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SP. NO. 1CSP-20-0000082
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the) SP. No. 1CSP-20-0000082
) (Special Proceeding)
FAMILY CIRCUIT COURT OF THE)
FIRST CIRCUIT'S RESPONSE TO THE)
COVID-19 OUTBREAK) FAMILY COURT OPERATIONAL
) ORDER #1 REGARDING
) OPERATIONS IN THE FAMILY
) COURT OF THE FIRST CIRCUIT
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FAMILY COURT OPERATIONAL ORDER #1 REGARDING OPERATIONS
IN THE FAMILY COURT OF THE FIRST CIRCUIT

This matter comes before the Court in light of the ongoing COVID-19 pandemic.

Despite the relaxation of COVID-related restrictions through the State of Hawai'i, the First Circuit Court of the State of Hawai'i will continue to maintain certain mandates regarding our Court operations. The current volume of positive COVID-19 cases, the limited spacing in the Family Court facilities, the high transmissibility of the Omicron variant, and the likelihood of new variants were considered in this latest Order.

The following mandates will remain in place to protect the health and safety of First

Circuit Family Court employees and all court participants. This Order is made pursuant to the Order of Chief Justice Mark E. Recktenwald in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and with authority as Chief Judge of the First Circuit Court.

In general this Order outlines basic directions about entry into the courthouse, and which matters are to be heard with the in-person presence of the parties and/or their respective attorneys. IT IS HEREBY ORDERED:

1. All Emergency Orders regarding the Family Court of the First Circuit, from the Amended Emergency Order #4 Regarding Family Court of the First Circuit filed March 16, 2020 through the Twenty-Second Amended Emergency Order #4 Regarding Family Court of the First Circuit filed February 25, 2022, are hereby rescinded and the Order is to read as follows:

2. Entry into First Circuit Family Court Facilities

- a. Entry into First Circuit Judiciary facilities in which Family Court proceedings or operations take place shall be governed by the provisions of General Order #1 Regarding All Trial Courts of the First Circuit of the State of Hawai'i, filed under SP. No. 1CSP-20-0000082, *In the Matter of the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak*.
- b. Only persons with official court business shall be permitted to enter the First Circuit Judiciary facilities in which Family Court proceedings or operations take place.
- c. All entrants shall comply with the directions of the presiding judge in the courtroom and the directions of the bailiffs while in the courthouse.
- d. Attorneys and parties shall not enter the courthouse until fifteen (15) minutes prior to

the scheduled time of the hearing.

- e. Witnesses shall wait outside the courthouse until it is their time to testify. It will be the obligation of attorneys and parties to notify their witnesses of this procedure.

3. Adult Criminal Courts

All matters in the First Circuit Family Court adult criminal courts (to include courtrooms 8B, 8C and 8D), including but not limited to jury trials, bench trials, motions and hearings (including evidentiary hearings), shall be conducted in person, unless the court, in its sole discretion and in compliance with applicable court rules and orders, orders or approves a request for video and/or telephone appearance.

4. Domestic Division

All matters assigned to the Domestic Division shall be conducted in person unless the court, in its sole discretion and in compliance with applicable court rules and orders, orders or approves a request for video and/or telephone appearance.

5. Special Division

All matters assigned to the Special Division shall be conducted in person unless the court, in its sole discretion and in compliance with applicable court rules and orders, orders or approves a request for video and/or telephone appearance.

6. Juvenile Division

- a. Except as provided herein, all matters assigned to the Juvenile Division, including FC-S and FC-J matters, shall be conducted in person unless the court, in its sole discretion and in compliance with applicable court rules and orders, orders or approves a request for video and/or telephone appearance.
- b. Proceedings involving minors who are being held at Hale Ho`omalulu (DH) shall be

conducted at DH. One parent/guardian may participate in person from the courtroom; a second parent or guardian may participate remotely if approved by the Court.

- c. Meetings with minors and GALs/CASAs may be held in person or by video or telephone, at the courts' discretion.

7. Specialty Courts

- a. Except as provided herein, all Specialty Court matters shall be conducted in person unless the court, in its sole discretion and in compliance with applicable court rules and orders, orders or approves a request for video and/or telephone appearance.
- b. Initial hearings for Voluntary Admission to Imua Kākou and any hearing which will result in the entry of an order terminating a young adult from Imua Kākou shall be held via video, telephone, or as directed by the presiding judge. All other hearings shall continue to be conducted by way of paper review only unless otherwise directed by the presiding judge.

8. Kids First Program

Participation in the Kids First Program may be in person or online, in the discretion of and as directed by the Kids First Program.

- 9. This Order may be modified as circumstances warrant. Absent further action, the effective date of this Order shall be Monday, March 28, 2022 and the Order shall remain in effect until further order of the Court.

It is so Ordered.

DATED: Honolulu, Hawai‘i, March 21, 2022.

/s/ R. Mark Browning



HON. R. MARK BROWNING, CHIEF JUDGE
First Circuit Court, State of Hawai‘i

SP. No. 1CSP-20-000082; In the Matter of the Family Court of the First Circuit’s Response to the COVID-19 Outbreak; Family Court Operational Order #1 Regarding Operations in the Family Court of the First Circuit