

Electronically Filed
SECOND CIRCUIT
2CSP-20-000015
31-JAN-2022
03:29 PM
Dkt. 60 DOC

SP. NO. 2CSP-20-000015

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI`I

In the matter of the)	SP. NO. 2CSP-20-000015
)	
CIRCUIT COURT OF THE SECOND)	EMERGENCY ORDER NO. 26
CIRCUIT, STATE OF HAWAI`I'S)	TEMPORARILY SUSPENDING IN
RESPONSE TO COVID-19 OUTBREAK)	PERSON TRAVEL TO LANA'I AND
)	MOLOKAI FOR FAMILY COURT OF
)	THE SECOND CIRCUIT, STATE OF
)	HAWAI`I
)	

EMERGENCY ORDER NO. 26 TEMPORARILY SUSPENDING IN PERSON TRAVEL TO
LANA'I AND MOLOKAI FOR FAMILY COURT OF THE SECOND CIRCUIT,
STATE OF HAWAI`I

This matter comes before the Court in light of the public health emergency in the State of Hawai`i.

Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed January 27, 2022, August 6, 2021¹ and March 16, 2020² in the Supreme

¹ Order Regarding Judiciary Operations; SCMF-20-000152 at page 3, authorizing "chief judges of each circuit to implement their plans to resume operations, including the resumption of jury trials, provided that all operations shall be conducted in compliance with social -distancing mandates as ordered by Governor Ige, including requiring the use of face coverings, and that the public health circumstances and any countywide orders effective in each circuit are taken into account. The chief judge of each circuit, or the presiding judge in a case, may postpone matters if necessary to ensure health and safety"; see also, said Order explaining: "Increased Use of Remote Technology Matters designated by the chief judge of each circuit, or as determined on a case-by-case basis by the presiding judge, should continue to be held remotely by telephonic or video conference to the extent permitted by law...[i]n determining the feasibility of using video technology to conduct court proceedings, the presiding judge may opt to conduct proceedings telephonically, or make other arrangements, if all parties do not have

Court Case: SCMF-20-0000152, and with the authority as Chief Judge³ of the above-entitled Court, IT IS HEREBY ORDERED:

1. In person travel to Molokai and Lana`i for Family Court proceedings, will be temporarily suspended, however, Family Court matters on Molokai and Lana`i calendars will continue to be calendared and heard via available remote/video conferencing platforms and/or telephonic means and approved by presiding Family Court Judge.³
2. Any judge presiding in a Family Court proceeding, may,

access to the necessary technology for a video conference."

² See, page 2/3 of the Sixth Amended Order Regarding Judiciary Operations, filed January 4, 2022, SCFM-20-00000152 explaining Access to Judiciary Facilities, that, "[N]o one shall enter Judiciary facilities if they have:

- A fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness as set for by the CDC;
- Have tested positive for COVID-19 and have not been cleared to end isolation by their healthcare provider or DOH's general isolation and quarantine policy, in the absence of specific guidance provide by DOH; or
- Have had close contact with a person who has or is suspected to have COVID -19, except where (a) the individual is boosted and remains asymptomatic; or (b) the individual is fully vaccinated within six months of entry (or within two months of entry if the individual received Johnson & Johnson vaccine) and remains asymptomatic; or (c) the individual, who is neither boosted nor fully vaccinated, is beyond five days since exposure and remains asymptomatic.
- Have traveled outside of Hawai'i in the past 5 days and have not either (a) satisfied the State's Safe Travel program's negative test exception to the mandatory self-quarantine period for Trans-Pacific travel and any applicable post-arrival test requirements; or (b) satisfied the State's Safe Travels program's requirements for Trans-Pacific travel regarding completion of a vaccination regimen approved by the DOH; as specified by the Director of the Hawaii Emergency Management Agency(posted at <http://hawaiicovid19.com/>), subject to any subsequent travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

Additionally, anyone entering a Judiciary facility shall comply with social distancing requirements consistent with the Governor's Sixth Supplementary Proclamation, including wearing a face covering as described and recommended by the Center for Disease Control and Prevention."

³ See, page 4, Order Regarding Judiciary Operations, filed April 27, 2020, SCFM-20-0000152, at Circuit Specific Emergency Orders paragraph; see also, footnote No. 1, *supra*, citing August 6, 2021 Order Regarding Judiciary Operations in SCMF-20-000152 allowing Circuit Specific Emergency Orders.; see also, travel restrictions implemented and/or suggested by the Office of the Governor, State of Hawaii, via Emergency Proclamations at: <https://governor.hawaii.gov/emergency-proclamations/>.

³ Zoom Meeting ID Numbers are posted on Hawaii Judiciary Website Under Litigants/Resources/Remote Proceedings:
<https://www.courts.state.hi.us/wp-content/uploads/2021/06/Second-Circuit-Remote-Hearings-1.pdf>

however, order trial to proceed if: 1) the defendant will not consent to a continuance; 2) failure of the trial to proceed may result in a dismissal for violation of Rule 48 or defendant's speedy trial rights; 3) sufficient court personnel are available for trial to proceed; 4) and that it may do safely. A presiding judge ordering a case to proceed to trial should promptly notify appropriate judiciary personnel so that travel arrangements can be made.

3. Litigants and Attorneys on upcoming Molokai and Lana'i Family Court calendars may appear remotely, via the Zoom Meeting ID Nos. Please contact the Family Court one (1) week in advance to make any necessary arrangements for evidentiary hearings and trials.

Molokai Family Court: 826 621 4033

Lana`i Family Court: 326 341 4575.

Witnesses appearing in any civil or non-criminal matter may appear remotely as specified above.

4. Any person having difficulty logging in to the remote hearing may call into Zoom (toll-free) at 888-788-0099 or 883-548-0276, enter the above listed meeting ID followed by # (pound sign), and press *6 (star-six).
5. This Order will expire on March 28, 2022, however, it may be modified or extended as necessary.

IT IS SO ORDERED.

DATED: Wailuku, Maui, Hawai`i, January 31, 2022.

/s/ PETER T. CAHILL



Chief Judge, Second Circuit Court