	234.00 *	228.00 *	234.00 *
	5.68 #	0.00 #	5.68 #	5.68 #	0.00 #	5.68 #	5.68 #	5.68 #
Personal Services	13,844,946	0	13,844,946	13,893,410	196,794	14,090,204	27,738,356	27,935,150
Other Current Expenses	6,125,091	0	6,125,091	6,125,091	0	6,125,091	12,250,182	12,250,182
Equipment	0	0	0	0	3,460	3,460	0	3,460
Motor Vehicles	0	0	0	0	0	0	0	0
	228.00 *	0.00 *	228.00 *	228.00 *	6.00 *	234.00 *	228.00 *	234.00 *
	5.68 #	0.00 #	5.68 #	5.68 #	0.00 #	5.68 #	5.68 #	5.68 #
Total Operation Costs	19,970,037	0	19,970,037	20,018,501	200,254	20,218,755	39,988,538	40,188,792
Capital & Investment Costs	0	0	0	0	0	0	0	0
	228.00 *	0.00 *	228.00 *	228.00 *	6.00 *	234.00 *	228.00 *	234.00 *
	5.68 #	0.00 #	5.68 #	5.68 #	0.00 #	5.68 #	5.68 #	5.68 #
Total Program Expenditures	19,970,037	0	19,970,037	20,018,501	200,254	20,218,755	39,988,538	40,188,792

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	228.00 *	0.00 *	228.00 *	228.00 *	6.00 *	234.00 *	228.00 *	234.00 *
	5.68 #	0.00 #	5.68 #	5.68 #	0.00 #	5.68 #	5.68 #	5.68 #
General Fund	19,970,037	0	19,970,037	20,018,501	200,254	20,218,755	39,988,538	40,188,792
	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 Fund	0	0	0	0	0	0	0	0
	228.00 *	0.00 *	228.00 *	228.00 *	6.00 *	234.00 *	228.00 *	234.00 *
	5.68 #	0.00 #	5.68 #	5.68 #	0.00 #	5.68 #	5.68 #	5.68 #
Total Financing	19,970,037	0	19,970,037	20,018,501	200,254	20,218,755	39,988,538	40,188,792

* Permanent position FTE

Temporary position FTE

JUD 330 THIRD CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Janitorial and Facilities Staff for new Kona Judiciary Complex: Funding of \$119,322 is requested for janitorial and facilities staff for the new Kona Judiciary Complex, partly in response to the 1997 Konno v. County of Hawai'i ruling and partly to begin staffing the new Kona Judiciary Complex scheduled to open in Summer 2019. These positions are needed to help ensure that the new Kona Courthouse is operational and trained facilities staff is on board when it opens.

Court Bailiff Positions for South Kohala Division and Hilo Family Court: Funding of \$80,932 is requested to fund two Court Bailiff positions for the South Kohala Division and the Hilo Family Court.

B. REASON FOR BUDGET REQUESTS

Janitorial and Facilities Staff for new Kona Judiciary Complex: The Third Circuit is requesting \$119,322 to establish four janitorial and facilities staff positions, prior to the opening of the new Kona Judiciary Complex currently scheduled for Summer 2019. It is important to have facilities staff trained and become familiar with all aspects of the new building prior to it being turned over to the Judiciary.

Two Janitor positions, a Janitor II and a Janitor III, are requested in response to the Third Circuit's efforts to comply with the Hawai'i Supreme Court's ruling relating to the 1997 Konno v. County of Hawai'i ruling. In this ruling, the Supreme Court voided a contract between the County of Hawai'i and a private contractor for the operation of a county landfill as a violation of civil service laws and merit principles and adopted the "nature of the service" test holding that civil service as defined by State law, encompasses those services that have been "customarily and historically" provided by civil servants.

The Third Circuit currently has a one-year contract with a private contractor for janitorial services for Circuit Court Division 4/Kona Drug Court (KDC), which expires on June 30, 2018. Upon funding of this request, the contract will be discontinued and the two Janitors will be hired to perform the existing janitorial services at the KDC, as well as become familiar with the new Kona Courthouse building prior to its opening. The KDC offices, along with the janitorial positions, will be relocated to the new Kona Judiciary Complex upon its completion.

The Facilities Manager and Building Maintenance worker positions are being requested to begin in March 2019, as the Kona Judiciary Complex nears completion and contractors are in the process of transitioning the building to the Judiciary. This will allow the requested Judiciary staff to become familiar with the project and receive direct training by the specialized contractors on systems and equipment including, but not limited to elevators, security systems, fire suppression systems, the mechanical central plant that houses the equipment for the air and ventilation systems, etc.

Court Bailiff Positions for South Kohala and Hilo Family Courts: The Third Circuit is requesting \$80,932 to establish two Court Bailiff II positions for the South Kohala Division and the Hilo Family Court.

Public safety and court security are a major concern at any court location. Bailiffs assist with courtroom security by maintaining order in the gallery and with the safety of the courtroom and the public, by their presence, whenever sheriffs are unavailable for any reason.

The Legislature authorized a Bailiff position in 2008, along with a new Judge and support staff to hear District and Family Court cases for the Kohala and Hāmākua Divisions. However, in FY 2009, this Bailiff position was abolished due to budget constraints. Since that time, other clerical staff at South Kohala has been providing the bailiff responsibilities which impacts performance of their own job duties. Bailiffs in Kona also have been periodically assisting at the South Kohala location, which has required them to travel more than 50 miles roundtrip from Kona to tend to certain court calendars (family court, civil, and international calendars, and traffic and criminal initial appearance calendars).

The Hilo Family Court currently has only one Bailiff who serves two Judges with full calendars running simultaneously. Every day, the Hilo Family Court clerks perform bailiff responsibilities in addition to their own, thereby delaying data entry into court records and the on-line court systems, eCourt Kōkua and Ho‘ohiki, viewable by the public.

In summary, the requested Bailiffs will help ensure a more secure and safer court environment, and avoid personnel in other positions being taken away from their own duties to perform Bailiff responsibilities.

(This page intentionally left blank)

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	99.00 *	0.00 *	99.00 *	99.00 *	4.00 *	103.00 *	99.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Personal Services	5,837,147	0	5,837,147	5,854,912	326,256	6,181,168	11,692,059	12,018,315
Other Current Expenses	1,927,903	0	1,927,903	1,927,903	0	1,927,903	3,855,806	3,855,806
Equipment	0	0	0	0	8,320	8,320	0	8,320
Motor Vehicles	0	0	0	0	0	0	0	0
	99.00 *	0.00 *	99.00 *	99.00 *	4.00 *	103.00 *	99.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Operation Costs	7,765,050	0	7,765,050	7,782,815	334,576	8,117,391	15,547,865	15,882,441
Capital & Investment Costs	0	0	0	0	0	0	0	0
	99.00 *	0.00 *	99.00 *	99.00 *	4.00 *	103.00 *	99.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Program Expenditures	7,765,050	0	7,765,050	7,782,815	334,576	8,117,391	15,547,865	15,882,441

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	99.00 *	0.00 *	99.00 *	99.00 *	4.00 *	103.00 *	99.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
General Fund	7,765,050	0	7,765,050	7,782,815	334,576	8,117,391	15,547,865	15,882,441
	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 Fund	0	0	0	0	0	0	0	0
	99.00 *	0.00 *	99.00 *	99.00 *	4.00 *	103.00 *	99.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Financing	7,765,050	0	7,765,050	7,782,815	334,576	8,117,391	15,547,865	15,882,441

* Permanent position FTE

Temporary position FTE

JUD350 FIFTH CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Additional Judgeship and support staff: This request for \$334,576 in FY 2019 provides funding for an additional Family Court Judge and staff. Workload issues have prompted a need for an additional judgeship in the Fifth Circuit.

B. REASON FOR BUDGET REQUESTS

Additional Judgeship and support staff: The Fifth Circuit is requesting \$334,576 in FY 2019 for an additional Family Court Judge and staff, which includes two Circuit Court Clerks and a Bailiff. 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 an 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 its overcrowded court calendar. The Family Court schedule dedicates most of one calendar day to address approximately 5 to 10 Department of Human Services (DHS) 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. That 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 five 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, Department of Education 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.

Note that on any given day, that calendar 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 2017, the Fifth Circuit Family Court Judge had a total caseload of 4,486 cases in comparison to the Second and Third Circuits whose Family Court Judges' caseload averaged 1,837 and 2,918 cases, respectively. New filings were also significantly higher for the Fifth Circuit Family Court Judge at 1,783 cases as compared to 1,215 cases per Second Circuit Family Court Judge and 1,306 cases per Third Circuit Family Court Judge.

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 2017, the average caseload per Juvenile Division Judge was 1,232 juvenile and 628 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 1,684 juvenile and 360 children on status cases. New First Circuit juvenile case filings per judge averaged 927 and children on status cases 301 in FY 2017, as compared to Fifth Circuit's numbers of 716 and 166 respectively. However, while most Fifth Circuit juvenile numbers are less than First Circuit's corresponding numbers, it must be remembered that the sole Fifth Circuit Family Court Judge is not only responsible for juvenile related cases, but for all other Family Court cases as well. Taking this into account would add another 2,802 cases to the FY 2017 caseload for the Fifth Circuit Family Court Judge, and an additional 1,067 new filings.

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/her own legal research, holds pre-trial conferences, reviews TRO orders, and reviews uncontested divorce actions. The Judge 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. In addition, the Family Court Judge continues to administer the Kids First Program once a month after normal working hours, ensures mediation for contested divorce and/or custody cases, and with the assistance of the Department of Education, DHS, and the Kaua'i Police Department, has recently launched the Truancy Court to reduce truancy in schools.

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.

(This page intentionally left blank)

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 (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Personal Services	66,973	0	66,973	66,973	0	66,973	133,946	133,946
Other Current Expenses	31,817	0	31,817	31,817	0	31,817	63,634	63,634
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Operation Costs	98,790	0	98,790	98,790	0	98,790	197,580	197,580
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Program Expenditures	98,790	0	98,790	98,790	0	98,790	197,580	197,580

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
General Fund	98,790	0	98,790	98,790	0	98,790	197,580	197,580
	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 Fund	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Financing	98,790	0	98,790	98,790	0	98,790	197,580	197,580

* Permanent position FTE
Temporary position FTE

**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. DESCRIPTION OF BUDGET REQUESTS

None.

C. REASON FOR BUDGET REQUESTS

N/A

POSITION IN PROGRAM STRUCTURE
Level No. Title

Level I 01 The Judicial System
Level II 02 Support Services
Level III 02 Administration

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Personal Services	16,501,133	0	16,501,133	16,507,053	0	16,507,053	33,008,186	33,008,186
Other Current Expenses	17,617,203	0	17,617,203	17,303,271	0	17,303,271	34,920,474	34,920,474
Equipment	981,258	0	981,258	944,061	0	944,061	1,925,319	1,925,319
Motor Vehicles	0	0	0	0	0	0	0	0
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Operation Costs	35,099,594	0	35,099,594	34,754,385	0	34,754,385	69,853,979	69,853,979
Capital & Investment Costs	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Program Expenditures	42,849,594	0	42,849,594	36,354,385	18,880,000	55,234,385	79,203,979	98,083,979

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2017-18			FISCAL YEAR 2018-19			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	10.48 #	0.00 #	10.48 #	10.48 #	0.00 #	10.48 #	10.48 #	10.48 #
General Fund	26,762,596	0	26,762,596	26,417,387	0	26,417,387	53,179,983	53,179,983
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	0.00 #	9.00 #	9.00 #	0.00 #	9.00 #	9.00 #	9.00 #
Special Funds	7,993,737	0	7,993,737	7,993,737	0	7,993,737	15,987,474	15,987,474
	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	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond Fund	7,750,000	0	7,750,000	1,600,000	18,880,000	20,480,000	9,350,000	28,230,000
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	19.48 #	0.00 #	19.48 #	19.48 #	0.00 #	19.48 #	19.48 #	19.48 #
Total Financing	42,849,594	0	42,849,594	36,354,385	18,880,000	55,234,385	79,203,979	98,083,979

* Permanent position FTE
Temporary position FTE

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 and 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 laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current Equal Employment Opportunity (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 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 precontact 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.

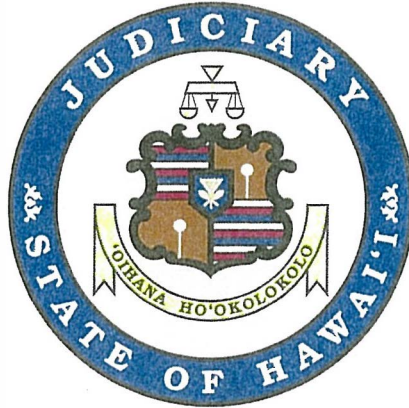
B. DESCRIPTION OF BUDGET REQUESTS

None.

C. REASON FOR BUDGET REQUESTS

N/A

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	FY 2017-18	Fiscal Year 2018-19			2019-20	2020-21	2021-22	2022-23
					Current Appropriation	Adjustment	Recommended Appropriation				
JUDICIARY TOTAL	Plans	1,883	530	303	0	50	50	0	0	500	500
	Land	4,550	4,550	0	0	0	0	0	0	0	0
	Design	13,998	8,911	1,972	150	150	300	750	600	1,080	385
	Constr	157,092	92,187	5,450	1,450	12,280	13,730	17,015	13,050	10,780	4,880
	Equip	6,426	1	25	0	6,400	6,400	0	0	0	0
	Total	183,949	106,179	7,750	1,600	18,880	20,480	17,765	13,650	12,360	5,765
	G.O. Bonds	183,949	106,179	7,750	1,600	18,880	20,480	17,765	13,650	12,360	5,765

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	Fiscal Year 2018-19								
				FY2017-18	Current		Recommended		2019-20	2020-21	2021-22	2022-23
					Appropriation	Adjustment	Appropriation					
Kona Judiciary Complex, Hawai'i	Plans	500	500				0					
	Land	4,550	4,550				0					
	Design	8,500	8,500				0					
	Constr	89,000	89,000				0					
	Equip	5,800				5,800	5,800					
	Total	108,350	102,550	0	0	5,800	5,800	0	0	0	0	
	G.O. Bonds	108,350	102,550	0	0	5,800	5,800	0	0	0	0	
Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu	Plans	282	29	253			0					
	Land	0					0					
	Design	1,422	410	1,012			0					
	Constr	21,745				0	8,980	8,980	12,765			
	Equip	0					0					
	Total	23,449	439	1,265	0	8,980	8,980	12,765	0	0	0	
	G.O. Bonds	23,449	439	1,265	0	8,980	8,980	12,765	0	0	0	
Lump Sum CIP for Judiciary Facilities, Statewide (for FB 2013-2015 through FB 2017-2019)	Plans	101	1	50			50	50				
	Land	0					0	0				
	Design	451	1	300			150	150				
	Constr	8,012	3,187	2,625			2,200	2,200				
	Equip	626	1	25			600	600				
	Total	9,190	3,190	3,000	0	3,000	3,000	0	0	0	0	
	G.O. Bonds	9,190	3,190	3,000	0	3,000	3,000	0	0	0	0	
Kaua'i Judiciary Complex Reroof and Repair Leaks and Damages, Kaua'i	Plans	0					0					
	Land	0					0					
	Design	390		390			0					
	Constr	3,400		1,000		1,100	1,100	1,300				
	Equip	0					0					
	Total	3,790	0	1,390	0	1,100	1,100	1,300	0	0	0	
	G.O. Bonds	3,790	0	1,390	0	1,100	1,100	1,300	0	0	0	
'Ewa District Court Mitigate Water Intrusion and Settlement - Phase 2, O'ahu	Plans	0					0					
	Land	0					0					
	Design	20		20			0					
	Constr	200		200			0					
	Equip	0					0					
	Total	220	0	220	0	0	0	0	0	0	0	
	G.O. Bonds	220	0	220	0	0	0	0	0	0	0	
'Ewa District Court Roof Fall Protection and Re-roofing, O'ahu	Plans	0					0					
	Land	0					0					
	Design	25		25			0					
	Constr	175		175			0					
	Equip	0					0					
	Total	200	0	200	0	0	0	0	0	0	0	
	G.O. Bonds	200	0	200	0	0	0	0	0	0	0	

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

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

Fiscal Year 2018-19

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2017-18	Current Appropriation	Adjustment	Recommended Appropriation	2019-20	2020-21	2021-22	2022-23
Hoapili Hale Security Improvements Phases 1, 2, and 3, Maui	Plans	0					0				
	Land	0					0				
	Design	450		100	150		150	200			
	Constr	4,350		900	1,450		1,450	2,000			
	Equip	0					0				
	Total	4,800	0	1,000	1,600	0	1,600	2,200	0	0	0
	G.O. Bonds	4,800	0	1,000	1,600	0	1,600	2,200	0	0	0
Kapuāiwa Building Separate Storm Drain and Sanitary Sewer Systems, O'ahu	Plans	0					0				
	Land	0					0				
	Design	125		125			0				
	Constr	550		550			0				
	Equip	0					0				
	Total	675	0	675	0	0	0	0	0	0	0
	G.O. Bonds	675	0	675	0	0	0	0	0	0	0
Hoapili Hale Fire Protection Upgrade and Improvements, Maui	Plans	0					0				
	Land	0					0				
	Design	660					0			660	
	Constr	6,600					0			6,600	
	Equip	0					0				
	Total	7,260	0	0	0	0	0	0	0	7,260	0
	G.O. Bonds	7,260	0	0	0	0	0	0	0	7,260	0
Kapuāiwa Building Roof Replacement, O'ahu	Plans	0					0				
	Land	0					0				
	Design	100					0	100			
	Constr	1,000					0	1,000			
	Equip	0					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					0				
	Land	0					0				
	Design	200					0	200			
	Constr	2,800					0	2,800			
	Equip	0					0				
	Total	3,000	0	0	0	0	0	0	3,000	0	0
	G.O. Bonds	3,000	0	0	0	0	0	0	3,000	0	0
Hoapili Hale Legal Documents Reorganization and Upgrades, Maui	Plans	0					0				
	Land	0					0				
	Design	360					0				360
	Constr	3,780					0				3,780
	Equip	0					0				
	Total	4,140	0	0	0	0	0	0	0	0	4,140
	G.O. Bonds	4,140	0	0	0	0	0	0	0	0	4,140
Maui - New Judiciary Complex, Maui	Plans	1,000					0			500	500
	Land	0					0				
	Design	0					0				
	Constr	0					0				
	Equip	0					0				
	Total	1,000	0	0	0	0	0	0	0	500	500
	G.O. Bonds										

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	Fiscal Year 2018-19				2019-20	2020-21	2021-22	2022-23
				Current		Recommended					
				FY2017-18	Appropriation	Adjustment	Appropriation				
	G.O. Bonds	1,000	0	0	0	0	0	0	0	500	500
Lahaina District Court Interior Air Distribution System Upgrades and Improvements, Maui	Plans	0					0				
	Land	0					0				
	Design	50					0	50			
	Constr	950					0	950			
	Equip	0					0				
	Total	1,000	0	0	0	0	0	1,000	0	0	0
	G.O. Bonds	1,000	0	0	0	0	0	1,000	0	0	0
Kapuāiwa Building Modernize and Upgrade Elevator, O'ahu	Plans	0					0				
	Land	0					0				
	Design	100					0		100		
	Constr	950					0		950		
	Equip	0					0				
	Total	1,050	0	0	0	0	0	0	1,050	0	0
	G.O. Bonds	1,050	0	0	0	0	0	0	1,050	0	0
Ali'iōlani Hale Upgrade AC Systems, O'ahu	Plans	0					0				
	Land	0					0				
	Design	500					0	500			
	Constr	6,500					0		6,500		
	Equip	0					0				
	Total	7,000	0	0	0	0	0	500	6,500	0	0
	G.O. Bonds	7,000	0	0	0	0	0	500	6,500	0	0
Kāne'ohe District Court Generator Power Back-up System, O'ahu	Plans	0					0				
	Land	0					0				
	Design	70					0			70	
	Constr	630					0			630	
	Equip	0					0				
	Total	700	0	0	0	0	0	0	0	700	0
	G.O. Bonds	700	0	0	0	0	0	0	0	700	0
Ka'ahumanu Hale Repair Basement Leaks and Damages, O'ahu	Plans	0					0				
	Land	0					0				
	Design	350					0			350	
	Constr	3,550					0			3,550	
	Equip	0					0				
	Total	3,900	0	0	0	0	0	0	0	3,900	0
	G.O. Bonds	3,900	0	0	0	0	0	0	0	3,900	0

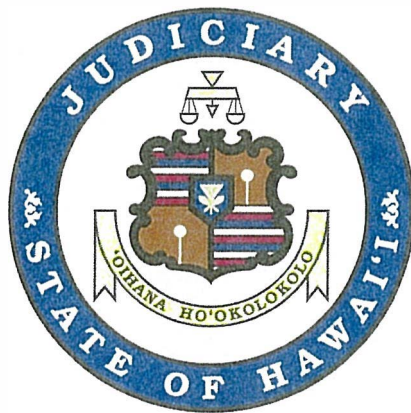
REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS
BY CAPITAL PROJECT
IN THOUSANDS OF DOLLARS

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

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2018-19								
				FY2017-18	Current		Recommended		2019-20	2020-21	2021-22	2022-23
					Appropriation	Adjustment	Appropriation					
Ka'ahumanu Hale Security and Access Improvements and Upgrades to Atrium Lobby, O'ahu	Plans	0					0					
	Land	0					0					
	Design	200					0		200			
	Constr	1,800					0		1,800			
	Equip	0					0					
	Total	2,000	0	0	0	0	0	0	2,000	0	0	
	G.O. Bonds	2,000	0	0	0	0	0	0	2,000	0	0	
Kauikeaouli Hale Main Data Center Fire Suppression System, O'ahu	Plans	0					0					
	Land	0					0					
	Design	0					0					
	Constr	700					0				700	
	Equip	0					0					
	Total	700	0	0	0	0	0	0	0	0	700	
	G.O. Bonds	700	0	0	0	0	0	0	0	0	700	
Kauikeaouli Hale Transaction Counter Improvements, O'ahu	Plans	0					0					
	Land	0					0					
	Design	25					0				25	
	Constr	400					0				400	
	Equip	0					0					
	Total	425	0	0	0	0	0	0	0	0	425	
	G.O. Bonds	425	0	0	0	0	0	0	0	0	425	
Judiciary Total (Active Projects within FB 2017-2019, and projections for FB 2019-2021 and FB 2021-2023)	Plans	1,883	530	303	0	50	50	0	0	500	500	
	Land	4,550	4,550	0	0	0	0	0	0	0	0	
	Design	13,998	8,911	1,972	150	150	300	750	600	1,080	385	
	Constr	157,092	92,187	5,450	1,450	12,280	13,730	17,015	13,050	10,780	4,880	
	Equip	6,426	1	25	0	6,400	6,400	0	0	0	0	
	Total	183,949	106,179	7,750	1,600	18,880	20,480	17,765	13,650	12,360	5,765	
	G.O. Bonds	183,949	106,179	7,750	1,600	18,880	20,480	17,765	13,650	12,360	5,765	

(This page intentionally left blank)

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 areas:

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.

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 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 technological change on global, national, state, and local levels; (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.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

VARIANCE DETAILS

Program Structure No. 01 01 01

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2017									
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, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	71.00	70.00	1.00	-	1					
	Positions, Temp	2.00	1.00	1.00	-	50					
	Expenditures	6,713	6,835	122	+	2					
Totals	Positions, Perm	71.00	70.00	1.00	-	1					
	Positions, Temp	2.00	1.00	1.00	-	50					
	Expenditures	6,713	6,835	122	+	2					
		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
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, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	73.00	71.00	2.00	-	3	73.00	72.00	1.00	-	1
	Positions, Temp	1.00	0.00	1.00	-	100	1.00	1.00	0.00	+	0
	Expenditures	1,732	1,738	6	+	0	5,194	5,295	101	+	2
Totals	Positions, Perm	73.00	71.00	2.00	-	3	73.00	72.00	1.00	-	1
	Positions, Temp	1.00	0.00	1.00	-	100	1.00	1.00	0.00	+	0
	Expenditures	1,732	1,738	6	+	0	5,194	5,295	101	+	2

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
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)	14	14	0	+	0	14	14	0	+	0
2.	Median Time to Decision, Civil Appeal (Mo)	12	11	1	-	8	12	11	1	-	8
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 2017					Fiscal Year 2018				
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	260	255	5	-	2	259	258	1	-	0
2.	A02 Civil Appeals Filed	470	605	135	+	29	465	570	105	+	23
3.	A03 Original Proceedings Filed	100	72	28	-	28	99	90	9	-	9
4.	A04 Appeals Disposed	740	760	20	+	3	735	750	15	+	2
5.	A05 Motions Filed	2,820	2,550	270	-	10	2,822	2,699	123	-	4
6.	A06 Motions Terminated	2,821	2,529	292	-	10	2,823	2,700	123	-	4

JUD 101 COURTS OF APPEAL

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, the variance in expenditures was largely the result of collective bargaining augmentation. The temporary position variance appears significant due to the limited number of positions and the vacancy of one or half of the total temporary position counts.

For the first quarter of FY 2018, the expenditure variance was due to normal procurement and operational practices. The corresponding temporary position variance remains significant based on the vacancy of the only temporary position. The position continues to be in recruitment and should be filled in the coming months. For the remainder of the fiscal year, estimated expenditures are expected to continue to reflect normal procurement and operational practices as well as collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 2, Civil Appeals Filed, was 29% over the estimated level because the estimate was based on actual filings that were consistently lower in prior years – 413 in FY 2012, 410 in FY 2013, 409 in FY 2014, 382 in FY 2015, and 479 in FY 2016, and because the Intermediate Court of Appeals modified its statistical methodology in a manner that increased the number of appeals included in the current fiscal year.

Item 3, Original Proceedings Filed, was 28% under the estimated level because the estimate was based on actual filings that were higher in prior years – 133 in FY 2012, 166 in FY 2013, 103 in FY 2014, 87 in FY 2015, and 86 in FY 2016.

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 2017									
COST (Expenditures in \$,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1,118.50	1,029.50	89.00	-	8					
	Positions, Temp	100.58	63.02	37.56	-	37					
	Expenditures	86,329	88,324	1,995	+	2					
Totals	Positions, Perm	1,118.50	1,029.50	89.00	-	8					
	Positions, Temp	100.58	63.02	37.56	-	37					
	Expenditures	86,329	88,324	1,995	+	2					
		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
COST (Expenditures in \$,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, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1,128.50 *	1,022.50	106.00	-	9	1,128.50 *	1,065.50	63.00	-	6
	Positions, Temp	93.58	62.18	31.40	-	34	93.58	69.58	24.00	-	26
	Expenditures	22,230	18,893	3,337	-	15	66,691	71,576	4,885	+	7
Totals	Positions, Perm	1,128.50 *	1,022.50	106.00	-	9	1,128.50 *	1,065.50	63.00	-	6
	Positions, Temp	93.58	62.18	31.40	-	34	93.58	69.58	24.00	-	26
	Expenditures	22,230	18,893	3,337	-	15	66,691	71,576	4,885	+	7

*Includes 2 permanent positions FTE for the Community Court Outreach Project per Act 195/17, Section 7(3)

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
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., Circt. Ct. Crim. Act. (Days)	380	243	137	-	36	378	311	67	-	18
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	561	553	8	-	1	553	560	7	+	1

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

		Fiscal Year 2017					Fiscal Year 2018				
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	10,059	9,739	320	-	3	10,073	9,892	181	-	2
2.	T02 Marital Actions	7,342	7,803	461	+	6	7,355	7,787	432	+	6
3.	T03 Adoption Proceedings	650	490	160	-	25	653	568	85	-	13
4.	T04 Parental Proceedings	2,660	2,985	325	+	12	2,664	2,973	309	+	12
5.	A01 Civil Actions Filed, Circuit Court	2,461	2,148	313	-	13	2,466	2,304	162	-	7
6.	A02 Criminal Actions Filed, Circuit Court	2,166	1,992	174	-	8	2,169	2,076	93	-	4
7.	A03 Marital Actions Filed	3,791	3,528	263	-	7	3,801	3,655	146	-	4
8.	A04 Traffic - Filed (thousands)	323	315	8	-	2	324	319	5	-	2
9.	A05 Traffic - Terminated (thousands)	350	358	8	+	2	350	360	10	+	3

JUD 310 FIRST CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, 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. Filling temporary positions will often have the challenge of retaining employees due to the nature of non-permanency. Temporary employees will likely seek and move to permanent positions which will create temporary position vacancies.

In FY 2017, First Circuit expenditures were slightly higher than budgeted largely due to collective bargaining increases and the Judges' salary increase recommended by the Commission on Salaries and approved by the Legislature.

In the first quarter of FY 2018, 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. As mentioned above, temporary positions present challenges to retain employees seeking and moving to permanent positions. 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 2018, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2018 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 in part due to collective bargaining cost items and Community Outreach Court funds appropriated by the Legislature.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 36% less than the estimated number of days primarily due to the transfer of information from the HAJIS system to the Judiciary Information Management System (JIMS), which reads and captures data in a slightly different manner.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 25% under the estimated level due to an over projection of the estimated level for FY 2017. This occurred because of an increasing trend in the adoption proceedings caseload of 465, 538, and 647 cases in FY 2014, FY 2015, and FY 2016, which the estimated number of 650 for FY 2017 was based on.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

Program Structure No. 01 01 03

VARIANCE DETAILS

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2017				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions, Perm					
	Positions, Temp					
	Expenditures					
Operating	Positions, Perm	207.00	198.00	9.00	-	4
	Positions, Temp	1.68	1.00	0.68	-	40
	Expenditures	16,415	16,716	301	+	2
Totals	Positions, Perm	207.00	198.00	9.00	-	4
	Positions, Temp	1.68	1.00	0.68	-	40
	Expenditures	16,415	16,716	301	+	2

		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
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, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	207.00	197.00	10.00	-	5	207.00	207.00	0.00	+	0
	Positions, Temp	1.68	1.00	0.68	-	40	1.68	1.68	0.00	+	0
	Expenditures	4,118	3,767	351	-	9	12,780	13,400	620	+	5
Totals	Positions, Perm	207.00	197.00	10.00	-	5	207.00	207.00	0.00	+	0
	Positions, Temp	1.68	1.00	0.68	-	40	1.68	1.68	0.00	+	0
	Expenditures	4,118	3,767	351	-	9	12,780	13,400	620	+	5

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
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., Circ. Ct. Crim. Act. (Days)	255	261	6	+	2	254	259	5	+	2
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	475	505	30	+	6	470	498	28	+	6

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

		Fiscal Year 2017					Fiscal Year 2018				
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	2,020	1,818	202	-	10	2,030	1,912	118	-	6
2.	T02 Marital Actions	921	900	21	-	2	926	907	19	-	2
3.	T03 Adoption Proceedings	75	63	12	-	16	76	70	6	-	8
4.	T04 Parental Proceedings	400	350	50	-	13	414	366	48	-	12
5.	A01 Civil Actions Filed, Circuit Court	677	532	145	-	21	687	595	92	-	13
6.	A02 Criminal Actions Filed, Circuit Court	1,168	1,018	150	-	13	1,170	1,092	78	-	7
7.	A03 Marital Actions Filed	538	528	10	-	2	544	530	14	-	3
8.	A04 Traffic - Filed (thousands)	38	43	5	+	13	38	41	3	+	8
9.	A05 Traffic - Terminated (thousands)	39	50	11	+	28	39	45	6	+	15

JUD 320 SECOND CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In 2017, position variances were the result of normal employee turnover and related recruitment time factors. FY 2017 expenditures were slightly higher than budget due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2018, the number of filled authorized positions remains reflective of normal employee turnover and recruitment time factors. Expenditure variances are a result of position vacancies and normal procurement and operational practices.

For the balance of FY 2018, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as position vacancies are filled), the liquidation of first quarter billings as they are received in later quarters, and payments made for court purchased services. Estimated expenditures are also expected to increase due to collective bargaining increases that were appropriated in separate bills. 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.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

There are no significant variances to report.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 5, Civil Actions Filed, Circuit Court, was 21% lower than the estimated level in FY 2017, due to fewer foreclosure and other civil action filings.

Item 9, Traffic – Terminated, was 28% higher than the estimated level in FY 2017, due to unexpected increases in new filings, especially for parking violations, and greater attention to resolving and terminating non-criminal traffic and parking violations.

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 2017									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%					
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	228.00	217.00	11.00	-	5					
	Positions, Temp	5.68	5.08	0.60	-	11					
	Expenditures	19,428	20,173	745	+	4					
Totals	Positions, Perm	228.00	217.00	11.00	-	5					
	Positions, Temp	5.68	5.08	0.60	-	11					
	Expenditures	19,428	20,173	745	+	4					

		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%	A Budgeted	B Estimated	Change From A TO B Amount +/-		%
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	228.00	217.00	11.00	-	5	228.00	228.00	0.00	+	0
	Positions, Temp	5.68	4.08	1.60	-	28	5.68	5.68	0.00	+	0
	Expenditures	8,543	8,185	358	-	4	11,427	12,084	657	+	6
Totals	Positions, Perm	228.00	217.00	11.00	-	5	228.00	228.00	0.00	+	0
	Positions, Temp	5.68	4.08	1.60	-	28	5.68	5.68	0.00	+	0
	Expenditures	8,543	8,185	358	-	4	11,427	12,084	657	+	6

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B Amount +/-		%
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	310	171	139	-	45	309	241	68	-	22
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	499	516	17	+	3	497	509	12	+	2

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

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B Amount +/-		%
1.	T01 Civil Actions, Circuit Court	3,057	3,001	56	-	2	3,076	3,020	56	-	2
2.	T02 Marital Actions	1,520	1,275	245	-	16	1,531	1,393	138	-	9
3.	T03 Adoption Proceedings	96	140	44	+	46	96	121	25	+	26
4.	T04 Parental Proceedings	1,362	1,407	45	+	3	1,375	1,388	13	+	1
5.	A01 Civil Actions Filed, Circuit Court	872	825	47	-	5	878	845	33	-	4
6.	A02 Criminal Actions Filed, Circuit Court	901	902	1	+	0	909	897	12	-	1
7.	A03 Marital Actions Filed	587	566	21	-	4	590	576	14	-	2
8.	A04 Traffic - Filed (thousands)	43	41	2	-	5	43	42	1	-	2
9.	A05 Traffic - Terminated (thousands)	44	50	6	+	14	44	45	1	+	2

JUD 330 THIRD CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, actual position counts were less than budget due to normal employee turnover and related recruitment time factors. Expenditures were higher than budget due to collective bargaining increases that were appropriated via a separate bill as well as increases in Attorney Fees for Non-Law Indigent and Guardian Ad Litem Fees in FY 2017.

In the first quarter of FY 2018, the number of filled authorized positions remains reflective of normal employee turnover and recruitment time factors. Lower actual expenditures are due to position vacancies, including two Circuit Judge positions which have been recently confirmed by the State Senate, and normal procurement and operational expenditures.

For the balance of FY 2018, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled), the liquidation of first quarter billings as they are received in later quarters, and payments made for court purchased services. Estimated expenditures are also expected to increase due to collective bargaining increases that were appropriated in separate bills. 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.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 45% below the estimated level in FY 2017 as this estimate was based on actual median times in prior years (i.e., 171 days in FY 2017 as compared to 311 days in FY 2016 and 504 days in FY 2015).

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 46% above the estimated level in FY 2017 due to an unexpected increase in adoption proceedings in FY 2017 as compared to prior years (i.e., 140 in FY 2017 as opposed to 101 in FY 2016 and 82 in FY 2015).

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 2017									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/- %							
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	99.00	88.00	11.00	-	11					
	Positions, Temp	2.60	2.40	0.20	-	8					
	Expenditures	7,513	7,495	18	-	0					
Totals	Positions, Perm	99.00	88.00	11.00	-	11					
	Positions, Temp	2.60	2.40	0.20	-	8					
	Expenditures	7,513	7,495	18	-	0					

		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	99.00	92.00	7.00	-	7	99.00	95.00	4.00	-	4
	Positions, Temp	2.60	2.20	0.40	-	15	2.60	2.60	0.00	+	0
	Expenditures	1,941	1,547	394	-	20	5,824	6,339	515	+	9
Totals	Positions, Perm	99.00	92.00	7.00	-	7	99.00	95.00	4.00	-	4
	Positions, Temp	2.60	2.20	0.40	-	15	2.60	2.60	0.00	+	0
	Expenditures	1,941	1,547	394	-	20	5,824	6,339	515	+	9

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Med. Time to Dispo., Cirt. Ct. Crim. Act. (Days)	326	299	27	-	8	325	313	12	-	4
2.	Med. Time to Dispo., Cirt. Ct. Civil Act. (Days)	450	1,085	635	+	141	440	844	404	+	92

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

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	TO1 Civil Actions, Circuit Court	1,185	1,153	32	-	3	1,194	1,165	29	-	2
2.	TO2 Marital Actions	693	527	166	-	24	704	606	98	-	14
3.	TO3 Adoption Proceedings	58	61	3	+	5	61	58	3	-	5
4.	TO4 Parental Proceedings	483	462	21	-	4	492	468	24	-	5
5.	A01 Civil Actions Filed, Circuit Court	203	211	8	+	4	212	211	1	-	0
6.	A02 Criminal Actions Filed, Circuit Court	485	487	2	+	0	489	488	1	-	0
7.	A03 Marital Actions Filed	215	196	19	-	9	218	204	14	-	6
8.	A04 Traffic - Filed (thousands)	12	14	2	+	17	12	13	1	+	8
9.	A05 Traffic - Terminated (thousands)	15	14	1	-	7	15	14	1	-	7

JUD 350 FIFTH CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, the variance in positions was due to normal employee turnover and the expenditure variance was the result of conservative spending practices.

For FY 2018, the position variances continue to reflect normal employee turnover and recruitment activity. The expenditure variances indicate collective bargaining augmentation and increased expenditure levels in the latter part of the fiscal year.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Medium Time to Disposition, Circuit Court Civil Actions, was 141% over the estimated level due to an intensive effort to dispose of and close old cases sitting on the court's records.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 2, Marital Actions, was 24% under the estimated level due to an over projection of the estimated level which was based on actual numbers from prior years (i.e., 717 in FY 2015 and 682 in FY 2016).

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 2017									
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-				Amount	+/-	
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1.00	1.00	0.00	+	0					
	Positions, Temp	0.00	0.00	0.00	+	0					
	Expenditures	93	124	31	+	33					
Totals	Positions, Perm	1.00	1.00	0.00	+	0					
	Positions, Temp	0.00	0.00	0.00	+	0					
	Expenditures	93	124	31	+	33					
		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-		Budgeted	Estimated	Amount	+/-	
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1.00	1.00	0.00	+	0	1.00	1.00	0.00	+	0
	Positions, Temp	0.00	0.00	0.00	+	0	0.00	0.00	0.00	+	0
	Expenditures	25	38	13	+	52	74	62	12	-	16
Totals	Positions, Perm	1.00	1.00	0.00	+	0	1.00	1.00	0.00	+	0
	Positions, Temp	0.00	0.00	0.00	+	0	0.00	0.00	0.00	+	0
	Expenditures	25	38	13	+	52	74	62	12	-	16

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount	+/-	%	A Planned	B Estimated	Change From A TO B Amount	+/-	%
N/A											

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

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount	+/-	%	A Planned	B Estimated	Change From A TO B Amount	+/-	%
N/A											

JUD 501 JUDICIAL SELECTION COMMISSION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, there were no position variances. Actual expenditures for FY 2017 were higher than budgeted due to collective bargaining augmentation and higher than expected judicial vacancies and related expenses.

As in FY 2017, the FY 2018 first quarter expenditure variance reflects additional collective bargaining funding and the continuing increase in judicial vacancies and corresponding expenditure levels.

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

		Fiscal Year 2017									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%					
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	228.00	215.00	13.00	-	6					
	Positions, Temp	19.48	18.48	1.00	-	5					
	Expenditures	34,175	33,659	516	-	2					
Totals	Positions, Perm	228.00	215.00	13.00	-	6					
	Positions, Temp	19.48	18.48	1.00	-	5					
	Expenditures	34,175	33,659	516	-	2					

		Three Months Ended 9-30-17					Nine Months Ended 6-30-18				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%	A Budgeted	B Estimated	Change From A TO B Amount +/-		%
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	228.00	217.00	11.00	-	5	228.00	222.00	6.00	-	3
	Positions, Temp	19.48	18.48	1.00	-	5	19.48	18.48	1.00	-	5
	Expenditures	8,775	11,422	2,647	+	30	26,325	24,163	2,162	-	8
Totals	Positions, Perm	228.00	217.00	11.00	-	5	228.00	222.00	6.00	-	3
	Positions, Temp	19.48	18.48	1.00	-	5	19.48	18.48	1.00	-	5
	Expenditures	8,775	11,422	2,647	+	30	26,325	24,163	2,162	-	8

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B 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)

		Fiscal Year 2017					Fiscal Year 2018				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B Amount +/-		%
1.	A01 Number of Payment Documents Processed	34,346	35,024	678	+	2	34,346	35,000	654	+	2
2.	A02 Number of Recruitment Announcements	880	1,176	296	+	34	880	1,200	320	+	36
3.	A03 Number of JUDHR001 Forms Processed	4,400	6,009	1,609	+	37	4,000	6,200	2,200	+	55
4.	A04 Library - Size of Collections (000's)	284	284	0	+	0	284	285	1	+	0
5.	A05 Library - Circulation, Trans & Ref Use (000's)	31	31	0	+	0	31	31	0	+	0
6.	A06 Library - Patrons Served (000's)	7	9	2	+	29	7	8	1	+	14

JUD 601 ADMINISTRATION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2017, position variances were the result of normal employee turnover as well as recruitment time factors. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices.

In the first quarter of FY 2018, the variance in the number of filled authorized positions is a carryover from the previous year and a result of normal employee turnover. Expenditure variances are a result collective bargaining increases as well as contractual and other significant operational obligations that are incurred early in the fiscal year. The payment of these financial requirements in the first quarter results in the proportionately lower level of operating expenses projected for the remainder of the fiscal year.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

None.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

The variance in Number of Recruitments Announced was 34% more than estimated due to the increase in the number of retirements and resignations. Specifically, Recruitment Announcements totaled 1,176 in FY 2017, as compared to 867, 749, and 880 in FYs 2014, 2015, and 2016, respectively. There was also a shortage of applicants for Social Workers, Court Clerks, and Juvenile Detention Workers that required re-announcements at multiple levels.

The variance in JUDHR001 Forms Processed was 37% more than estimated due to an estimation for pay increases that was too low as the extent of the negotiated pay increases was not known at that time.

Law Library, Patrons Served was 29% higher than estimated due to an increase in people utilizing the libraries on the neighbor islands, specifically in the Kona and Kaua'i areas.

