



Office of the Administrative Director of the Courts -THE JUDICIARY • STATE OF HAWAII  
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**Rodney A. Maile**  
ADMINISTRATIVE DIRECTOR

**Brandon M. Kimura**  
DEPUTY ADMINISTRATIVE DIRECTOR

December 22, 2022

**Via electronic submission**

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Scott Saiki  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Act 159, Session Laws of Hawai'i and Chapter 37, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Report on the Judiciary's Multi-Year Program and Financial Plan (2023-2029)*, *Biennium Budget (2023-2025)*, and *Variance Report (2021-2023)*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: [https://www.courts.state.hi.us/news\\_and\\_reports/reports/reports](https://www.courts.state.hi.us/news_and_reports/reports/reports).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

**Attachment**

c: Legislative Reference Bureau Library  
Office of the Clerk, Hawai'i State Senate  
Office of the Clerk, Hawai'i House of Representatives



**The Judiciary**  
State of Hawai'i

**The Multi-Year Program  
and Financial Plan  
(2023-2029)  
Biennium Budget  
(2023-2025)  
and  
Variance Report  
(2021-2023)**

**Submitted to the  
Thirty-Second State Legislature**

**December 2022**



**To the Thirty-Second State Legislature of Hawai‘i  
Regular Session of 2023**

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 2023-25 Biennium Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai‘i, 1974, and Chapter 37 of the Hawai‘i Revised Statutes, as amended.

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

The Judiciary recognizes that after the difficult down years due to the effects of COVID-19, Hawaii’s economy has continued to gradually recover and move forward. In fact, at its most recent meeting, the Council on Revenues increased its revenue growth forecast from 5.0% to 6.5% for FY 2023 and from 3.5% to 4.0% for FY 2024. This upward revision was due to robust tax collections, renewed consumer spending, additional tax collections due to inflation, and the start of various construction and infrastructure projects by the Federal government.

At the same time, the Council pointed out some significant risks that could inhibit economic recovery. These included such things as new COVID-19 variants, the Federal Reserve’s aggressive monetary policy to curb inflation, high oil and commodity prices, the potential for stagflation, geopolitical events and economic disruptions associated with the war in Ukraine, supply chain disruptions, labor shortages, foreign travel restrictions and unfavorable exchange rates, regulations imposed on business for public health reasons, and reduced Federal stimulus spending. Further, we are very cognizant of the significant funding needed by the State to address such issues as health care costs and post-employment/unfunded liabilities.

Accordingly, after considering all these matters, the Judiciary is moving forward with requests for eight new permanent positions and funding totaling \$7.8 million in FY 2024 and \$6.9 million in FY 2025. These requests include restorative funding for more than 35 defunded positions throughout the Judiciary; as well as funding for new and defunded judge positions in the First and Second Circuits, for various needs for the new courthouse in Wahiawā and the revitalized juvenile services and shelter (Hale Hilina‘i) on Alder Street, and for justices and judges pay raises at the levels set by the 2019 Commission on Salaries. Other requests include funding to cover guardian ad-litem/court appointed counsel cost increases and the increase in the Judiciary’s portion of State risk management costs, to replace the Judiciary’s 4GOV accounting system, and to pay for residential programs for women on probation that allow minor children to remain with their mothers while participating in these programs.

Capital Improvement Project (CIP) requirements continue to remain a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate, and as the population served and services provided by the Judiciary keep expanding. CIP funds totaling \$16.2 million for FY 2024 are requested 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 for Ka‘ahumanu Hale in First Circuit to upgrade and modernize its elevators which are more than 35

years old and which continue to break down and malfunction with greater frequency; and for non-position related furniture, fixtures, and equipment for the new Wahiawā Courthouse. We also have funding requests to address condensate discharge matters at Hoapili Hale in Second Circuit, complete the reroofing and related improvements at Pu‘uhonua Kaulike in Fifth Circuit, continue air conditioning replacement work at Ali‘iolani Hale, and lastly, for lump sum monies to allow the Judiciary to address both continuing and emergent building issues statewide.

The Judiciary recognizes that there are many competing initiatives and difficult choices regarding available general fund and bond fund resources. We believe that our biennium budget request reflects consideration of these matters while still serving and addressing the needs of the State, the Judiciary, and the public.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Recktenwald". The signature is fluid and cursive, written in a professional style.

MARK E. RECKTENWALD  
Chief Justice  
December 22, 2022

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# PART I



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## Introduction

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# 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:

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

## Contents of Document

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

## Operating Program Summaries

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

## Operating Program Plan Details

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

## Capital Improvements Appropriations and Details

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

## Variance Report

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

## The Budget

The recommended levels of operating expenditures and staffing for FYs 2023-24 and 2024-25 by major programs are as follows:

### Operating Expenditures (In \$ Thousands)

Major Program	MOF	2023-24	2024-25	Total
Courts of Appeal	A	8,650	8,961	17,611
First Circuit	A	93,530	95,881	189,411
	B	4,178	4,261	8,439
Second Circuit	A	19,399	19,951	39,350
Third Circuit	A	23,363	23,989	47,352
Fifth Circuit	A	8,756	9,004	17,760
Judicial Selection Commission	A	110	114	224
Administration	A	30,933	31,041	61,974
	B	8,195	8,241	16,436
	W	<u>343</u>	<u>343</u>	<u>686</u>
<b>Total</b>	A	184,741	188,941	373,682
	B	12,373	12,502	24,875
	W	<u>343</u>	<u>343</u>	<u>686</u>

## Revenues

The projected revenues (all sources) for FYs 2023-24 and 2024-25 by major programs are as follows:

### Revenues (In \$ Thousands)

Major Program	2023-24	2024-25	Total
Courts of Appeal	55	55	110
First Circuit	30,552	30,552	61,104
Second Circuit	2,846	2,846	5,692
Third Circuit	3,863	3,863	7,726
Fifth Circuit	1,251	1,251	2,502
Administration	<u>125</u>	<u>125</u>	<u>250</u>
<b>Total</b>	<b><u>38,692</u></b>	<b><u>38,692</u></b>	<b><u>77,384</u></b>

## Cost Categories, Cost Elements, and MOF

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

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

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

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

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## **PART II**



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## **Operating Program Summaries**

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO. I

PROGRAM STRUCTURE NO. 01

**POSITION IN PROGRAM STRUCTURE**

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

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Operating Costs								
Personal Services	117,908,384	129,079,267	139,059,632	144,933,389	144,934	144,934	144,934	144,934
Other Current Expenses	47,910,065	56,716,285	57,274,655	56,338,652	56,339	56,339	56,339	56,339
Lease/Purchase Agreements	284,755	0	0	0	0	0	0	0
Equipment	5,690,242	685,460	1,122,604	514,488	514	514	514	514
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	171,793,446	186,481,012	197,456,891	201,786,529	201,787	201,787	201,787	201,787
Capital & Investment Costs	5,886,000	14,334,000	16,225,000	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>177,679,446</b>	<b>200,815,012</b>	<b>213,681,891</b>	<b>201,786,529</b>	<b>201,787</b>	<b>201,787</b>	<b>201,787</b>	<b>201,787</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
	1,961.00 *	1,962.00 *	1,974.00 *	1,974.00 *	1,974.00 *	1,974.00 *	1,974.00 *	1,974.00 *
	79.02 #	79.02 #	84.02 #	84.02 #	84.02 #	84.02 #	84.02 #	84.02 #
General Funds	164,282,464	173,863,697	184,740,378	188,940,776	188,941	188,941	188,941	188,941
	36.00 *	36.00 *	36.00 *	36.00 *	36.00 *	36.00 *	36.00 *	36.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	7,506,324	12,274,054	12,373,252	12,502,492	12,502	12,502	12,502	12,502
	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	4,658	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	5,886,000	14,334,000	16,225,000	0	0	0	0	0
	1,997.00 *	1,998.00 *	2,010.00 *	2,010.00 *	2,010.00 *	2,010.00 *	2,010.00 *	2,010.00 *
	88.02 #	88.02 #	93.02 #	93.02 #	93.02 #	93.02 #	93.02 #	93.02 #
<b>Total Financing</b>	<b>177,679,446</b>	<b>200,815,012</b>	<b>213,681,891</b>	<b>201,786,529</b>	<b>201,786</b>	<b>201,786</b>	<b>201,786</b>	<b>201,786</b>

\*Permanent Position FTE

#Temporary Position FTE

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 01

**POSITION IN PROGRAM STRUCTURE**

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

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Operating Costs								
Personal Services	101,622,510	111,335,904	120,032,655	124,977,559	124,978	124,978	124,978	124,978
Other Current Expenses	32,772,733	37,232,910	37,402,522	37,069,881	37,070	37,070	37,070	37,070
Lease/Purchase Agreements	284,755	0	0	0	0	0	0	0
Equipment	5,120,622	139,181	440,000	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	139,800,620	148,707,995	157,875,177	162,047,440	162,048	162,048	162,048	162,048
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>139,800,620</b>	<b>148,707,995</b>	<b>157,875,177</b>	<b>162,047,440</b>	<b>162,048</b>	<b>162,048</b>	<b>162,048</b>	<b>162,048</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
	General Funds	1,734.00 *	1,734.00 *	1,745.00 *	1,745.00 *	1,745.00 *	1,745.00 *	1,745.00 *
	69.54 #	69.54 #	75.54 #	75.54 #	75.54 #	75.54 #	75.54 #	75.54 #
General Funds	137,604,273	144,592,822	153,697,294	157,786,167	157,786	157,786	157,786	157,786
Special Funds	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	2,196,347	4,115,173	4,177,883	4,261,273	4,261	4,261	4,261	4,261
Revolving Funds	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
<b>Total Financing</b>	<b>1,769.00 *</b>	<b>1,769.00 *</b>	<b>1,780.00 *</b>	<b>1,780.00 *</b>	<b>1,780.00 *</b>	<b>1,780.00 *</b>	<b>1,780.00 *</b>	<b>1,780.00 *</b>
	<b>69.54 #</b>	<b>69.54 #</b>	<b>75.54 #</b>	<b>75.54 #</b>	<b>75.54 #</b>	<b>75.54 #</b>	<b>75.54 #</b>	<b>75.54 #</b>
<b>Total Financing</b>	<b>139,800,620</b>	<b>148,707,995</b>	<b>157,875,177</b>	<b>162,047,440</b>	<b>162,047</b>	<b>162,047</b>	<b>162,047</b>	<b>162,047</b>

\*Permanent Position FTE

#Temporary Position FTE

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 02

**POSITION IN PROGRAM STRUCTURE**

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

**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

Data provided at Level III

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Operating Costs								
Personal Services	16,285,874	17,743,363	19,026,977	19,955,830	19,956	19,956	19,956	19,956
Other Current Expenses	15,137,332	19,483,375	19,872,133	19,268,771	19,269	19,269	19,269	19,269
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	569,620	546,279	682,604	514,488	514	514	514	514
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	31,992,826	37,773,017	39,581,714	39,739,089	39,739	39,739	39,739	39,739
Capital & Investment Costs	5,886,000	14,334,000	16,225,000	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>37,878,826</b>	<b>52,107,017</b>	<b>55,806,714</b>	<b>39,739,089</b>	<b>39,739</b>	<b>39,739</b>	<b>39,739</b>	<b>39,739</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
	General Funds	227.00 *	228.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *
	9.48 #	9.48 #	8.48 #	8.48 #	8.48 #	8.48 #	8.48 #	8.48 #
General Funds	26,678,191	29,270,875	31,043,084	31,154,609	31,155	31,155	31,155	31,155
Special Funds	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	5,309,977	8,158,881	8,195,369	8,241,219	8,241	8,241	8,241	8,241
Revolving Funds	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	4,658	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	5,886,000	14,334,000	16,225,000	0	0	0	0	0
<b>Total Financing</b>	<b>228.00 *</b>	<b>229.00 *</b>	<b>230.00 *</b>	<b>230.00 *</b>	<b>230.00 *</b>	<b>230.00 *</b>	<b>230.00 *</b>	<b>230.00 *</b>
	<b>18.48 #</b>	<b>18.48 #</b>	<b>17.48 #</b>	<b>17.48 #</b>	<b>17.48 #</b>	<b>17.48 #</b>	<b>17.48 #</b>	<b>17.48 #</b>
<b>Total Financing</b>	<b>37,878,826</b>	<b>52,107,017</b>	<b>55,806,714</b>	<b>39,739,089</b>	<b>39,739</b>	<b>39,739</b>	<b>39,739</b>	<b>39,739</b>

\*Permanent Position FTE

#Temporary Position FTE

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# PART III



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## Operating Program Plan Details

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	7,230,629	7,541,955	8,256,658	8,567,401	8,568	8,568	8,568	8,568
Other Current Expenses	238,143	393,246	393,246	393,246	393	393	393	393
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	182,577	0	0	0	0	0	0	0
Motor Vehicles	..	0	0	0	0	0	0	0
Total Operation Costs	7,651,349	7,935,201	8,649,904	8,960,647	8,961	8,961	8,961	8,961
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>7,651,349</b>	<b>7,935,201</b>	<b>8,649,904</b>	<b>8,960,647</b>	<b>8,961</b>	<b>8,961</b>	<b>8,961</b>	<b>8,961</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
		78.00 *	78.00 *	82.00 *	82.00 *	82.00 *	82.00 *	82.00 *
	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #
General Funds	7,651,349	7,935,201	8,649,904	8,960,647	8,961	8,961	8,961	8,961
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	78.00 *	78.00 *	82.00 *	82.00 *	82.00 *	82.00 *	82.00 *	82.00 *
	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #	1.48 #
<b>Total Financing</b>	<b>7,651,349</b>	<b>7,935,201</b>	<b>8,649,904</b>	<b>8,960,647</b>	<b>8,961</b>	<b>8,961</b>	<b>8,961</b>	<b>8,961</b>

\*Permanent Position FTE  
#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEALS

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Median Time to Decision, Criminal Appeal (Mo)	18	17	15	14	14	14	14	14
Median Time to Decision, Civil Appeal (Mo)	14	13	13	12	12	12	12	12
Median Time to Decision, Original Proc. (Mo)	1	1	1	1	1	1	1	1

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
A01	Criminal Appeals Filed	116	170	175	179	181	183	185	187
A02	Civil Appeals Filed	386	424	437	446	450	455	460	465
A03	Original Proceedings Filed	104	106	107	108	109	110	111	112
A04	Appeals Disposed	524	575	592	604	610	616	622	628
A05	Motions Filed	1,930	2,015	2,075	2,117	2,138	2,159	2,181	2,203
A06	Motions Terminated	1,923	2,014	2,074	2,115	2,136	2,157	2,179	2,201

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	73	55	55	55	55	55	55	55
Special Fund	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	73	55	55	55	55	55	55	55

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	73	55	55	55	55	55	55	55
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	73	55	55	55	55	55	55	55

## **JUD 101 COURTS OF APPEAL PROGRAM INFORMATION AND BUDGET REQUESTS**

### **Supreme Court**

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

### **Intermediate Court of Appeals (ICA)**

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

## **A. PROGRAM OBJECTIVES**

### **Supreme Court**

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

### **ICA**

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

## **B. PROGRAM ACTIVITIES**

### **Supreme Court**

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

### **ICA**

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

## **C. KEY POLICIES**

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

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

## **D. IMPORTANT PROGRAM RELATIONSHIPS**

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

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

## **E. MAJOR EXTERNAL TRENDS**

Factors contributing to the number of appellate filings include:

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

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

#### **F. COSTS, EFFECTIVENESS, AND PROGRAM SIZE DATA**

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

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

The Courts of Appeal's goal for Fiscal Biennium 2023-25 is to timely adjudicate the caseload to the degree possible within the available resources.

#### **G. PROGRAM REVENUES**

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

#### **H. DESCRIPTION OF BUDGET REQUESTS**

**Justices' and Judges' Salary Differential:** Funding of \$66,132 for FY 2024 and \$88,176 for FY 2025 is requested to fund Justices' and Judges' salaries at the legislatively mandated pay levels set by the Commission on Salaries and authorized by the 2019 Legislature.

#### **I. REASONS FOR BUDGET REQUESTS**

**Justices' and Judges' Salary Differential:** The Courts of Appeal are requesting \$66,132 for FY 2024 and \$88,176 for FY 2025 to fund Justices' and Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

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

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

**A. PROGRAM OBJECTIVES**

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

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

#### **Land Court/Tax Appeal Court**

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

## **B. PROGRAM ACTIVITIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **C. KEY POLICIES**

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

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

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

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

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

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

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

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

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

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

#### **E. MAJOR EXTERNAL TRENDS**

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

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

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

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

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

Homelessness, drugs, mental health issues, and women offenders are all major items of concern for legislators, and State and local government officials. Initiatives and programs to address these concerns also affect court workload.

#### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Nevertheless in light of this, the Judiciary's goal for the upcoming biennium remains to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources, and to continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff,

case disposition rates have remained at a fairly high level regardless of the relatively small increase in non-payroll operating resources. It is hoped that the continuing stability in the economy and the positive economic and revenue growth will foster further growth in funding to the Judiciary.

## **G. PROGRAM REVENUES**

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

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

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

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	63,143,977	70,335,643	75,418,313	78,540,049	78,540	78,540	78,540	78,540
Other Current Expenses	18,753,575	21,651,651	21,854,607	21,602,705	21,603	21,603	21,603	21,603
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	3,829,291	0	435,000	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	85,726,843	91,987,294	97,707,920	100,142,754	100,143	100,143	100,143	100,143
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>85,726,843</b>	<b>91,987,294</b>	<b>97,707,920</b>	<b>100,142,754</b>	<b>100,143</b>	<b>100,143</b>	<b>100,143</b>	<b>100,143</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	1,102.50 *	1,102.50 *	1,107.50 *	1,107.50 *	1,107.50 *	1,107.50 *	1,107.50 *	1,107.50 *
	58.58 #	58.58 #	64.58 #	64.58 #	64.58 #	64.58 #	64.58 #	64.58 #
General Funds	83,530,496	87,872,121	93,530,037	95,881,481	95,881	95,881	95,881	95,881
	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *	35.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	2,196,347	4,115,173	4,177,883	4,261,273	4,261	4,261	4,261	4,261
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1,137.50 *	1,137.50 *	1,142.50 *	1,142.50 *	1,142.50 *	1,142.50 *	1,142.50 *	1,142.50 *
	58.58 #	58.58 #	64.58 #	64.58 #	64.58 #	64.58 #	64.58 #	64.58 #
<b>Total Financing</b>	<b>85,726,843</b>	<b>91,987,294</b>	<b>97,707,920</b>	<b>100,142,754</b>	<b>100,143</b>	<b>100,143</b>	<b>100,143</b>	<b>100,143</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period				Estimate	
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	981	788	610	490	441	419	406	402
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	1,718	945	898	871	827	786	747	710

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period				Estimate	
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
T01	Civil Actions, Circuit Court	7,455	7,528	7,904	8,141	8,304	8,387	8,471	8,556
T02	Marital Actions	3,841	4,033	4,154	4,196	4,238	4,280	4,323	4,366
T03	Adoption Proceedings	474	405	446	450	455	460	465	470
T04	Parental Proceedings	987	1,086	1,140	1,151	1,163	1,175	1,187	1,199
A01	Civil Actions Filed, Circuit Court	1,528	1,604	1,684	1,701	1,718	1,735	1,752	1,770
A02	Criminal Actions Filed, Circuit Court	1,746	1,688	1,772	1,790	1,808	1,826	1,844	1,862
A03	Marital Actions Filed	2,921	3,074	3,228	3,260	3,293	3,326	3,359	3,393
A04	Traffic - New Filings (thousands)	260	268	276	279	282	285	288	291
A05	Traffic - Terminated (thousands)	308	323	325	328	331	334	336	339

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

Fund to Which Deposited	Actual	Estimate	Budget Period				Estimate	
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	22,910	22,888	22,888	22,888	22,888	22,888	22,888	22,888
Special Fund	7,956	7,664	7,664	7,664	7,664	7,664	7,664	7,664
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	30,866	30,552	30,552	30,552	30,552	30,552	30,552	30,552

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

Type of Revenue	Actual	Estimate	Budget Period				Estimate	
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from Use of Money and Property	97	97	97	97	97	97	97	97
Revenues from Other Agencies	1,032	1,034	1,034	1,034	1,034	1,034	1,034	1,034
Charges for Current Services	17,149	17,093	17,093	17,093	17,093	17,093	17,093	17,093
Fines, Restitutions, Forfeits & Penalties	12,288	12,328	12,328	12,328	12,328	12,328	12,328	12,328
Nonrevenue Receipts	300	0	0	0	0	0	0	0
Total Program Revenues	30,866	30,552	30,552	30,552	30,552	30,552	30,552	30,552

## **JUD 310 FIRST CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$237,739 for FY 2024 and \$346,238 for FY 2025 is requested to fund Judges' salaries at the legislative mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restoration of Funding for Circuit Court Judge Position:** First Circuit is requesting \$215,100 in FY 2024 and \$217,104 in FY 2025 to restore funding for a Circuit Court Judge position.

**Additional Judgeship and Support Staff:** This request for \$360,676 in FY 2024 and \$360,048 in FY 2025 to provide funding for an additional District Court Judge and staff.

**Position Related Furniture, Fixture, and Equipment (FF&E) for New Wahiawā District Court:** First Circuit is requesting \$425,000 in FY 2024 for position related FF&E for the new Wahiawā Courthouse.

**Contract Security Services for Hale Hilina'i (Alder Street):** First Circuit is requesting \$120,000 for FYs 2024 and 2025 for contract security services for Hale Hilina'i, the Judiciary's newly constructed and revitalized juvenile services and shelter services located on Alder Street.

**Providing Janitorial Services for Hale Hilina'i (Alder Street):** First Circuit is requesting one no cost temporary to permanent position conversion and \$99,876 in FY 2024 and \$104,808 in FY 2025 to restore funding for two janitor positions to provide janitorial services for Hale Hilina'i.

**Common Area Maintenance Funding (CAM) for Hale Hilina'i (Alder Street):** First Circuit is requesting \$272,000 for FYs 2024 and 2025 for CAM expenses for Hale Hilina'i.

**Restoration of Funding for Information Technology (IT) Support Technician Position:** First Circuit is requesting \$50,388 in FY 2024 and \$52,908 in FY 2025 to restore funding for an IT Support Technician position.

**Restoration of Funding for Social Worker VI and a Judicial Clerk II positions in Adult Client Services Branch (ACSB):** First Circuit is requesting \$115,512 in FY 2024 and \$120,240 in FY 2025 to restore funding for a Social Worker VI position and a Judicial Clerk II position in the ACSB.

**Restoration of Funding for Accountant III Position in the Family Court Fiscal Office:** First Circuit is requesting \$56,280 in FY 2024 and \$58,296 in FY 2025 to restore funding for an Accountant III position.

**Restoration of Funding for Two Social Worker III Positions in the Adult/Juvenile Community Service Restitution Unit (A/JCSRU):** First Circuit is requesting \$112,560 in FY 2024 and \$116,592 in FY 2025 to restore funding to two Social Worker III positions in the A/JCSRU.

**Restoration of funding for Assistant Court Administrator (ACA) Position at Kāneʻohe District Court:** First Circuit is requesting \$60,912 in FY 2024 and \$63,096 in FY 2025 to restore funding for the ACA position at the Kāneʻohe District Court.

**Restoration of Funding for Two Family Circuit Court Clerk II Positions:** First Circuit is requesting \$113,352 in FY 2024 and \$119,016 in FY 2025 to restore funding for two Family Court Circuit Court Clerk II positions.

**Restoration of Funding for Land and Tax Appeal Court Clerk Position:** First Circuit is requesting \$50,388 in FY 2024 and \$52,908 in FY 2025 to restore funding for a Land and Tax Appeal Court Clerk position.

**Restoration of funding for Judicial Clerk II Position at Waiʻanae District Court:** First Circuit is requesting \$41,388 in FY 2024 and \$43,452 in FY 2025 to restore funding for a Judicial Clerk II position at Waiʻanae District Court.

**Restoration of Funding for Two Social Worker IV Positions in the Specialty Courts Section:** First Circuit is requesting \$121,824 in FY 2024 and \$126,192 in FY 2025 to restore funding to two Social Worker IV positions in the Specialty Courts Section.

**Funding for Residential Program Allowing Children to Remain with Mothers:** First Circuit is requesting \$200,000 in FYs 2024 and 2025 to continue funding for residential and other related programs for women on probation that allow minor children to remain with their mothers while participating in these programs.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** Act 194/2022 appropriated funding of \$2.3 million for FY 2023 to the Judiciary for GAL and CAC services that were impacted by budget reductions during economic uncertainty due to the Covid-19 pandemic. The Judiciary allocated this funding as follows: First Circuit (\$1.34 million), Second Circuit (\$300k), Third Circuit (\$610k), and Fifth Circuit (\$50k). In order to continue with the level of GAL and CAC services needed by the public, this First Circuit request is for \$1.34 million for FYs 2024 and 2025.

## **B. REASON FOR BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$237,739 for FY 2024 and \$346,238 for FY 2025 is requested to fund Judges' salaries at the legislative mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restoration of Funding for Circuit Court Judge Position:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic.

One of these positions was a Circuit Court Judge position that is essential as the Circuit Court resumes its court calendar to handle new cases and cases that were not able to be heard during the pandemic. This request is for \$215,100 in FY 2024 and \$217,104 in FY 2025 to restore funding to this position.

In December 2019, when the incumbent 18<sup>th</sup> Division Circuit Court Judge retired, the First Circuit Criminal Divisions consisted of seven felony trial court divisions, one circuit misdemeanor jury division, two treatment court divisions, two family court misdemeanor jury divisions, and one criminal administrative division. At that time, the seven circuit trial divisions were responsible for approximately 934 cases set for jury trial, or an average of roughly 133 cases each. The misdemeanor felony division was responsible for approximately 40 cases, and the two family court misdemeanor divisions were responsible for about 300 cases or 150 per division. The two treatment court divisions were responsible for Hawai‘i Opportunity Probation with Enforcement (HOPE), Drug Court, Mental Health Court, and Veterans’ Court.

By June 2020, a few months into the global pandemic, the number of pretrial cases for the seven circuit court felony divisions had increased to 1,057 cases or 151 per division and the misdemeanor division had an additional 35 cases or a total of 75. In addition, a single judge was now responsible for both family court criminal divisions (since the defunded 18<sup>th</sup> Division Circuit Court Judge position was vacant), and that judge was responsible for about 420 domestic violence misdemeanor cases.

By December 2020, the pretrial cases at Circuit Court had increased from 1,057 to 1,342 cases, and another division had to be reassigned from Circuit Court to Family Court to assist with the Family Court misdemeanor cases that had grown to 700 cases pending trial. The loss of that circuit trial division led to a decision to redistribute all the Circuit Court misdemeanor cases to the felony divisions resulting in 192 cases for each of the seven Circuit Court felony trial divisions. Further, the judge presiding over most of the HOPE cases retired, and these cases were then covered by alternating circuit criminal judges sitting in the vacant treatment court division for all of 2021.

In December 2021, a new judge was assigned to the criminal Circuit Court and the misdemeanor trial division was reestablished with 77 cases. The remaining seven trial divisions now handled 1,259 pretrial felony cases or 180 cases per division. In light of the pretrial caseloads, and the lack of a sitting judge in the second treatment court position due to the still unfunded 18<sup>th</sup> Division Circuit Court Judge position, it was necessary to redistribute the HOPE cases amongst all ten of the sitting Circuit Court judges with each division being assigned approximately 123 additional HOPE cases. Currently, pretrial caseloads have not returned to the pre-pandemic levels and the seven felony trial divisions are handling 1,157 cases or 166 per division, and the misdemeanor trial division is handling 74 cases.

In summary, in comparison to before the pandemic, each felony trial court division is currently carrying at least 33 additional pretrial cases and each criminal division has over 120 additional HOPE cases that were held by the vacant defunded 18<sup>th</sup> Division Circuit Court Judge position. Furthermore, the number of complex criminal cases (i.e., murder, manslaughter, and sexual assault) has significantly increased for each division strictly due to the inability to do large jury panel trials through 2020 and most of 2021. The restoration of funding of the 18<sup>th</sup> Division Circuit

Court Judge position will help alleviate the backlog of cases caused by the inability of the Judiciary to conduct these jury trials, and will permit the criminal divisions to manage their caseloads more efficiently.

**Additional Judgeship and Support Staff:** The First Circuit is requesting \$360,676 in FY 2024 and \$360,048 in FY 2025 for an additional District Court Judge and staff, which includes two District Court Clerks and one Bailiff. The additional District Court Judge would be added to the 14 judges currently based in the Honolulu District Court. Judges in this pool are also placed on a rotational schedule to the rural courts in Wai‘anae, Wahiawā, ‘Ewa, and Kāne‘ohe. The additional judge and support staff would provide the District Court the flexibility to better manage court dockets and be more responsive to the needs of the court users and communities they serve. It would also allow for the option to increase capacity in the rural courts or to develop additional court calendars based on caseload and other priorities.

There has not been a new District Court Judge position established since the 14th District Court judge was authorized by Act 214 from the Session Laws for Hawai‘i in 1982. Since then, there has been a significant increase in the population of the City and County of Honolulu, and our community has faced new challenges, which can also be seen in the cases moving through the court system.

Case initiations in the District Court of the First Circuit have remained steady over the past few years, with 292,663 cases filed in FY 2022. Of these cases, the District Court Judges preside over the non-traffic cases in the Civil and Criminal divisions, which were represented by a caseload of 64,847 cases in FY 2022. While we have been successful in improving our case clearance rates and reducing our overall caseload over time, other factors have contributed to an increase in the time and effort involved in adjudicating these cases that has necessitated this request.

At the outset of the pandemic, the Judiciary quickly implemented remote hearings in order to continue providing vital services and ensuring that litigants still had the opportunity to be heard. For many court users, the option to appear remotely increased access to justice as it was easier for them to attend and participate in their hearings. However, we have found that remote and hybrid proceedings take longer than in-person proceedings. Our experience is supported by a recent study conducted by the National Center for State Courts that found remote proceedings take about a third longer than in-person hearings. In light of these access to justice considerations, remote hearings will continue to be an option for most matters in District Court, but they have resulted in an increase to the workload of our judges and court staff. If left unaddressed, this could result in case backlogs.

In addition, many of the cases that come before the court have become more complex, involving interdisciplinary issues that we can see reflected in our community as well. For example, our community has seen the prevalence of those who experience mental illness or substance use disorders and many of these individuals are justice involved. Another population that we see come through our district courts more frequently are those who are unsheltered and have long case histories of minor infractions. We have created specialized dockets such as a mental health calendar, Driving While Impaired (DWI) Court Program, and the Community Outreach Court to address these types of cases but they ultimately take longer to resolve, requiring numerous

hearings, additional time and resources to assess competency to stand trial and other needs, and referral to treatment services when appropriate. We have also implemented an Environmental Court docket at each of the five District Court courthouses and provided training to all District Court judges assigned to those dockets to adjudicate cases involving our natural resources.

Moreover, other responsibilities outside of the courtroom increase the daily workload of the District Court Judges, who do not have dedicated staff to assist. They work independently in drafting orders, decisions, or finding of facts and conclusions of law, and are required to prepare for their calendars on a daily basis, which include a multitude of trial issues, discovery, pre-trial hearings, conduct settlement conferences, and case status. In addition, the District Court Judges must review written statements submitted for non-criminal traffic and parking violations. Motorists are allowed by law to request a hearing, but most often choose to submit a written statement to contest their cases. In FY 2022, there were 14,536 written statements filed in the District Court of the First Circuit and reviewed by District Court Judges.

Another added responsibility is that one District Court judge must be on call 24-hours a day, 7 days a week to address police requests for bail, contempt proceedings, in-custody and non-custody information charging, search warrants, arrest warrants, and judicial determinations of probable cause, which allow persons suspected of crimes to be held in police custody. Each week, a District Court Judge is designated for this assignment on a rotational schedule, and is precluded from sitting in court due to the volume and urgent nature of these law enforcement requests.

Currently, there are 16 District Court courtrooms in the First Circuit. As there are only 14 District Court judges, this means that the Judiciary must rely heavily on per diem judges to assist with court coverage. However, most per diem judges are practicing attorneys whose availability is limited due to other professional responsibilities. Use of per diem judges comes at a significant additional cost and is not a sustainable solution.

Looking ahead to the future, the Wahiawā Division, which currently has one courtroom will have two courtrooms after the construction of the Wahiawā Civic Center is completed in early 2025. This additional courtroom, without an increase in the number of full-time judges, will only exacerbate the challenges to ensure adequate court coverage and result in greater reliance on per diem judges.

In addition to the full-time judge, the First Circuit is requesting funding for two District Court Clerks and one District Court Bailiff. Although judges hold the ultimate authority for judicial administration, the duties associated with daily court management are assigned to staff. These three positions are required to effectively support the operations of the additional judge and court calendars that the Judge will preside over.

The District Court clerks are the primary administrative liaison between a judge and a court's administrative infrastructure, and help ensure that court services are delivered in an efficient manner. They are responsible to transcribe minutes of court proceedings, receive and file documents and exhibits, prepare and file court judgments, schedule hearings, handle inquiries and concerns from the attorneys and parties, and assist with remote hearings. The District Court Bailiff is responsible for providing courtroom services to judges by maintaining order, safety, and decorum in courtrooms, judicial chambers, and public waiting areas.

In summary, workload issues have prompted a need for an additional judgeship in the First Circuit. The additional District Court Judge and support staff will help provide the necessary coverage required to serve the public and judicial needs of the First Circuit.

**Position Related FF&E for New Wahiawā District Court:** The Wahiawā Courthouse will be a part of the new Civic Center complex that is scheduled for occupancy in early 2025. In order to be ready for installation and subsequent occupancy of the courthouse, position related FF&E costing \$425,000 needs to be ordered and is being requested for FY 2024.

When the Legislature has provided bond funds to construct new courthouses, separate bond fund (Capital Improvement Program [CIP]) requests have been submitted and approved by the Legislature that included both position related and non-position related FF&E. Recent communications with the Department of Accounting and General Services (DAGS) have indicated that loose (as opposed to built-in) position related FF&E no longer qualifies for bond funding so two separate requests must now be submitted - one general fund request for loose position related FF&E and one bond funded CIP request for fixed furnishings and loose non-position related FF&E.

The new courthouse will consist of two courtrooms with Judges' chambers and ancillary spaces for clerks, bailiffs, and all court support staff currently assigned to the Wahiawā Courthouse. It will also include an Adult Probation Unit to service the population in the area.

We have not been provided any details for this position related FF&E budget request. The amount is based on the cost estimates provided by architects' interior designer for the new Wahiawā Courthouse. Without funding for the loose position related FF&E, the building may not be able to be occupied by staff and the opening of the courthouse would likely be delayed.

**Contract Security Services for Hale Hilina'i (Alder Street):** Contract security services are needed for Hale Hilina'i which houses the Judiciary's juvenile services and shelter services that in November 2022, moved into the newly constructed complex built on the property of the old Alder Street juvenile detention facility. This request is for \$120,000 in FY 2024 and \$120,000 in FY 2025.

Hale Hilina'i occupies a two level (30,000 square feet) structure of a new multi-use complex that is adjacent to a non-Judiciary building containing 200 affordable rental units (Hale Kālele). Within Hale Hilina'i is a non-secured shelter (Home Maluhia) for status offenders and minor law violators who do not require detention, and which can provide overnight shelter services for up to 12 individuals. Youth at Home Maluhia also have access to Department of Education services and are allowed contact with outside community providers in order to ensure continuity of care. Other Judiciary services provided at Hale Hilina'i include Juvenile Probation Services and Family Court Treatment Courts. Some 70 Judiciary employees will be working at Hale Hilina'i to provide services to more than 250 juveniles and their families monthly.

The building is designed for the same level of security as other First Circuit Buildings and thus will require two contract security guards. Providing security in our buildings is important for the wellbeing of employees, juveniles and their families, and other members of the public. Contract security personnel would handle screening of all persons entering the building for weapons and/or other contraband as well as health screenings, as necessary.

In today's climate of increasing homelessness, crime, graffiti, and vandalism, contract security services are a necessary and important part of operations to ensure the safety and security needs of employees and members of the public doing business in Judiciary buildings.

**Providing Janitorial Services for Hale Hilina'i (Alder Street):** This request is to restore funding of \$99,876 in FY 2024 and \$104,808 in FY 2025 for two janitor positions legislatively defunded in 2020 due to COVID, and for a no cost conversion of a temporary janitorial position to permanent status. The positions will be needed for the Judiciary's juvenile services and shelter services, of which moved into Hale Hilina'i in late November 2022.

This facility will require three janitorial positions, that is, one working supervisor position and two janitor positions. To obtain these necessary positions, we are asking to restore funding for two positions defunded in 2020 (one Janitor II position and a redescribed Janitor III position). For the third position, we are requesting conversion of a temporary Janitor II position to permanent status.

In order to maintain a clean, safe, and healthy environment for employees and the public doing business in Judiciary facilities, the services provided by janitors are essential. This is especially true in the current environment, that is, COVID-19, flu, respiratory syncytial virus, and other seasonal viruses.

**CAM for Hale Hilina'i (Alder Street):** CAM funding of \$272,000 for FYs 2024 and 2025 is being requested for Hale Hilina'i which houses the Judiciary's juvenile services and shelter services located in the newly constructed complex built on the property of the old Alder Street juvenile detention facility.

As the Judiciary just recently moved into Hale Hilina'i in November 2022, the \$270,000 being requested is based on an earlier project developer prepared estimate that portioned projected CAM costs between Hale Hilina'i and Hale Kālele. While most CAM expenses (e.g., administrative costs, management fees, payroll costs, repair and maintenance costs, etc.) were allocated based on the Judiciary's proportionate share of the building's square footage, some were not, such as specific utility costs and certain landscaping and air conditioning expenses. The funding for CAM is necessary in order to cover these additional operating costs associated with the new Hale Hilina'i facility.

**Restoration of Funding for IT Support Technician Position:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. One of these was an IT Support Technician in the Computer Support Section (CSS) that is necessary and critical to its operations. This request is for \$50,388 in FY 2024 and \$52,908 in FY 2025 to restore funding to this position.

The CSS is composed of seven IT Support Technicians and led by an IT Specialist. CSS provides user technology support to over 1,000+ employees within the First Circuit. CSS installs new computers, scanners, printers and other peripheral equipment throughout the First Circuit, as well as assisting with web conferencing, server support, networking, and other IT issues.

From the start of the pandemic, the workload for IT Support Technicians increased considerably to implement new solutions necessary for continued court operations. The Judiciary evolved from providing only in-person court proceedings prior to the pandemic to offering remote court services in many of its civil and criminal proceedings. This transformation made court operations significantly more reliant on technological equipment and IT support services. IT Support Technicians are now responsible for coordinating the installation of new computer equipment and A/V upgrades in every trial courtroom, as well as maintaining and troubleshooting the Zoom-enabled equipment that has been used to conduct over 100,000+ cases. IT Support Technicians are also being asked to help prepare, equip, and train Judiciary employees as they rapidly adapt to pandemic and post-pandemic Judiciary operations outside of the courtroom.

Given the increased use of technology for court users, the restoration of funding for this IT Support Technician position would help to provide the front line support necessary to set up equipment, identify computer and A/V related problems, and provide the necessary solutions to support the continued use of innovative court technologies.

**Restoration of Funding for Social Worker VI and Judicial Clerk II Positions in ACSB:** In 2020, the Legislature removed funding for these vacant positions to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. These positions are critical to the operations of ACSB's Supervision II Section which services, among other things, domestic violence (DV) cases. This request is for \$115,512 in FY 2024 and \$120,240 in FY 2025 to restore funding for these two positions.

The Social Worker VI position serves as the Section Administrator for the ACSB's Supervision II Section, which includes the Temporary Restraining Order (TRO)/DV Unit, two Criminal Misdemeanor Probation Units, and the ACSB Clerical Unit. It also has responsibility for developing the newly established Women's Court (Act 243/22). This position was vacant from August 2019 until March 2021, when two Social Work IV positions were held vacant to fund this important position. The new Section Administrator hired in March 2021 was able to manage and resolve some ongoing personnel matters, help the Section close 500 cases, and begin communication with DV treatment providers to create an enhanced streamlined reporting process.

However, keeping the two Social Worker IV positions vacant to fund the Section Administrator came at a steep cost to ACSB operations. One of these Social Worker IV positions kept vacant is for a probation officer in the TRO/DV Unit where the current caseload is 152 cases per probation officer and some 60 new cases are received per month. The other Social Worker IV position kept vacant is for a probation officer in the Integrated Community Sanctions Section (ICSS) where the current average caseload is 127 cases per probation officer. Due to an unanticipated increase in vacancies in this Section, new referrals have been stopped and distributed to other sections for coverage. Both the TRO/DV Unit and ICSS primarily handle high risk clients for which the American Probation and Parole Association recommends 50 medium to high risk cases to one probation officer.

The Judicial Clerk II position, which is in the Clerical Unit and which has been vacant since 2020, is critical to the needs of the Supervision II Section as it processes probation motions and TROs. Without funding for this position, a clerical supervisor and a secretary currently assist with expediting TROs and processing and preparing probation motions, reports, and other case files.

With funding for these positions restored, the probation officers will have more manageable caseloads and clerical needs can be met without others having to assume these functions. Probation services assist offenders to make positive behavioral changes in their lives by using risk management, guidance, cognitive behavioral therapy, and other treatment services. The intent is to influence offenders to make pro-social behavior adjustments as well as to enhance victim and community safety.

**Restoration of Funding for Accountant III Position in the Family Court Fiscal Office:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. One of these was an Accountant III position in the Family Court Fiscal Office that is essential to its operations. This request is for \$56,280 in FY 2024 and \$58,296 in FY 2025 to restore funding for this position.

The Family Court Fiscal Office handles multiple grants and purchase of service (POS) contracts for the Family Court as part of its fiscal duties. The Family Court currently has 9 grants, 100 non-POS contracts, and 80 POS contracts to manage. Without the defunded Accountant III position, the two remaining accountants in the Fiscal Office handle these grants and contracts in addition to their own fiscal duties. The defunded Accountant III position also helped process good and services payments by ensuring proper and timely documentation and support, other duties which again must be absorbed by the other two accountants. The lack of funding to fill this position has caused backlogs in payment processing and created extensive reporting and oversight challenges for contracts and grants. It is essential that grant monitoring and reporting deadlines be met, as non-compliance could jeopardize future grant awards or cause Family Court not to seek grants if it felt that it could not do the proper monitoring and reporting.

Further complicating matters is that no cashier supervisor position exists in the Cashiering Section of this Fiscal Office. Cashiering oversight is a very time consuming process that requires daily balancing and daily deposits to financial institutions, a very important oversight duty that was provided by the defunded Accountant III position. However, without funding to fill this accountant position, this function is being performed by the Assistant Fiscal Officer. But the Assistant Fiscal Officer is responsible for the entire Family Court Fiscal Office operations and has only a limited amount of time available to supervise the Cashiering Section.

As the use of technology continues to increase and evolves, it not only impacts court operations, but fiscal operations as well. For example, earlier this year the Judiciary Information Management System (JIMS) Civil Program was implemented. Fiscal related transactions and reporting for this new Civil Program module required testing by the Fiscal Office to ensure accuracy of transactions entered into the system during the initial startup phase. Close monitoring of this new program had to be performed to identify errors and glitches, and to resolve issues timely. Also, recent legislatively enacted changes to various court filing fees were implemented which also affected JIMS. The Family Court Fiscal Office, as part of its many duties, was and is involved with all these time consuming matters as it must ensure that any fiscal changes are accurately recorded in the various management and reporting systems.

In summary, the Family Court Fiscal Office is involved with various aspects of the court's operations that includes management and reporting systems. The restoration of funds for the Accountant III position would be extremely beneficial to the Family Court Fiscal Office as it would balance the workload and allow for the proper oversight and separation of duties.

**Restoration of Funding for Two Social Worker III Positions in the A/JCSRU:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary First Circuit vacant positions to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. While four of these were for social worker positions in the A/JCSRU, our request is to restore funding of \$112,560 in FY 2024 and \$116,592 in FY 2025 for just two of the Social Worker III positions.

The mission of A/JCSRU is to provide a sentencing alternative which meets community standards for deterrence and protection while recognizing the rehabilitative potential of the offender. In order to meet the growing needs of the community, the A/JCSRU manages the intake of referrals from the courts, conducts interviews, determines appropriate community placement, monitors and supervises community service work cases, recruits to expand the continuous need for work sites, and assists with developing and updating Memorandums of Agreement between the work sites and the Judiciary. For community placements, the A/JCSRU receives referrals from the First Circuit's Circuit, Family, District, Environmental, and Community Outreach Courts, as well as the United States District Court. A/JCSRU also conducts time consuming and complex restitution studies which involve interviewing victims and defendants, collecting reports and verifying damages, and determining applicable restitution and the defendant's ability to pay; and then prepares and submits a report to the court. After sentencing, the A/JCSRU social workers open a restitution fiscal account, monitor the defendant's payments, provide reports to the court, and eventually close the fiscal account.

As indicated above, the work performed by the A/JCSRU social workers is quite extensive. The A/JCSRU has 12 social worker positions and, as mentioned earlier, four of these positions (33%) are unfunded. In 2020, the A/JCSRU received 1,205 community service work referrals and prepared 494 restitution studies while in 2021, it received 1,427 such referrals and prepared 630 restitution studies. It is anticipated that the number of referrals and studies will continue to increase as we move forward from COVID-19.

Offenders have the potential to make positive behavioral changes in their lives. Community service work through the A/JCSRU provides offenders a way to make this positive change by allowing them to remain out of jail and become a productive contributor to the community, and thereby enhance public safety. Restoring funding for these two Social Worker III positions will restore staffing from 67% to 83% pre-COVID levels, result in a more manageable workload for each social worker in the Unit, and help provide for all the services necessary for offenders needing alternative sentencing.

**Restoration of funding for ACA Position at Kāne'ōhe District Court:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. One of these positions was the ACA for the Kāne'ōhe District Court. As a rural court with limited staffing, this position is essential since one position left vacant has a great impact on

overall court operations and services provided to the public. This request is for \$60,912 in FY 2024 and \$63,096 in FY 2025 to restore funding to this position.

The ACA serves as a full-time assistant to the Court Administrator (CA) and participates in the management of multiple operational and clerical functions associated with duties both in and out of court. This position is integral to ensuring the efficient management and oversight of District Court operations and staff. The ACA participates in planning, organizing, and coordinating activities of subordinates to ensure the timeliness and correctness of fiscal and courtroom operations, and is the direct supervisor to the Fiscal Clerk, District Court Clerk, and Judicial Clerk IV supervisor.

The duties of the ACA cover a large area of court operations including reviewing and evaluating work of staff; resolving work-related problems and grievances; assisting with the development and training needs of staff to improve performance and efficiency and ensure satisfactory performance standards are maintained; maintaining a safe and secure work environment for judges, staff, and the public; overseeing the repair, maintenance, and disposal of office equipment; maintaining and managing storage of court records; and participating in the recruitment and selection of staff.

The ACA also performs the duties of the CA when the CA is absent including assisting the public with resolving complaints and questions, overseeing and monitoring policies and procedures, and assisting staff during any unforeseen circumstances. Without an incumbent in this position, all the ACA's duties and responsibilities become an addition to the CA's duties and responsibilities, which dilutes overall coverage and the effectiveness and efficiency of operations.

The ACA plays an extremely vital role covering many aspects of the operations at the Kāneʻohe District Court. Funding restoration for the ACA position will help tremendously with overall court operations and services provided to the public.

**Restoration of Funding for Two Family Circuit Court Clerk II Positions:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. Two of these were Circuit Court Clerk positions that are necessary, critical, and dedicated staff for a current Family Court Judge. This request is for \$113,352 in FY 2024 and \$119,016 in FY 2025 to restore funding to these positions.

These positions serve as administrative assistants to a Family Court Judge, as they receive, screen, and dispose of all petitions, complaints and other legal pleadings requiring judicial hearings and/or court actions. They obtain and verify the completeness of a case file prior to all legal proceedings, summarize principle points pertinent to a particular hearing to facilitate action by the Judge, verify the action sought to ensure compliance with all statutory and procedural requirements, and participate in disposing of other matters requiring the attention of the Judge.

The court clerks author the record of every action in court through the keeping of minutes and processing of all exhibits, notices, and documents presented in court. This official court record is a highly selective narrative of the substance of the proceedings for which the court clerks exercise independent judgment and discretion in determining what constitutes the permanent record.

These positions also assist the Judge and attorneys on matters of court procedures, forms, and policies of the Family Court. As such, this requires a thorough understanding and working knowledge of the Hawai‘i Revised Statutes, Hawai‘i Family Court Rules, Rules of the Supreme Court of the State of Hawai‘i, Hawai‘i Rules of Civil Procedure, and Hawai‘i Rules of Criminal Procedure.

Due to the nature of the Family Court calendars and types of cases that are handled (i.e., highly emotional and life changing issues involving children and families), it is important for the judges to work with dedicated support staff, that is, two circuit court clerks assigned to each Family Court Judge. In late 2021, a Family Court Judge position was filled and these two unfunded Circuit Court Clerk II positions were approved for recruitment and subsequently filled and paid for with monies from other existing resources.

Restoring funding for these two essential Circuit Court Clerk II positions is necessary and critical for court operations as they are dedicated staff for a Family Court Judge, and the use of other existing resources to fill these two positions means other court needs are not being fully funded.

**Restoration of Funding for Land and Tax Appeal Court Clerk Position:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. One of these was a Land and Tax Appeal Court Clerk position, a position which is necessary and critical to Land and Tax Court operations. This request is for \$50,388 in FY 2024 and \$52,908 in FY 2025 to restore funding to this positions.

The Land Court has exclusive original jurisdiction over all applications for the registration of title to land, easements, or rights in land held and possessed in fee simple within the State, with power to hear and determine all questions arising upon the applications. It also has jurisdiction over other questions brought forth under the Land Court Registration law (chapter 501, Hawai‘i Revised Statutes). The Land Court employs a Registrar to retain custody and control of all papers and documents filed under the Land Court Registration law. The Tax Appeal Court hears appeals regarding taxes on real property, general excise for goods and services, income, insurance, liquor, utilities, and franchises, as well as any other taxes imposed by the State. It is a court of record and decides all questions of fact and law, including constitutional questions involving real property taxation, without the intervention of a jury.

The Court Clerk position is essential to the program as it provides support to the Land and Tax Appeal Court Judge by maintaining court calendars, scheduling events, clerking and acting as bailiff in the courtroom, taking minutes of hearings, and filing orders. This Clerk also reviews ex parte petitions in support of the registration of title to land, issues orders on behalf of the Registrar, assists court users on the phone and at the counter, acts as a cashier receiving and processing court fees, and reviews and files documents presented over the counter.

Due to the court’s staffing challenges, a considerable backlog in the review of ex parte petitions has resulted. There are currently 370 petitions pending review and the backlog/turnaround time is approximately four weeks (up from one week). Not only is there a backlog issue, but new filings and caseload have increased significantly from FY 2019 before COVID – from 2,981 new filings and a 6,623 caseload in FY 2019 to 5,792 filings and a caseload of 11,589 in FY 2022.

The Registrar has been trying to perform the duties of the Land and Tax Appeal Court Clerk as much as possible, but that can be problematic at times when the Registrar is cited in a petition and is required to testify in court. And, even at that, the Land and Tax Appeal Court has had to request help from other First Circuit programs to handle the caseload.

The Land and Tax Appeal Court Clerk's duties and responsibilities are critical as the position provides essential support to those courts and handles and processes documents that are extremely time-sensitive and deadline driven. Having funding for this position would help alleviate the backlog and lesson the continuing struggle to keep up with the caseload and new filings.

**Restoration of funding for Judicial Clerk II Position at Wai‘anae District Court:** In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary vacant positions from the First Circuit to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. One of these was a Judicial Clerk II position at Wai‘anae District Court. As a rural court with limited staffing this position is essential since one position left vacant has a great impact on overall court operations and services provided to the public. This request is for \$41,388 in FY 2024 and \$43,452 in FY 2025 to restore funding to this position.

Not having funding to fill this position has significantly hindered Wai‘anae District Court's ability to efficiently facilitate traffic and criminal cases and ultimately, service the court's clients in a timely manner. It also has directly affected court clerical support functions ranging from initiating cases in JIMS to the processing of motions and court orders involving other sections including the Traffic Violations Bureau and Legal Documents Branch.

Further, ‘Ewa and Wai‘anae District Courts share one Account Clerk III position which is organizationally assigned to ‘Ewa District Court. This arrangement was sufficient prior to Wai‘anae District Court's physical relocation in 2010 from Wai‘anae to the Kapolei Court Complex, and with the ‘Ewa and Wai‘anae District Courts' caseload at that time. However, with that move and the continuing increase in the population on the west side of O‘ahu, the current sharing of the Account Clerk III position has exceeded the capacity of having only one person to handle both rural courts. In order to adjust to the current situation, the Judicial Clerk II position will be redescribed and expanded to absorb the Wai‘anae District Court's account clerical work and continue to perform Judicial Clerk II level work. In essence, it would become a hybrid position.

When the Judicial Clerk II position was defunded, other remaining staff at both District Courts assisted in covering the workload of this position. However, in the long term, this is not sustainable as the staff covering for the vacant position begin to fall behind on their own workload duties. Further, not restoring funding for this position will continue to impact clients and the public as the backlog in processing bail forfeitures, surety bonds, and returned mail; and in initiating and entering citations is likely to persist. With the restoration of funding for this position, the Wai‘anae District Court will be able to perform both the necessary court clerical support tasks and account clerical functions in a more timely and efficient manner.

**Restoration of Funding for Two Social Worker IV Positions in the Specialty Courts Section:**

In 2020, the Legislature removed funding for 109.0 FTE permanent and 14.28 FTE temporary First Circuit vacant positions to help with the economic uncertainty that the State was facing due to the COVID-19 pandemic. Two of these were Social Worker IV positions that are necessary and critical to the operations of the Specialty Courts Section of the ACS. This request is for \$121,824 in FY 2024 and \$126,192 in FY 2025 to restore funding to these two positions.

The ACSB's Specialty Courts Section, which includes the Hawai'i Drug Court and Mental Health Court, accepts the most complex cases and treats the most difficult offenders who suffer from a range of psychological, social, and drug addiction problems. These Courts provide assistance and intensive supervision, behavior monitoring, and treatment services to help bring about behavioral changes to complex and high risk offenders who suffer from substance use disorders, co-occurring disorders, and other related issues. Both the Drug Court and Mental Health Court probation officers work as part of an interdisciplinary team to provide this intensive supervision, case management services, and treatment plans to program participants. These services may include but are not limited to individual counseling; teaching basic life skills; helping participants engage in a variety of educational, medical, and dental services; and assisting participants in finding suitable housing and employment. Both the Hawai'i Drug Court and Mental Health Court are severely impacted by the loss of one probation officer from each of their respective programs.

The Hawai'i Drug Court has two probation officer (i.e., Social Worker IV) positions for 120 cases; however, with one position being defunded, only one probation officer is available. This probation officer is responsible for 60 cases with the other 60 cases being covered by the Drug Court supervisor. The Adult Drug Court Best Practice Standards recommends that caseloads should not exceed 50 cases. The lack of one of the two probation officers directly affects the participant's chances to succeed in overcoming his or her addiction and possibly being incarcerated in the future.

The Mental Health Court works with serious mentally ill persons who require constant supervision. It has five probation officer positions - one position was defunded and another position was just recently filled with the new probation officer currently undergoing training. The existing probation officers and supervisor are currently supervising 95 mentally ill cases, but are unable to see all of them every month and smaller caseloads are needed to keep up and provide the necessary services for these people. The probation officers in this section work closely with a forensic treatment team to keep the clients stable and medicated, as necessary. When a client has decompensated (episodes during which existing mental health or psychiatric disorder deteriorates), they become a safety risk to themselves and the community. Interviews with clients with mental illness often take 40-60 minutes and clients are often delusional and fade in and out of reality. Still, the probation officers must determine if the clients are in compliance with the terms of supervision and treatment. With the increase in mental health illness in society and public attention to this area, it is important to have funding for all the probation officer positions and thereby provide the most complete, effective, and timely services possible.

Offenders have the potential to make positive behavioral changes in their lives and pro-social adjustments in the community. Specialty Court probation services can assist offenders in making these changes using risk management, guidance, best practices, cognitive behavioral therapy, and treatment services. Without the restoration of funding for these two Social Worker IV positions, it will be difficult to provide all the services necessary to supervise these Drug and Mental Health Court cases, which, in turn, may jeopardize public safety and the wellbeing of the participants.

**Funding for Residential Program Allowing Children to Remain with Mothers:** Act 246/2022 provided \$200,000 for FY 2023 only for residential programs for women on probation that allow minor children to remain with their mothers while participating in the program, and thereby reduce the risk of trauma and multigenerational incarceration. In order to continue this program, this request is for \$200,000 in FY 2024 and \$200,000 in FY 2025.

The Legislature found that as of 2018, 75% of incarcerated women in Hawai‘i had children and that previous surveys had shown that many women on parole were also mothers of minor children. Further studies also clearly showed that when women in the criminal justice system were separated from their children, the experience had devastating impacts on the children’s mental health and development. These impacts could increase the risk of multigenerational incarceration and have a destructive and traumatic impact on mothers.

The goals of the residential program services are: (1) to provide a comprehensive evidence-based, offender-oriented, continuum of residential substance abuse treatment services to mothers with alcohol and/or other drug problems, who are ordered or directed by the court to obtain treatment; and (2) to assist adult mothers, abusing or addicted to alcohol and/or other drugs the opportunity to have their minor children reside with them while attending treatment. This is needed to reduce the trauma and mental health development for both mother and child. The overall goal is to provide effective strategies, skills, and knowledge to the mothers which will result in long-term abstinence and reduction of their re-offending behaviors. The continuum includes residential drug treatment programs, therapeutic living programs, clean and sober homes, mental health residential programs, case management, and child care. The target population includes adult women offenders who have minor children and are supervised by the ACSB of the First Circuit.

During this same legislative session, a three year Women’s Court pilot program was established via Act 243/22, as research has found that women offenders also face unique barriers to success and positive outcomes after incarceration including being more likely to be the primary caregivers for young children. This new pilot program is intended to acknowledge the distinct pathways that lead women into the criminal justice system and address their individualized needs. Further, the Women’s Court shall provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism. Such services include family support, including parenting, education, and relationship improvement. This \$200,000 being requested for FYs 2024 and 2025 would coincide with the three year pilot project for Women’s Court.

We firmly believe that Act 246/22 for residential programs that allows minor children to remain with their mothers while participating in these programs is part and parcel to Act 243/22 for the three year Women’s Court pilot program. In order to continue this extremely important new program that allows minor children to remain with their mothers while participating in residential programs, we request that funding also be continued for FYs 2024 and 2025.

**Continuation of Funding for GAL and CAC:** The Judiciary is requesting \$2.3 million to ensure that GAL and CAC services are adequately funded. Of this amount, \$1.34 million is being requested for First Circuit.

GALs perform a critical role in family court cases, including, for example, child abuse and neglect cases, involuntary hospitalization proceedings, and assisted community treatment proceedings. The subjects of these proceedings are among the most vulnerable members of our community and they are frequently unable to advocate for themselves or meaningfully participate in court proceedings that may significantly impact their lives. It is in the community's best interests to attract and retain competent individuals to act as GALs to represent their best interests. One way to accomplish this goal is to ensure that GALs are adequately compensated for this work. The same reasoning applies for CAC who protect the interests of the parents/guardians in these proceedings.

During last year's legislative session, a bill was introduced to increase the Hawai'i Revised Statutes prescribed compensation rates for GALs/CAC of \$60 per hour for out-of-court work and \$90 per hour for in-court work to \$90 and \$120 per hour, respectively. The cost for this increase was calculated at \$2.3 million. While the bill did not pass, the \$2.3 million was appropriated into the Judiciary's supplemental budget but only for that year - FY 2023. (Note: The \$2.3 million was allocated by the Legislature to Administration (JUD 601); Administration, in turn, allocated it to the circuits – \$1.34 million to First Circuit (JUD 310), \$300K to Second Circuit (JUD 320), \$610K to Third Circuit (JUD 330), and \$50K to Fifth Circuit (JUD 350).

This funding was welcomed and sincerely appreciated by the Judiciary as it helped to offset some of the GAL/CAC funding reductions made in prior years necessitated by the adverse effect of COVID-19 on the State's economy and Judiciary budget, as well as to enhance the extent and quality of the GALs/CAC providing these services. Continuation of this \$2.3 million in funding (\$1.34 million for First Circuit) is requested and needed on a recurring basis to adequately support these GALs/CAC, and ensure that both the children and the parents/guardians affected by such proceedings have the best representation possible.

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	12,070,854	13,046,041	14,163,280	14,760,045	14,760	14,760	14,760	14,760
Other Current Expenses	4,248,243	5,070,459	5,235,459	5,191,053	5,191	5,191	5,191	5,191
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	969,416	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	17,288,513	18,116,500	19,398,739	19,951,098	19,951	19,951	19,951	19,951
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>17,288,513</b>	<b>18,116,500</b>	<b>19,398,739</b>	<b>19,951,098</b>	<b>19,951</b>	<b>19,951</b>	<b>19,951</b>	<b>19,951</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *
	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #
General Funds	17,288,513	18,116,500	19,398,739	19,951,098	19,951	19,951	19,951	19,951
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *	210.50 *
	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #	1.68 #
<b>Total Financing</b>	<b>17,288,513</b>	<b>18,116,500</b>	<b>19,398,739</b>	<b>19,951,098</b>	<b>19,951</b>	<b>19,951</b>	<b>19,951</b>	<b>19,951</b>

\*Permanent Position FTE  
#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	704	683	669	662	655	648	642	636
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	716	695	681	674	667	660	653	646

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
T01	Civil Actions, Circuit Court	1,399	1,441	1,470	1,485	1,500	1,515	1,530	1,545
T02	Marital Actions	522	548	564	570	576	582	588	594
T03	Adoption Proceedings	59	62	64	65	66	67	68	69
T04	Parental Proceedings	260	268	273	276	279	282	285	288
A01	Civil Actions Filed, Circuit Court	380	391	399	403	407	411	415	419
A02	Criminal Actions Filed, Circuit Court	814	838	855	864	873	882	891	900
A03	Marital Actions Filed	423	436	445	449	453	458	463	468
A04	Traffic - New Filings (thousands)	33	34	35	36	37	38	39	40
A05	Traffic - Terminated (thousands)	37	39	40	41	42	43	44	45

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	2,293	2,265	2,265	2,265	2,265	2,265	2,265	2,265
Special Fund	579	581	581	581	581	581	581	581
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	2,872	2,846	2,846	2,846	2,846	2,846	2,846	2,846

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	1,253	1,225	1,225	1,225	1,225	1,225	1,225	1,225
Fines, Restitutions, Forfeits & Penalties	1,619	1,621	1,621	1,621	1,621	1,621	1,621	1,621
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	2,872	2,846	2,846	2,846	2,846	2,846	2,846	2,846

## **JUD 320 SECOND CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$103,017 in FY 2024 and \$123,932 in FY 2025 is requested to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restore Funding for Positions for Two District Court Judges and a Per Diem District Court Judge:** The Second Circuit requests \$447,242 for FY 2024 and \$451,651 for FY 2025 to restore funding for a District Court Judge, a District Family Court Judge, and a Per Diem District Court Judge.

**Restore Funding for Positions for a Court Administrator, a District Court Clerk, and a Judicial Clerk:** The Second Circuit requests \$169,272 for FY 2024 and \$176,700 for FY 2025 to restore funding for a Court Administrator in Wailuku, a District Court Clerk in Lahaina, and a Judicial Clerk in Moloka'i.

**Restore Funding for Two Social Service Assistant (SSA) Positions:** The Second Circuit requests \$82,884 in FY 2024 and \$87,024 in FY 2025 to restore funding for a SSA in the Juvenile Client and Family Services (JCFS) Branch, and for a SSA in the Special Services Branch.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** Act 194/2022 appropriated funding of \$2.3 million for FY 2023 to the Judiciary for GAL and CAC services that were impacted by budget reductions during economic uncertainty due to the Covid-19 pandemic. The Judiciary allocated this funding as follows: First Circuit (\$1.34 million), Second Circuit (\$300k), Third Circuit (\$610k), and Fifth Circuit (\$50k). In order to continue with the level of GAL and CAC services needed by the public, this Second Circuit request is for \$300,000 for FYs 2024 and 2025.

### **B. REASON FOR BUDGET REQUESTS**

**Judge's Salary Differential:** Second Circuit is requesting \$103,017 in FY 2024 and \$123,932 in FY 2025 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salary adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

**Restore Funding for Positions for Two District Court Judges and a Per Diem District Court Judge:** The request for funding of \$447,242 for FY 2024 and \$451,651 for FY 2025 will restore funding levels for two essential District Court Judges, and a Per Diem District Court Judge. Administering justice in a timely, accessible, and efficient manner in Maui County is a constant challenge due to its unique tri-isle geography.

When there are insufficient judges to handle the workload, resolution of cases is delayed. Persistent Judicial vacancies increase the length of time that individuals, families, litigants, and businesses wait for their day in court and increase case backlogs that perpetuate delays in the future. Therefore, when funding for two full-time District Court Judges and a Per Diem Judge was eliminated, Second Circuit reallocated funding designated to fill operational staff vacancies and funded the two District Court Judge positions.

This diversion of funds results in inadequate staffing levels in court operations units which can lead to delays in court processes and could lead to public safety issues if offender supervision is not maintained adequately. Continued lack of sufficient funding to fill needed judicial positions could eventually compromise the overall integrity and accountability of Second Circuit court operations.

If funding for the two District Court Judges and Per Diem District Court Judge is restored, Second Circuit will have the ability to fund and fill vacancies to operationally function at the necessary levels to conduct business more effectively in the Courts.

**Restore Funding for Positions for a Court Administrator, a District Court Clerk, and a Judicial Clerk:** The Second Circuit court programs have had to make a variety of changes to adjust to the reduced workforce associated with the defunding of vacant positions in the 2020 Legislative Session. One of these changes was made to ensure continued court operations, that is, the reallocation of funds to cover the payroll costs of a critical Court Administrator position that had been defunded.

The Court Administrator position heads the Court and Operational Support Services Branch which includes the Legal Documents Section, the Traffic Operations Section, the Rural Courts Section, the Family Court Clerks Unit, the Bailiffs Unit, and the Law Library/Service Center/Jury Pool Section. The Second Circuit funded this critical position by utilizing existing operational funds which further limits its ability to cover the cost of filling recently vacated positions or other operational requirements. Therefore, \$74,124 in FY 2024 and \$76,788 in FY 2025 is being requested to restore funding for the Court Administrator position and allow for more efficient use of existing resources.

Along with funding for the Court Administrator position, a request for \$50,388 in FY 2024 and \$52,908 has been made to restore funding for a District Court Clerk assigned to the Lahaina District Court. The inability to fund and fill the District Court Clerk position, has led to the following operating impacts:

- The public is waiting longer for copies of court documents to be processed leading to delays for parties attempting to move forward with their respective actions.
- Due to the minimal staff at Lahaina, the available staff sometimes is unable to timely answer phone inquiries which often relate to hearing or trial dates.
- Delays in document uploads occur as staff sometimes need to focus on processing higher priority items such as bail and temporary restraining orders.

- Longer waiting times for orders after hearings occur due to an insufficient number of clerks in the courtroom.
- There is an increased potential for errors as existing staff are required to take on additional duties on a regular basis.

Consequently, in order to better manage the workload in the Lahaina District Court, weekly staffing transfers from Wailuku have been made to temporarily provide adequate court staffing levels in Lahaina. However, this is not a long-term solution, as the sections losing the transferred positions are now experiencing staffing issues themselves.

Another essential position that was defunded due to the 2020 COVID related financial crisis was a Judicial Clerk assigned to the Moloka'i District Court. As one of only two Judicial Clerk III positions that serve the Moloka'i District Court, not being able to fund the position has had the following impact on operations:

- With only one Judicial Clerk III position filled, there are significant challenges managing the office, which has occasionally led to closing the office while court is in session.
- Delays have occurred in accepting payments, processing citations, and addressing other court actions such as Summary Possessions

As with the defunded District Court Clerk position in Lahaina, a funded position from another branch (Legal Documents) was transferred to temporarily resolve the critical staff shortage on Moloka'i. However, in both cases, funded position transfers were not intended to be a long-term solution since the sections from which the transfers were made, are now experiencing their own workload issues. The Second Circuit requests \$44,760 in FY 2024 and \$47,004 in FY 2025 to restore funding for the Judicial Clerk position and return the transferred position back to the Legal Documents Section in Wailuku.

Our request to restore funding for the defunded Court Administrator, District Court Clerk, and Judicial Clerk positions totals \$169,272 in FY 2024 and \$176,700 in FY 2025. The requested funding will assist in normalizing staffing levels and improve Second Circuit's overall ability to service the public. Productivity and efficiency will increase when staff are not being temporarily transferred. Lahaina and Moloka'i District Courts need consistent and continued support with court operations to better serve their communities. Providing them with the resources they need will also benefit all the operational units in Second Circuit and contribute to improved service to all Maui communities.

**Restore Funding for Two Social Service Assistant (SSA) Positions:** The SSA positions provide critical support services to the social workers and probation officers within their respective branches. However, due to the defunding of two of these positions at the onset of the COVID pandemic, the professional staff had to assume their responsibilities and thereby divert focus from their own primary duties. Continuing in this manner is not a tenable solution, and will begin to significantly impact the Branches in which the SSAs served. Therefore, Second Circuit is requesting \$82,884 in FY 2024 and \$87,024 in FY 2025 to restore funding for two SSAs in the Client Services Division.

One of the SSA positions is assigned to the Juvenile Client and Family Services Branch, and is the sole SSA that provides support services to 11 juvenile probation officers. The duties of this SSA include preparing, processing, and verifying court ordered services; acting as a liaison with service providers/police/prosecutors; coordinating sheriffs' transport; gathering records; and transporting clients.

The second SSA position is one of only two SSAs assigned to the Special Services Branch, and provides support services to nine Social Workers. The Special Services Branch is responsible for several notable programs including the Community Service Sentencing Program, the Monetary Restitution Program, the GAL/Court Appointed Special Advocate Programs, and the Volunteers in Public Services to the Courts Program. Providing oversight of these programs requires the Special Services Branch to work with juvenile and adult offenders, crime victims, abused/neglected youth, and non-profit agencies and businesses in the tri-isle county. The SSA's responsibilities within the Special Services Branch include interviewing, placing, and monitoring clients referred for community service from Family, District, Circuit and the Maui Drug Courts. The SSA also monitors restitution payments, processes guardianship inquiries, creates documents/letters, and answers the Branch's telephone lines.

The restoration of funding for the two SSA positions will allow the professional staff to focus on their core responsibilities and lead to increased efficiency and higher level of services to their clients and the public. If funding is not provided, some of the impacts may include: community service and restitution cases not being regularly monitored, court cases being continued as case updates would not be available, and professional staff continuing to provide "front of office" (clerical and customer) coverage which would divert attention away from their primary professional duties and responsibilities.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** The Judiciary is requesting \$2.3 million to ensure that GAL and CAC services are adequately funded. Of this amount, \$300,000 is being requested for Second Circuit for FYs 2024 and 2025.

GALs perform a critical role in family court cases, including, for example, child abuse and neglect cases, involuntary hospitalization proceedings, and assisted community treatment proceedings. The subjects of these proceedings are among the most vulnerable members of our community and they are frequently unable to advocate for themselves or meaningfully participate in court proceedings that may significantly impact their lives. It is in the community's best interests to attract and retain competent individuals to act as GALs to represent their best interests. One way to accomplish this goal is to ensure that GALs are adequately compensated for this work. The same reasoning applies for CAC who protect the interests of the parents/guardians in these proceedings.

During last year's legislative session, a bill was introduced to increase the Hawai'i Revised Statutes prescribed compensation rates for GALs/CAC of \$60 per hour for out-of-court work and \$90 per hour for in-court work to \$90 and \$120 per hour, respectively. The cost for this increase was calculated at \$2.3 million. While the bill did not pass, the \$2.3 million was appropriated into the Judiciary's supplemental budget but only for that year – FY 2023. (Note: The \$2.3 million

was allocated by the Legislature to Administration (JUD 601); Administration, in turn, allocated it to the circuits – \$1.34 million to First Circuit (JUD 310), \$300K to Second Circuit (JUD 320), \$610K to Third Circuit (JUD 330), and \$50K to Fifth Circuit (JUD 350).

This funding was welcomed and sincerely appreciated by the Judiciary as it helped to offset some of the GAL/CAC funding reductions made in prior years necessitated by the adverse effect of COVID-19 on the State's economy and the Judiciary budget, as well as to enhance the extent and quality of the GALs/CAC providing these services. Continuation of this \$2.3 million in funding (\$300,000 for Second Circuit) is requested and needed on a recurring basis to adequately support these GALs/CAC, and ensure that both the children and the parents/guardians affected by such proceedings have the best representation possible.

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**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	13,483,334	13,843,840	15,241,624	15,908,863	15,909	15,909	15,909	15,909
Other Current Expenses	7,189,273	8,314,631	8,116,287	8,079,954	8,080	8,080	8,080	8,080
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	139,338	139,181	5,000	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	20,811,945	22,297,652	23,362,911	23,988,817	23,989	23,989	23,989	23,989
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>20,811,945</b>	<b>22,297,652</b>	<b>23,362,911</b>	<b>23,988,817</b>	<b>23,989</b>	<b>23,989</b>	<b>23,989</b>	<b>23,989</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	240.00 *	240.00 *	242.00 *	242.00 *	242.00 *	242.00 *	242.00 *	242.00 *
	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #
General Funds	20,811,945	22,297,652	23,362,911	23,988,817	23,989	23,989	23,989	23,989
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	240.00 *	240.00 *	242.00 *	242.00 *	242.00 *	242.00 *	242.00 *	242.00 *
	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #	5.20 #
<b>Total Financing</b>	<b>20,811,945</b>	<b>22,297,652</b>	<b>23,362,911</b>	<b>23,988,817</b>	<b>23,989</b>	<b>23,989</b>	<b>23,989</b>	<b>23,989</b>

\*Permanent Position FTE

#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	758	303	288	285	282	279	276	273
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	2,373	831	789	781	773	765	757	749

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
T01	Civil Actions, Circuit Court	2,921	2,775	2,831	2,859	2,888	2,917	2,946	2,975
T02	Marital Actions	802	842	867	876	885	894	903	912
T03	Adoption Proceedings	79	83	85	86	87	88	89	90
T04	Parental Proceedings	500	525	541	546	551	557	563	569
A01	Civil Actions Filed, Circuit Court	380	391	399	403	407	411	415	419
A02	Criminal Actions Filed, Circuit Court	1,024	1,055	1,076	1,087	1,098	1,109	1,120	1,131
A03	Marital Actions Filed	528	544	555	561	567	573	579	585
A04	Traffic - New Filings (thousands)	38	39	40	41	41	42	42	43
A05	Traffic - Terminated (thousands)	35	37	38	38	39	39	40	40

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	2,997	2,969	2,969	2,969	2,969	2,969	2,969	2,969
Special Fund	892	894	894	894	894	894	894	894
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	3,889	3,863	3,863	3,863	3,863	3,863	3,863	3,863

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from Use of Money and Property	1	1	1	1	1	1	1	1
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	1,788	1,758	1,758	1,758	1,758	1,758	1,758	1,758
Fines, Restitutions, Forfeits & Penalties	2,100	2,104	2,104	2,104	2,104	2,104	2,104	2,104
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	3,889	3,863	3,863	3,863	3,863	3,863	3,863	3,863

## **JUD 330 THIRD CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Judge's Salary Differential:** Funding of \$103,915 for FY 2024 and \$129,246 for FY 2025 is requested to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restore Funding for Janitor III Supervisor Position at Hale Kaulike Courthouse:** Funding of \$51,588 for FY 2024 and \$54,168 for FY 2025 is requested to restore funding for a Janitor III position to maintain adequate janitorial services for staff and the public in the 175,000 square foot Hale Kaulike Courthouse.

**Restore Funding for Account Clerk III Position in the Hilo Fiscal Office:** Funding of \$39,816 for FY 2024 and \$41,808 for FY 2025 is requested to restore funding for an Account Clerk III position in the Hilo Fiscal Office.

**Restore Funding for a District Court Clerk II Position in the South Kohala District Court:** Funding of \$50,388 for FY 2024 and \$52,908 for FY 2025 is requested to restore funding for a District Court Clerk II position in the South Kohala District Court to support District and Family courtroom operations.

**Restore Funding for Three Judicial Clerk III Positions in Hilo:** Funding of \$134,280 for FY 2024 and \$141,012 for FY 2025 is requested to restore funding for three Judicial Clerk III positions to support the Hilo Files and Record Maintenance Unit, and the Hilo Traffic Operations Branch.

**Restore Funding for Social Worker IV Position in the Adult Client Services Branch (ACSB):** Funding of \$60,912 for FY 2024 and \$63,096 for FY 2025 is requested to restore funding for a Social Worker IV position to provide services to court ordered probationers in the ACSB.

**Funding for Two Court Bailiff II Positions in the District and Family Courts:** Funding of \$98,216 for FY 2024 and \$97,872 for FY 2025 is requested to fund two new Court Bailiff positions to support hybrid in-court proceedings and virtual proceedings in District and Family Courts.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** Act 194/2022 appropriated funding of \$2.3 million for FY 2023 to the Judiciary for GAL and CAC services that were impacted by budget reductions during economic uncertainty due to the Covid-19 pandemic. The Judiciary allocated this funding as follows: First Circuit (\$1.34 million), Second Circuit (\$300k), Third Circuit (\$610k), and Fifth Circuit (\$50k). In order to continue with the level of GAL and CAC services needed by the public, this Third Circuit request is for \$610,000 for FYs 2024 and 2025.

## **B. REASON FOR BUDGET REQUESTS**

**Judge's Salary Differential:** Third Circuit is requesting \$103,915 in FY 2024 and \$129,246 in FY 2025 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salary adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

**Restore Funding for Janitor III Supervisor Position at Hale Kaulike Courthouse:** The Janitor III position was vacated in February 2020 with recruitment to fill the vacated position starting in March 2020. Interviews were conducted and two potential candidates were identified. However, the recruitment process was never completed due to the Covid-19 Pandemic which led to the position being defunded. Subsequently, the Facilities Manager began performing the supervisor's duties, but it was very difficult to perform these duties along with his own, and also try to manage the janitorial staff. As a temporary measure to address this critical staffing issue, funds were reallocated to cover the payroll cost of the Janitor III Supervisor position. However, the Third Circuit may not be able to sustain the reallocation of these funds without detrimental impact in other operational areas. Therefore, the Third Circuit requests \$51,588 in FY 2024 and \$54,168 in FY 2025 to restore funding for the Janitor III Supervisor position, and thereby eliminate the need to repurpose existing resources.

If the requested funding is not authorized, the reallocated funding may not be sustained and the Janitor III Supervisor duties will fall back on the Facility Manager. The Janitor III Supervisor position services Hale Kaulike which is the 175,000 square foot courthouse in Hilo. Based on a standard of 20,000 square feet per janitor, Hale Kaulike would require 8.75 janitors to adequately maintain the facility. Currently, there are only seven funded janitor positions. Therefore, the requested funding for the Janitor III Supervisor position will ensure that Hale Kaulike has sufficient staffing to provide for its proper maintenance and care without compromising the health and safety of its employees or the public.

**Restore Funding for Account Clerk III Position in the Hilo Fiscal Office:** The Third Circuit requests \$39,816 in FY 2024 and \$41,808 in FY 2025 to restore funding for an Account Clerk III position in Hilo which was defunded in the 2020 Legislative Session due to the COVID Pandemic. The Account Clerk III position is integral to providing staffing coverage for the cashier windows and for processing payments received by mail. Due to this sustained vacancy, other Account Clerks as well as Accountants have been assuming the duties of the vacant position which has diverted their attention away from their normal responsibilities. The Third Circuit has resorted to this reassigning of tasks because of the negative consequences resulting from defunding and not filling the vacant Account Clerk III position. When payments are not processed in a timely manner, checks can become stale and accounts delinquent which can then lead to even further delays with those accounts being referred to a collection agency. Maintaining proper customer service levels becomes increasingly difficult without sufficient staffing whether it be in-person at the cashier windows or through the processing of mailed in payments.

Without restoration of the requested funding, the Third Circuit Fiscal Office will have to continue reallocating resources to address immediate needs and thereby prolong operational inefficiencies. Not only may service levels with the public continue to be impacted, but business

interactions with vendors could also be affected. Vendors may assess late payment fees or even discontinue services should the Third Circuit be unable to make timely payments.

**Restore Funding for a District Court Clerk II Position in the South Kohala District Court:**

As a result of a District Court Clerk II position being defunded at the onset of the COVID pandemic, the South Kohala District Court was left significantly understaffed, leading to the temporary closure of District and Family courtroom services. However, to address the hardship this created on the North/South Kohala and Hāmākua communities, funds were reallocated to fill the defunded District Court Clerk II position and reopen courtroom services.

The District Court Clerk II position is a critical part of the District and Family courtroom operations at the South Kohala District Court, and provides essential support for entering court data through JIMS during and after court, thereby enabling the immediate posting of dispositions in the eCourt Kokua program. The information available in eCourt Kokua is used by the public, other government agencies, self-represented litigants (SRLs), and attorneys, as well as programs within the Judiciary (i.e., fiscal, probation, etc).

As with other defunded positions that were filled through the temporary reallocation of funds, this may not be sustainable on a long term basis without detrimental effects on other court operations. Therefore, the Third Circuit requests \$50,388 in FY 2024 and \$52,908 in FY 2025 to restore funding for the District Court Clerk II position so that resources can be allocated back to the operating budget for other program needs in the Third Circuit.

**Restore Funding for Three Judicial Clerk III Positions in Hilo:** As a result of the COVID-19 pandemic, a District Court Judicial Clerk III position and a Family Court Judicial Clerk III position that were both assigned to the Hilo Files and Records Maintenance Unit, and a Judicial Clerk III position assigned to the Hilo Traffic Operations Branch, were defunded during the 2020 Legislative Session. The defunding of these positions had a significant impact on the daily operations of sections that they served.

**Judicial Clerk III Position – Hilo Files and Records Maintenance Unit (District Court)**

This defunded Judicial Clerk III position is assigned to the Hilo Files and Records Maintenance Unit which supports District Court civil operations (i.e., Regular Claims, Small Claims, Temporary Restraining Orders (TROs), landlord tenant matters) for the Hilo and Puna Districts. This Unit also services two courtrooms and judges, and assists SRLs, attorneys, and parties to cases at the service counters and over the phone. The clerks in this Unit must be well-versed in District Court civil procedures, as TROs and civil matters require immediate attention, and any delays may have an adverse impact on the parties involved in the cases. The inability to fill the defunded Judicial Clerk III position has led to a backlog in processing District Court civil matters. This position is essential in supporting District Court civil courtroom services as the remaining Judicial Clerk is unable to manage operations effectively by herself/himself. Ensuring TROs, motions, orders, and other filings are processed in a timely manner requires two Judicial Clerks.

The Third Circuit requests \$44,760 in FY 2024 and \$47,004 in FY 2025 to restore funding for this District Court Judicial Clerk III position, and thereby provide much needed support for courtroom services to ensure that cases are scheduled timely and filings are processed efficiently. Judicial Clerks are often considered the “face” of their respective sections as they are the first contact many individuals have with the courts. While attempts were made to provide coverage for the vacant Judicial Clerk III position through the reassignment of tasks, they were not sustained because they ultimately resulted in backlogs in other areas.

### **Judicial Clerk III Position – Hilo Files and Records Maintenance Unit (Family Court)**

This defunded Judicial Clerk III position is also assigned to the Hilo Files and Records Maintenance Unit and is integral to supporting the Courtroom Services Branch which processes TROs and other time sensitive and critical Family Court matters (i.e., criminal cases, guardianships, adoptions, etc.). The Judicial Clerk III position also assists SRLs, attorneys, and parties to cases in processing Family Court documents. The staffing deficiency associated with this defunded position led to a backlog in processing Family Court documents. In order to assist this Unit, staff from other departments were utilized to provide support. However, this shuffling of resources could not be sustained for an extended period. Therefore, in light of the need for this essential position, funding was temporarily reallocated in September, 2022 from elsewhere in the Third Circuit to fill the vacancy.

However, continued reliance on the reallocated funding to fill the Judicial Clerk position may eventually lead to resource deficiencies in other operational areas as well. Therefore, the Third Circuit requests \$44,760 in FY 2024 and \$47,004 in FY 2025 to restore funding for the Judicial Clerk III position and thereby realize the full benefits of the position without sacrifices made in other areas. This position will assist in ensuring that Family Court cases are scheduled in a timely manner and filings are processed accordingly. In addition, TROs will be processed within the same business day, and related database updates can be executed promptly. If the requested funding is not authorized, families, their children, and other parties to Family Court matters may ultimately be impacted by a decline in service levels.

### **Judicial Clerk III Position - Traffic Operations Branch**

This Judicial Clerk III position is assigned to the Traffic Operations Branch which supports two District Court Judges who hear traffic cases in the North and South Hilo Districts as well as the Puna District.

Automating operating procedures has created different demands and challenges for staff. Case creation and data entry into JIMS is now an operational necessity, and greatly impacts the courts when not done timely. Printing of court calendars, recording of monetary assessment and fee collections either online or at designated court locations, and providing case information to court users/public are all dependent on information being input into JIMS promptly and efficiently. Not being able to fill the Judicial Clerk III position has caused a backlog in the inputting of citation information and subsequent processing of default judgements through JIMS.

The Third Circuit requests \$44,760 in FY 2024 and \$47,004 in FY 2025 to restore funding for the Judicial Clerk III position, and ensure that citations are created in JIMS prior to the printing of court calendars, that the public is serviced promptly at the payment window and counter, and that current case information is promptly made available on eCourt Kokua. If funding is not restored, the Third Circuit may incur additional overtime costs, and backlog related delays, and the timely processing of payments and default judgements could be impaired.

In summary, a total of \$134,280 in FY 2024 and \$141,012 in FY 2025 is being requested to restore funding for the two defunded Judicial Clerk III positions in the Hilo Files and Records Maintenance Unit, and the one defunded Judicial Clerk III position in the Traffic Operations Branch. If approved, the requested funding will be instrumental in providing the needed resources to maintain the operational effectiveness that the respective sections had prior to the COVID-19 pandemic.

**Restore Funding for Social Worker IV Position in the ACSB:** A probation officer (Social Worker IV) position assigned to the unit that supervises Sex Offenders in the Hilo ACSB was another of the Third Circuit vacant positions defunded due to COVID-19 pandemic related budget reductions. Not being able to fill the probation officer position has impacted the already excessive caseload per probation officer ratio that existed prior to the pandemic. The increase in caseload per probation officer has reduced the amount of time actually spent with probationers as the probation officers tend to other duties such as preparing reports for the courts, attending court hearings, filing motions, and performing other mandatory tasks. The probation officers are unable to spend the necessary time with at risk offenders to effectively complete and implement case plans, conduct home and field visits, and perform the needed collaborative casework to reduce the risk of recidivism, which in turn raises public safety concerns and liabilities.

The Third Circuit is requesting \$60,912 in FY 2024 and \$63,096 in FY 2025 to restore funding for the probation officer position and address the caseload and offender supervision challenges the Sex Offender Unit is currently facing. The requested funding will allow for the recruitment of an experienced probation officer and thereby reduce caseload and intensify supervision for the most at risk probationers. If funding is not restored, the existing staff's efforts to work with their probationers and effectuate positive change will be limited. The probation officers may only be able to monitor cases based on the terms and conditions ordered by the court without the resources and tools needed to reduce the high risk offender population. This may also lead to more probation revocations being filed, and probationers then being sentenced to prison.

**Funding for Two Court Bailiff II Positions in District and Family Courts:** Since the inception of the COVID-19 pandemic, the Judiciary has had to shift towards utilizing more technology to accommodate remote court hearings for social distancing and other health and safety concerns. Although the State has lifted pandemic related restrictions, remote hearings and appearances have continued due to their various benefits, especially in allowing court users to have greater access to justice. Less leave time from work and less need for child care are among the significant benefits realized when parties are allowed to appear in court remotely. However, the added convenience to court users has created additional tasks and coordination for court staff. Instead of managing only those court users who are physically present in the courtroom, court staff also needs to

accommodate a hybrid of in-court proceedings and virtual proceedings. Hosting on the various video conferencing platforms also entails a number of new responsibilities for court staff to ensure courtroom operations are managed effectively and without incident. Therefore, staff dedicated to manage these technical duties are needed.

The Third Circuit requests \$98,216 in FY 2024 and \$97,872 in FY 2025 for one new District Court Bailiff position and one new Family Court Bailiff position to support the technical requirements associated with the new hybrid of remote and in-court proceedings. Having these “tech focused” Court Bailiffs will allow existing staff to successfully perform the more traditional job functions that were established for courtroom operations before the pandemic and all the virtual related activities were implemented.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** The Judiciary is requesting \$2.3 million to ensure that GAL and CAC services are adequately funded. Of this amount, \$610,000 is being requested for Third Circuit for FYs 2024 and 2025.

GALs perform a critical role in family court cases, including, for example, child abuse and neglect cases, involuntary hospitalization proceedings, and assisted community treatment proceedings. The subjects of these proceedings are among the most vulnerable members of our community and they are frequently unable to advocate for themselves or meaningfully participate in court proceedings that may significantly impact their lives. It is in the community’s best interests to attract and retain competent individuals to act as GALs to represent their best interests. One way to accomplish this goal is to ensure that GALs are adequately compensated for this work. The same reasoning applies for CAC who protect the interests of the parents/guardians in these proceedings.

During last year’s legislative session, a bill was introduced to increase the Hawai‘i Revised Statutes prescribed compensation rates for GALs/CAC of \$60 per hour for out-of-court work and \$90 per hour for in-court work to \$90 and \$120 per hour, respectively. The cost for this increase was calculated at \$2.3 million. While the bill did not pass, the \$2.3 million was appropriated into the Judiciary’s supplemental budget but only for that year - FY 2023. (Note: The \$2.3 million was allocated by the Legislature to Administration (JUD 601); Administration, in turn, allocated it to the circuits – \$1.34 million to First Circuit (JUD 310), \$300K to Second Circuit (JUD 320), \$610K to Third Circuit (JUD 330), and \$50K to Fifth Circuit (JUD 350).

This funding was welcomed and sincerely appreciated by the Judiciary as it helped to offset some of the GAL/CAC funding reductions made in prior years necessitated by the adverse effect of COVID-19 on the State’s economy and the Judiciary budget, as well as to enhance the extent and quality of the GALs/CAC providing these services. Continuation of this \$2.3 million in funding (\$610,000 for Third Circuit) is requested and needed on a recurring basis to adequately support these GALs/CAC, and ensure that both the children and the parents/guardians affected by such proceedings have the best representation possible.

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	5,693,716	6,568,425	6,952,780	7,201,201	7,201	7,201	7,201	7,201
Other Current Expenses	2,343,499	1,802,923	1,802,923	1,802,923	1,803	1,803	1,803	1,803
Lease/Purchase Agreements	284,755	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	8,321,970	8,371,348	8,755,703	9,004,124	9,004	9,004	9,004	9,004
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>8,321,970</b>	<b>8,371,348</b>	<b>8,755,703</b>	<b>9,004,124</b>	<b>9,004</b>	<b>9,004</b>	<b>9,004</b>	<b>9,004</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #
General Funds	8,321,970	8,371,348	8,755,703	9,004,124	9,004	9,004	9,004	9,004
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #	2.60 #
<b>Total Financing</b>	<b>8,321,970</b>	<b>8,371,348</b>	<b>8,755,703</b>	<b>9,004,124</b>	<b>9,004</b>	<b>9,004</b>	<b>9,004</b>	<b>9,004</b>

\*Permanent Position FTE  
#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	470	456	447	443	439	435	431	427
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	1,257	1,006	855	812	804	796	788	780

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
T01	Civil Actions, Circuit Court	690	711	725	732	739	746	753	761
T02	Marital Actions	307	322	332	335	338	341	344	347
T03	Adoption Proceedings	32	35	36	37	38	39	40	41
T04	Parental Proceedings	121	133	137	138	139	140	141	142
A01	Civil Actions Filed, Circuit Court	138	142	145	146	147	148	149	150
A02	Criminal Actions Filed, Circuit Court	281	289	295	298	301	304	307	310
A03	Marital Actions Filed	164	169	172	174	176	178	180	182
A04	Traffic - New Filings (thousands)	14	12	13	14	14	14	14	14
A05	Traffic - Terminated (thousands)	11	11	12	12	13	13	14	14

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	1,005	981	981	981	981	981	981	981
Special Fund	262	268	270	270	270	270	270	270
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	1,267	1,249	1,251	1,251	1,251	1,251	1,251	1,251

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	565	543	545	545	545	545	545	545
Fines, Restitutions, Forfeits & Penalties	702	706	706	706	706	706	706	706
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	1,267	1,249	1,251	1,251	1,251	1,251	1,251	1,251

## JUD 350 FIFTH CIRCUIT BUDGET REQUESTS

### A. DESCRIPTION OF BUDGET REQUESTS

**Judges' Salary Differential:** Funding of \$54,325 for FY 2024 and \$65,912 for FY 2025 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restore Funding for Court Documents Clerk III Position:** Fifth Circuit is requesting \$54,468 for FY 2024 and \$57,192 for FY2025 to restore funding for a Court Documents Clerk position that was eliminated during the 2020 legislative session.

**Restore Funding for Social Worker IV Position:** Restoration of \$60,912 for FY 2024 and \$63,096 for FY2025 is requested for a Social Worker position for which funding was eliminated by the 2020 Legislature.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** Act 194/2022 appropriated funding of \$2.3 million for FY 2023 to the Judiciary for GAL and CAC services that were impacted by budget reductions during economic uncertainty due to the Covid-19 pandemic. The Judiciary allocated this funding as follows: First Circuit (\$1.34 million), Second Circuit (\$300k), Third Circuit (\$610k), and Fifth Circuit (\$50k). In order to continue with the level of GAL and CAC services needed by the public, this Fifth Circuit request is for \$50,000 for FYs 2024 and 2025.

### B. REASON FOR BUDGET REQUESTS

**Judges' Salary Differential:** The Fifth Circuit is requesting \$54,325 for FY 2024 and \$65,912 for FY 2025 to fund Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restore Funding for Court Documents Clerk III Position:** Fifth Circuit requests \$54,468 for FY 2024 and \$57,192 for FY 2025 to restore funding for a Court Documents Clerk III position that was eliminated during the 2020 Legislature.

The Legal Documents Branch is an integral part of Fifth Circuit court operations and plays a pivotal role in assisting judges in administering justice. It consists of a Court Documents Supervisor and three Court Documents Clerk positions, one of which is the defunded position for which we are requesting funding restoration. These Clerks transcribe minutes of court proceedings, receive and file documents and exhibits, schedule hearings, handle communications between the parties and the Court, and ensure that all documents conform to pertinent statutes, rules, and regulations governing the filing of legal documents.

The two remaining Documents Clerks have struggled to handle their daily workload which becomes even more difficult when one Clerk is on extended leave for any period of time. At the same time, workload has been increasing as more documents are being submitted on line with the recent launch of Family Court Civil in JIMS and as the courts return to more normal operations after COVID. Also, on line dispute resolution will soon launch in Fifth Circuit and could further add to workload.

For a small circuit like Fifth Circuit, staff is very limited and any staff shortage can be a challenge and make it difficult to pull people from other branches or sections to help with workload. Being short staffed is impacting the ability to input data timely, upload documents, and send out important hearing dates through JIMS.

Restoring the funding for the Court Documents Clerk III position would help alleviate some of these challenges and help balance and handle the increasing workload within the Branch.

It would also allow for assistance, at times, to other branches and sections having their own staffing issues, especially relative to the timely processing, filing, docketing, and maintaining of court records, and to servicing the public at the service window, on line, or by phone.

In summary, restoring funding for this position is important in helping to ensure timely, efficient, and effective court operations and service to the public in the Fifth Circuit.

**Restore Funding for Social Worker IV Position:** The Fifth Circuit is requesting \$60,912 for FY 2024 and \$63,096 for FY 2025 to restore funding for a Social Worker IV position in the Pre-sentence Investigation (PSI) Unit that was eliminated during the 2020 Legislature.

The PSI Unit, which currently consists of two PSI Social Worker IV positions and one PSI Social Worker V position, is assigned to the ACSB. Its responsibilities include, among other things, preparing diagnostic reports for the Circuit, District, and Family Courts prior to sentencing individuals for offenses ranging from petty misdemeanors to felonies. These reports contain pertinent information about the offense and the defendant, information such as the defendant's criminal/family history, education, employment record, military service, finances, health, pre-confinement credits, any past adjustments to court-ordered supervision, and, most importantly, a recommendation for sentencing. The PSI Unit generally interviews the defendants and relevant treatment providers, and queries the National Crime Information Center and the statewide criminal history record information system to obtain the most complete and timely information for its reports.

In addition to preparing reports, the PSI Unit prepares files and processes documents for mental health evaluations relative to Chapter 704 of the Hawai'i Revised Statutes. This Chapter governs penal responsibility and fitness to proceed and provides an affirmative defense in criminal cases for defendants who do not meet the test for penal responsibility on account of physical or mental disease, disorder, or defect. These mental health evaluations consist of obtaining applicable information from the defendants and on any

mental health services received that will help assist the Court and the mental health examiner relative to determining the fitness of a defendant to proceed. This is all very time sensitive.

The PSI Unit also investigates interstate compact and intrastate transfer cases for individuals wanting to transfer their cases from another state or county to Fifth Circuit, and provides instant record checks upon request to District Court.

While loss of funding for this position was initially not critical as court operations slowed due to COVID restrictions, Fifth Circuit courts are now resuming close to normal operations and cases that were previously on hold are now being processed at an increased rate. For example, the PSI unit processed 270 diagnostic reports in 2019 pre-COVID, 160 in 2020, 207 in 2021, and 156 the first eight months of 2022 (which equates to 234 annualized).

Currently, it takes the PSI Unit about 8 to 12 weeks working with the police department, attorneys, treatment agencies, and other pertinent parties to gather all the information needed by the courts for these reports and to make a recommendation on sentencing.

Not restoring funding for this position could lead to delays in processing and meeting time sensitive deadlines. This, in turn, could result in defendants being held in custody longer than needed or not being able to secure treatment timely, while victims may have to wait longer to be made whole (i.e., receive restitution). Lack of funding could also result in recommendations to the courts to consider shortening or abbreviating PSI reports or not ordering reports for certain types or classes of offenses.

In summary, funding for the social worker in the PSI Unit would not only help address increasing workload demands, but also provide much added support to a Unit that is currently stretched thin. Collectively, with the requested social worker, the PSI Unit would be able to increase the number of PSI reports assigned, sentencing dates may be shortened, and justice may be administered more efficiently and effectively.

**Continuation of Funding for Guardian Ad Litem (GAL) and Court Appointed Counsel (CAC):** The Judiciary is requesting \$2.3 million to ensure that GAL and CAC services are adequately funded. Of this amount, \$50,000 is being requested for Fifth Circuit for FYs 2024 and 2025.

GALs perform a critical role in family court cases, including, for example, child abuse and neglect cases, involuntary hospitalization proceedings, and assisted community treatment proceedings. The subjects of these proceedings are among the most vulnerable members of our community and they are frequently unable to advocate for themselves or meaningfully participate in court proceedings that may significantly impact their lives. It is in the community's best interests to attract and retain competent individuals to act as GALs to represent their best interests. One way to accomplish this goal is to ensure that GALs are adequately compensated for this work. The same reasoning applies for CAC who protect the interests of the parents/guardians in these proceedings.

During last year's legislative session, a bill was introduced to increase the Hawai'i Revised Statutes prescribed compensation rates for GALs/CAC of \$60 per hour for out-of-court work and \$90 per hour for in-court work to \$90 and \$120 per hour, respectively. The cost for this increase was calculated at \$2.3 million. While the bill did not pass, the \$2.3 million was appropriated into the Judiciary's supplemental budget but only for that year - FY 2023. (Note: The \$2.3 million was allocated by the Legislature to Administration (JUD 601); Administration, in turn, allocated it to the circuits – \$1.34 million to First Circuit (JUD 310), \$300K to Second Circuit (JUD 320), \$610K to Third Circuit (JUD 330), and \$50K to Fifth Circuit (JUD 350).

This funding was welcomed and sincerely appreciated by the Judiciary as it helped to offset some of the GAL/CAC funding reductions made in prior years necessitated by the adverse effect of COVID-19 on the State's economy and the Judiciary budget, as well as to enhance the extent and quality of the GALs/CAC providing these services. Continuation of this \$2.3 million in funding (\$50,000 for Fifth Circuit) is requested and needed on a recurring basis to adequately support these GALs/CAC, and ensure that both the children and the parents/guardians affected by such proceedings have the best representation possible.

**JUDICIARY**  
STATE OF HAWAII

**PROGRAM TITLE:**  
JUDICIAL SELECTION COMMISSION

**PROGRAM STRUCTURE LEVEL NO. III**

**PROGRAM STRUCTURE NO. 01 02 01**

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	31,378	87,553	91,466	95,441	95	95	95	95
Other Current Expenses	25,330	18,633	18,633	18,633	19	19	19	19
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	56,708	106,186	110,099	114,074	114	114	114	114
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>56,708</b>	<b>106,186</b>	<b>110,099</b>	<b>114,074</b>	<b>114</b>	<b>114</b>	<b>114</b>	<b>114</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
General Funds	56,708	106,186	110,099	114,074	114	114	114	114
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
<b>Total Financing</b>	<b>56,708</b>	<b>106,186</b>	<b>110,099</b>	<b>114,074</b>	<b>114</b>	<b>114</b>	<b>114</b>	<b>114</b>

\*Permanent Position FTE  
#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

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**MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE**

<u>Measures of Effectiveness</u>	<b>PLANNED LEVELS OF PROGRAM EFFECTIVENESS</b>							
	<u>Actual</u>	<u>Estimate</u>	<u>Budget Period</u>			<u>Estimate</u>		
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>

N/A

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

<u>Code No.</u>	<u>Program Size Indicators</u>	<u>Actual</u>	<u>Estimate</u>	<u>Budget Period</u>			<u>Estimate</u>		
		<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>

N/A

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

<u>Fund to Which Deposited</u>	<u>Actual</u>	<u>Estimate</u>	<u>Budget Period</u>			<u>Estimate</u>		
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>

N/A

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

<u>Type of Revenue</u>	<u>Actual</u>	<u>Estimate</u>	<u>Budget Period</u>			<u>Estimate</u>		
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>

N/A

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## **JUD 501 JUDICIAL SELECTION COMMISSION PROGRAM INFORMATION**

### **A. PROGRAM OBJECTIVES**

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

### **B. PROGRAM ACTIVITIES**

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

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

### **C. KEY POLICIES**

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

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

None

### **E. MAJOR EXTERNAL TRENDS**

None.

### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

None.

### **G. PROGRAM REVENUES**

None.

**H. DESCRIPTION OF BUDGET REQUESTS**

None.

**I. REASONS FOR BUDGET REQUESTS**

None.

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

**POSITION IN PROGRAM STRUCTURE**

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

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
Operating Costs								
Personal Services	16,254,496	17,655,810	18,935,511	19,860,389	19,861	19,861	19,861	19,861
Other Current Expenses	15,112,002	19,464,742	19,853,500	19,250,138	19,250	19,250	19,250	19,250
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	569,620	546,279	682,604	514,488	514	514	514	514
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	31,936,118	37,666,831	39,471,615	39,625,015	39,625	39,625	39,625	39,625
Capital & Investment Costs	5,886,000	14,334,000	16,225,000	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>37,822,118</b>	<b>52,000,831</b>	<b>55,696,615</b>	<b>39,625,015</b>	<b>39,625</b>	<b>39,625</b>	<b>39,625</b>	<b>39,625</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>2028-29</u>
	226.00 *	227.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *	228.00 *
	9.48 #	9.48 #	8.48 #	8.48 #	8.48 #	8.48 #	8.48 #	8.48 #
General Funds	26,621,483	29,164,689	30,932,985	31,040,535	31,041	31,041	31,041	31,041
	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #	9.00 #
Special Funds	5,309,977	8,158,881	8,195,369	8,241,219	8,241	8,241	8,241	8,241
	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	4,658	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	5,886,000	14,334,000	16,225,000	0	0	0	0	0
	227.00 *	228.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *	229.00 *
	18.48 #	18.48 #	17.48 #	17.48 #	17.48 #	17.48 #	17.48 #	17.48 #
<b>Total Financing</b>	<b>37,822,118</b>	<b>52,000,831</b>	<b>55,696,615</b>	<b>39,625,015</b>	<b>39,625</b>	<b>39,625</b>	<b>39,625</b>	<b>39,625</b>

\*Permanent Position FTE  
#Temporary Position FTE

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Avg Time to Process JUDHR001 Form (Days)	5	5	5	5	5	5	5	5
Avg Time to Process Payment Document (Days)	5	5	5	5	5	5	5	5

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
A01	Number of Payment Documents Processed	26,255	27,000	27,000	27,000	27,000	27,000	27,000	27,000
A02	Number of Recruitment Announcements	1,396	1,200	1,200	1,200	1,200	1,200	1,200	1,200
A03	Number of JUDHR001 Forms Processed	3,966	7,400	7,400	7,400	7,400	7,400	7,400	7,400
A04	Library-Size of Collection (000's)	285	285	285	285	285	285	285	285
A05	Library-Circulation & Reference Use (000's)	141	135	135	135	135	135	135	135
A06	Library-Patrons Served (000's)	14	14	14	14	14	14	14	14

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
General Fund	109	106	106	106	106	106	106	106
Special Fund	18	19	19	19	19	19	19	19
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	127	125	125	125	125	125	125	125

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Revenues from use of Money and Property	11	12	12	12	12	12	12	12
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	116	113	113	113	113	113	113	113
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	127	125	125	125	125	125	125	125

## **JUD 601 ADMINISTRATION PROGRAM INFORMATION AND BUDGET REQUESTS**

The mission of the Office of the Administrative Director is to promote the administration of justice in Hawai‘i by providing professional, responsive administrative support to the Chief Justice, the courts, and Judiciary programs. Support services help to expedite, facilitate and enhance the mission of the Judiciary.

### **A. PROGRAM OBJECTIVES**

#### **Administration**

The Office of the Administrative Director of the Courts is responsible for daily operations of the court system. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court, and is assisted by the Deputy Administrative Director.

The Equal Employment Opportunity (EEO) Office and the Judiciary Security Emergency Management Office are attached to the Deputy Administrative Director. The EEO Officer provides advice and technical assistance to the Judiciary to ensure compliance with equal opportunity laws, legislation, and policies. The EEO Officer is responsible for providing training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

#### **Policy and Planning**

The Policy and Planning Department includes: Budget and Capital Improvement Project Division, Planning and Program Evaluation Division, Internal Audit Office, and the Special Projects/Legislative Coordinating Office.

- 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.

### **Financial Services**

The Financial Services Department includes: Fiscal Services Division, Contracts and Purchasing Division, and the Administrative Drivers' License Revocation Office.

- 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**

The Information Technology and Systems Department includes: Applications Division, Infrastructure Division 1, Infrastructure Division 2, and the Documents Management Division.

- 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**

The Intergovernmental and Community Relations Department includes: Staff Attorney's Office, King Kamehameha V Judiciary History Center, Children's Justice Centers, Law Library, Center for Alternative Dispute Resolution, Communications and Community Relations, Equality and Access to the Courts, and Office of the Public Guardian.

- 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**

The Human Resource Department includes: Administrative Services Division, Compensation Management Division, Employee Services Division, Disability Claims Management Division, Labor Relations Division, Staffing Services Division and the Judicial Education Office.

- To manage a central recruitment and examination system that will attract the most capable persons, provide a selection system that will ensure the highest caliber employee, and exhibit our commitment to celebrate diversity and create an inclusive environment for all employees.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

## **Commission on Judicial Conduct**

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

## **B. PROGRAM ACTIVITIES**

The Office of the Administrative Director of the Courts serves as the administrative arm of the Judiciary. It is headed by an Administrative Director who is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director is assisted by a Deputy Administrative Director of the Courts in fulfilling the duties and responsibilities assigned to the office. The Director's Office is comprised of a number of staff and specific programs, including the Administration Fiscal Office and the Judiciary Security & Emergency Management Office. The planning, statistical data management, program evaluation, budgeting, capital improvement, audit, and legislative coordination functions are carried out by the Policy and Planning Department.

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

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

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

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

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

### **C. KEY POLICIES**

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

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

As one of the three branches of state government, the Judiciary works closely with and cooperates with the executive and legislative branches. Executive agencies with which the Judiciary has frequent contact include the Departments of Health, Education, and Human Services. The Department of the Attorney General is regularly consulted regarding the interpretation of laws governing the Judiciary. Other executive agencies which provide services or consultations to the Judiciary are the Departments of Budget and Finance, Accounting and General Services, Human Resources Development, and Public Safety. Because any new legislation potentially affects the courts, the Judiciary's interaction with the legislative branch is also of critical importance.

### **E. MAJOR EXTERNAL TRENDS**

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

### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

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

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

## G. PROGRAM REVENUES

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

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

## H. DESCRIPTION OF BUDGET REQUESTS

**Replace 4Gov Accounting System:** Funding in the amount of \$600,000 in FY 2024 is being requested to replace the currently outdated accounting system.

**Increase Risk Management Cost Allocation:** For FYs 2024 and 2025, \$260,000 is requested for increased Risk Management costs.

**Convert a Children’s Justice Center (CJC) Temporary Position to Permanent:** A no cost conversion of a temporary Forensic Interview Specialist position to a permanent position is requested.

**Increase Purchase of Service (POS) funding for The Center for Alternative Dispute Resolution (CADR):** CADR is requesting an \$85,000 increase in POS funding for FYs 2024 and 2025 for mediation services.

**Provide Network/Telecom Equipment for Wahiawā District Court:** Funding of \$171,478 in FY 2024 is being requested for network, phone, and telecommunications equipment to connect Wahiawā District Court to the main Judiciary network.

**Restore Funding for Three Defunded Office of Public Guardian (OPG) Positions:** The Judiciary is requesting \$190,640 in FY 2024 and \$199,000 in FY 2025 to restore funding for three defunded positions and cover stand-by pay for the OPG.

## I. REASONS FOR BUDGET REQUESTS

**Replace 4Gov Accounting System:** The Judiciary is requesting \$600,000 in FY 2024 to replace its current 4Gov accounting system. 4Gov processes the Judiciary’s financial, purchasing, fixed asset, and payroll transactions. Its software was heavily customized to meet the standards and requirements of the Judiciary and State of Hawai‘i Financial Accounting Management Information System, but it has not been upgraded since it went live in 2011.

4Gov is now nearing the end of its useful life due to the vendor's reluctance to upgrade, maintain, and support the system for the Judiciary. It has frequent breakage and glitches that require constant maintenance and cause system downtime, and has critical functional deficiencies such as an inability to track cash balances and generate complete financial statements. These issues result in a lot of manual work, duplicate data entry, workflow inefficiencies, and reporting errors.

The Judiciary needs a new, modern, Financial Management System with a single source of information and accurate real-time data reporting that integrates and manages accounting processes such as purchase requisitions, purchase orders, contracts, accounts payable invoices, payments, cash receipts, fixed assets, depreciation, and financial statements. An integrated Financial Management System with proper ongoing support and rich functionalities will help lead to better and more efficient management of funds, resources, and accounting processes to meet the Judiciary's goals and objectives.

**Increase Risk Management Cost Allocation:** Pursuant to Comptroller Memorandum 1999-28 & 2007-05 and HRS 41-D(4), the Department of General and Accounting Services (DAGS) bills the Judiciary annually for its share of the state's risk management costs which include insurance policy premiums. DAGS recently notified the Judiciary that its share of the risk management costs would increase by about \$260,000, from \$488,971 per year in FY 2023 to \$753,935 per year thereafter. This risk management cost allocation is largely based on the Judiciary's asset values relative to the total assets of the State of Hawai'i. Factors increasing the Judiciary's asset values in recent years include the addition of the Kona Judiciary Complex; update of the valuation of Kauikeaouli Hale and Ka'ahumanu Hale (based on March Insurance Company's replacement cost study in 2019); and use of historical costs for the 'Ewa District Court, Kāne'ohe District Court, and Hoapili Hale, instead of having "zero" values for those locations.

The Judiciary has not received an increase in its risk management cost allocation funding since FY 2016, and is therefore requesting an increase of \$260,000 for each year of the biennium.

**Convert CJC's Temporary Position to Permanent:** CJC is requesting conversion of its temporary Forensic Interview Specialist position located in West Hawai'i to permanent status. This position's temporary status has resulted in difficulty recruiting and retaining candidates.

The Oahu CJC opened in 1988, followed by Centers in East Hawai'i, West Hawai'i, Maui, and Kaua'i in 1990. CJC's initial purpose was to respond to cases involving alleged sexual abuse of children. HRS 588 was amended in 2001 to add cases involving serious physical abuse of children. It was further amended in 2022 to expand the purpose of this program to "develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the investigation of the management of cases involving suspected or confirmed victims of child sexual abuse, serious physical abuse, child sex trafficking, commercial sexual exploitation of children, and other child maltreatment; and child witnesses to crime or violence." In addition, it said that the CJC shall "reduce to the absolute minimum the number of interviews of child abuse victims and witnesses so as to minimize revictimization of the child."

The primary function of the CJC Program is for alleged child victims of abuse and witnesses to crime to have access to justice by the provision of fair and neutral physical sites where the interviews are conducted and recorded during civil and criminal court investigations. The CJC is responsible to ensure that professionals who interview children possess a high level of skill.

The temporary Forensic Interview Specialist position has been difficult to recruit for and retain due to its temporary status. While the position was filled for seven months from September 2021 until March 2022, prior to that, the position was located on O‘ahu and had three different employees between 2018 and 2021. Despite recruitment efforts, this position has remained vacant since March 2022. Potential candidates do not want to accept a temporary appointment, especially to reside in a rural county with a higher cost of living.

In the interim, coverage for child forensic interviews has been difficult. Currently, select backup interviewers from Law Enforcement and Child Welfare Services are providing coverage. These individuals generally do not have the education and depth of experience as the CJC Forensic Interview Specialists. Further, it is a national best practice model to use in-house CJC Forensic Interview Specialists as they need to conduct developmentally appropriate and legally defensible forensic interviews of alleged child victims of abuse and witnesses to crimes and defend their interviews in court. This position requires graduation from an accredited college with a bachelor’s degree in psychology, child development, criminal justice, or a related field, and two and one-half years of progressively responsible professional child interviewing experience.

If this position remains on temporary status, the West Hawai‘i CJC will continue to have difficulty hiring a qualified candidate. This will result in fewer children being able to obtain specialized forensic interviews, and diminish the likelihood that victims will receive a coordinated, multi-disciplinary team response.

**Increase POS funding for CADR:** CADR is requesting an increase of \$85,000 in POS funding for mediation services that it provides for participants in small claims and residential landlord-tenant cases at no cost; for certain other cases pending in Hawai‘i State courts for a reasonable cost; and for cases in the community that are not pending in Hawai‘i State courts but for which it can provide dispute resolution options that may prevent cases from entering the justice system.

Mediation and other forms of dispute resolution are the preferred approach for settling disputes of all types. Base POS funding for these services has remained the same at \$400,000 since FY 2010 while inflation has increased and new costs have been added during these 13 years. For example, interpreter services were virtually non-existent in FY 2010, but demand and costs for these services have increased significantly since then. Further, since COVID, there are now video conferencing expenses that were non-existent before. These include expenses associated with remote mediation such as Zoom licenses, equipment (laptops, computer cameras, headsets), document signing accounts, and additional staff time (to monitor mediation sessions, trouble shoot technical challenges, and handle electronic document signing and transmittals).

CADR has also experienced a significant increase in caseload as well as an increase in the complexity of the cases. The POS provider can generally service about 3,100 cases with its current allocation, yet, in FY 2022, 7,154 new cases were opened, more than double the number of mediation cases reflected in the POS contract and without any additional funding provided by the Judiciary. Additional services were covered through non-judiciary funding. The growing caseload is compounded by the increasing complexity of cases being seen, and clients requesting mediators with both specialized skills and subject matter expertise requiring increased mediator management.

Without an increase in POS funding, it is likely that current mediation services will have to be reduced. Community mediation, that is mediation for cases not yet in the courts, would likely have to be discontinued and the availability of low or no-cost mediation services may be reduced, which, in turn, would curtail access to mediation for low-income and vulnerable populations. This would adversely impact the Judiciary's commitment to access to justice and its goal of helping parties resolve disputes fairly, quickly, and efficiently.

**Network/Telecom Equipment for Wahiawā District Court:** The Judiciary is requesting \$171,478 in FY 2024 to provide the new Wahiawā District Court with network, phone, and telecommunications equipment. The new courthouse is expected to open in the spring of 2025 and needs connectivity to the Judiciary's network to be fully functional.

The requested funds will provide for a high speed network connection which will allow the Wahiawā District Courthouse to access internal Judiciary applications, the internet, and video conferencing services such as Zoom and Cisco WebEx. The connection will also enable the monitoring of building security cameras externally by sheriffs. Phone lines for external phone services and network switches and routers to allow connectivity to printers, copiers, fax machines, and credit card machines are all included in this request. All these equipment items are necessary to make the new courthouse functional for operations.

**Funding for Three Defunded OPG Positions:** OPG requests \$190,640 in FY 2024 and \$199,000 in FY 2025 to restore funding for three defunded positions and to cover OPG stand-by pay.

OPG personnel serve as public guardians for incapacitated persons, and are court-appointed to make informed decisions in the best interests of the persons served by safeguarding the rights, dignity, humanity, and quality of life for protected persons entrusted to their care. Referrals for OPG guardianship are largely initiated by hospitals, long-term care facilities, Adult Protective Services, and the Department of Human Services.

When OPG is appointed as guardian for an incapacitated person, it comes with a myriad of challenges associated with researching and untangling the wards' unique situations. These challenges include determining the ward's medical conditions, mental health, disabilities, injuries, financial situation, citizenship, military benefits, insurance coverage, family ties, and marital status. OPG Social Workers serving as guardians spend most of their time investigating personal information such as citizenship; obtaining identification

information; investigating and securing highly complex accounts and income such as trusts, properties, and insurance for new cases; handling end-of-life issues such as funeral planning and working with hospice; managing crises; and attending mandatory care and service plan meetings.

Two Social Worker IV positions, one located on O‘ahu and the other in Hawai‘i, along with an Account Clerk III position, were all defunded in 2020 due to the COVID-19 pandemic. O‘ahu OPG has seven Social Worker IV positions to handle about 600 cases annually with only six filled positions. This equates to each Social Worker being responsible for about 100 cases. This high caseload adversely affects each Social Worker’s ability to provide sufficient oversight and time to ensure the welfare and safety of each person. While the OPG Social Worker VII Director and Social Worker V Supervisor occasionally assist with the caseload of the six O‘ahu Social Workers, they also have their own regular supervisory and administrative duties. Without sufficient staff and funding, OPG is constantly juggling and prioritizing cases by their level of urgency. Restoring the requested Social Worker IV position would help alleviate some of the overwhelming caseload for the staff and result in a more manageable caseload of about 85 cases per Social Worker.

The Hawai‘i County Social Worker position is the only Social Worker located on the Hawai‘i Island and serves the entire island, including Hilo, Kona, Honoka‘a, Kau, Kohala, and Ocean View. As the sole case worker position covering the island, it became essential to reallocate funding for this position from other OPG areas to ensure coverage for 53 wards in this county. However, this has resulted in other areas within the program having a funding deficit.

The vacant Account Clerk III position, when filled, assists the Guardian Resources Specialist who currently is the only financial handler for nearly 400 OPG accounts with caseload continuing to grow. It is extremely challenging for just one person to properly and timely investigate and recover assets and income; apply for state and federal benefits and entitlements; pay the bills for care, utilities, housing, food, etc.; reconcile the accounts; and meet with state and federal auditors. If for some reason the Guardian Resource Specialist is unable to perform his/her job duties and the Account Clerk III position is not filled, this could result in a loss of placements, entitlements, and benefits for OPG wards resulting in the wards possibly becoming homeless. Reinstating funding for the Account Clerk III position is critical to assist the Guardian Resource Specialist in managing daily operations, helping analyze cases and reconcile the accounts, and ensuring coverage if the Specialist is unavailable for a period of time.

The COVID pandemic also resulted in the elimination of OPG’s emergency stand-by budget which is now being requested for restoration. Staff often work after hours to provide emergency healthcare decisions such as surgery and end-of-life recommendations, as well as giving consent to physicians to treat OPG wards after regular business hours. OPG managers have been volunteering to cover after hour shifts (nights, weekends, and holidays) for more than two years without compensation to ensure the welfare of its wards. It seems unreasonable to expect the managers to continue to voluntarily perform these duties without compensation.

## **PART IV**



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# **Capital Improvements Appropriations and Details**

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**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	FY2022	FY2023	Recommended		Fiscal Year Estimates			
						2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
<b>JUDICIARY TOTAL</b>	Plans	553	303	0	0	250	0	0	0	0	0
	Land	0	0	0	0	0	0	0	0	0	0
	Design	2,972	2,122	0	0	850	0	0	0	0	0
	Constr	21,000	8,000	0	0	13,000	0	0	0	0	0
	Equip	2,150	25	0	0	2,125	0	0	0	0	0
	L/S	105,575	85,355	5,886	14,334	0	0	0	0	0	0
	<b>Total</b>	<b>132,250</b>	<b>95,805</b>	<b>5,886</b>	<b>14,334</b>	<b>16,225</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	132,250	95,805	5,886	14,334	16,225	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

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2022	FY2023	Recommended		Fiscal Year Estimates				
						2023-24	2024-25	2025-26	2025-26	2026-27	2027-28	
<b>Wahiawa Civic Center Including New Judiciary Complex, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	775					775					
	L/S	76,000	76,000									
	<b>Total</b>	<b>76,775</b>	<b>76,000</b>		<b>0</b>	<b>0</b>	<b>775</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	76,775	76,000		0	0	775	0	0	0	0	0	0
<b>Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu</b>	Plans	253	253									
	Land	0										
	Design	1,012	1,012									
	Constr	5,000					5,000					
	Equip	0										
	L/S	5,000				5,000 *						
	<b>Total</b>	<b>11,265</b>	<b>1,265</b>		<b>0</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	11,265	1,265		0	5,000	5,000	0	0	0	0	0	0
<b>Kaua'i Judiciary Complex Reroof Phase 3, Kaua'i</b>	Plans	0										
	Land	0										
	Design	540	390				150					
	Constr	6,100	2,100				4,000					
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>6,640</b>	<b>2,490</b>		<b>0</b>	<b>0</b>	<b>4,150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	6,640	2,490		0	0	4,150	0	0	0	0	0	0
<b>Ali'iolani Hale A/C Replacement, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	2,000					2,000					
	Equip	1,000					1,000					
	L/S	1,000				1,000 *						
	<b>Total</b>	<b>4,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,000</b>	<b>3,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	4,000	0	0	0	1,000	3,000	0	0	0	0	0	0
<b>Hoapili Hale Redirection of Condensate Discharge Maui</b>	Plans	100					100					
	Land	0										
	Design	200					200					
	Constr	0										
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	300	0	0	0	0	300	0	0	0	0	0	0

\*Appropriated as a lumpsum amount as noted in Act 194/22.

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	FY2022	FY2023	Recommended		Fiscal Year Estimates			
						2023-24	2024-25	2025-26	2025-26	2026-27	2027-28
<b>Lump Sum CIP for Judiciary Facilities, Statewide (for FB 17-19 through FB 21-23)</b>	Plans	200	50			150					
	Land	0									
	Design	800	300			500					
	Constr	4,625	2,625			2,000					
	Equip	375	25			350					
	L/S	6,000	3,000		3,000 *	0	3,000	0	0	0	0
<b>Total</b>		<b>12,000</b>	<b>6,000</b>	<b>3,000</b>	<b>0</b>	<b>3,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds		12,000	6,000	3,000	0	3,000	0	0	0	0	0
<b>Ka'ahumanu Hale Sheriff Station Renovation, O'ahu</b>	Plans	0									
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	L/S	1,544				1,544 *	0	0	0	0	0
<b>Total</b>		<b>1,544</b>	<b>0</b>	<b>0</b>	<b>1,544</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds		1,544	0	0	1,544	0	0	0	0	0	0
<b>Kapuāiwa Building Roof Replacement and Drainage Upgrades, O'ahu</b>	Plans	0									
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	L/S	1,750				1,750 *	0	0	0	0	0
<b>Total</b>		<b>1,750</b>	<b>0</b>	<b>0</b>	<b>1,750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds		1,750	0	0	1,750	0	0	0	0	0	0
<b>Hoapili Hale New Courtroom, Maui</b>	Plans	0									
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	L/S	1,320				1,320 *	0	0	0	0	0
<b>Total</b>		<b>1,320</b>	<b>0</b>	<b>0</b>	<b>1,320</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds		1,320	0	0	1,320	0	0	0	0	0	0
<b>Supplemental Chiller for Juvenile Detention Facility, Ronald T. Y. Moon Judiciary Complex in Kapolei, O'ahu</b>	Plans	0									
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	L/S	1,520				1,520 *	0	0	0	0	0
<b>Total</b>		<b>1,520</b>	<b>0</b>	<b>0</b>	<b>1,520</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds		1,520	0	0	1,520	0	0	0	0	0	0

\*Appropriated as a lumpsum amount as noted in Act 194/22.

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	FY2022	FY2023	Recommended		Fiscal Year Estimates				
						2023-24	2024-25	2025-26	2025-26	2026-27	2027-28	
<b>Hoapili Hale Security Improvements, Maui</b>	Plans	0										
	Land	0										
	Design	250	250									
	Constr	2,350	2,350									
	Equip	0										
	L/S	5,710	3,510			2,200 *						
	<b>Total</b>	<b>8,310</b>	<b>6,110</b>	<b>0</b>	<b>2,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	8,310	6,110	0	2,200	0	0	0	0	0	0	0	
<b>Hoapili Hale Parking Structure Piping Renovations, Maui</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	3,736	850	2,886 *								
	<b>Total</b>	<b>3,736</b>	<b>850</b>	<b>2,886</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	3,736	850	2,886	0	0	0	0	0	0	0	0	
<b>Ka'ahumanu Hale Repair Basement Leaks and Damages, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	1,995	1,995									
	<b>Total</b>	<b>1,995</b>	<b>1,995</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,995	1,995	0	0	0	0	0	0	0	0	0	
<b>'Ewa District Court Mitigate Water Intrusion and Settlement - Phase 2, O'ahu</b>	Plans	0										
	Land	0										
	Design	20	20									
	Constr	200	200									
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>220</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	220	220	0	0	0	0	0	0	0	0	0	
<b>'Ewa District Court Roof Fall Protection and Re-roofing, O'ahu</b>	Plans	0										
	Land	0										
	Design	25	25									
	Constr	175	175									
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>200</b>	<b>200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	200	200	0	0	0	0	0	0	0	0	0	

\*Appropriated as a lumpsum amount as noted in Act 194/22.

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	FY2022	FY2023	Recommended		Fiscal Year Estimates				
						2023-24	2024-25	2025-26	2025-26	2026-27	2027-28	
<b>Kapuāiwa Building Separate Storm Drain and Sanitary Sewer Systems, O'ahu</b>	Plans	0										
	Land	0										
	Design	125	125									
	Constr	550	550									
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>675</b>	<b>675</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	675	675	0	0	0	0	0	0	0	0	0	
<b>Kāne'ohe District Court Generator Power Back-up System, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	0	0	0	0	0	0	0	0	0	0	0	
<b>Kauia Hale Main Data Center Fire Suppression System, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	0	0	0	0	0	0	0	0	0	0	0	
<b>Kauia Hale Cellblock Upgrades, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	0										
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	0	0	0	0	0	0	0	0	0	0	0	
<b>Judiciary Total (Active Projects within FB 2019-2021)</b>	Plans	553	303	0	0	250	0	0	0	0	0	0
	Land	0	0	0	0	0	0	0	0	0	0	0
	Design	2,972	2,122	0	0	850	0	0	0	0	0	0
	Constr	21,000	8,000	0	0	13,000	0	0	0	0	0	0
	Equip	2,150	25	0	0	2,125	0	0	0	0	0	0
	L/S	105,575	85,355	5,886	14,334	0	0	0	0	0	0	0
	<b>Total</b>	<b>132,250</b>	<b>95,805</b>	<b>5,886</b>	<b>14,334</b>	<b>16,225</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	132,250	95,805	5,886	14,334	16,225	0	0	0	0	0	0	

# PART V



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## Variance Report

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# 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 based on historical data. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts. Such techniques are beyond the financial resources of the courts.

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

### B. EXTERNAL TRENDS AND EVENTS

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

### C. OTHER FACTORS

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

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

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**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**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	78.00	74.00	4.00	- 5	78.00	82.00	4.00	+ 5		
	Positions, Temp	1.48	1.48	0.00	+ 0	1.48	1.48	0.00	+ 0		
	Expenditures	7,680	7,651	29	- 0	5,793	6,609	816	+ 14		
Totals	Positions, Perm	78.00	74.00	4.00	- 5	78.00	82.00	4.00	+ 5		
	Positions, Temp	1.48	1.48	0.00	+ 0	1.48	1.48	0.00	+ 0		
	Expenditures	7,680	7,651	29	- 0	5,793	6,609	816	+ 14		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2022					Fiscal Year 2023				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Median Time to Decision, Criminal Appeal (Mo)	14	18	4	+ 29	13	17	4	+ 31		
2.	Median Time to Decision, Civil Appeal (Mo)	12	14	2	+ 17	12	13	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)**

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2022					Fiscal Year 2023				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	A01 Criminal Appeals Filed	209	116	93	- 44	245	170	75	- 31		
2.	A02 Civil Appeals Filed	438	386	52	- 12	449	424	25	- 6		
3.	A03 Original Proceedings Filed	102	104	2	+ 2	103	106	3	+ 3		
4.	A04 Appeals Disposed	620	524	96	- 15	669	575	94	- 14		
5.	A05 Motions Filed	2,521	1,930	591	- 23	2,588	2,015	573	- 22		
6.	A06 Motions Terminated	2,520	1,923	597	- 24	2,591	2,014	577	- 22		

## **JUD 101 COURTS OF APPEAL**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, the position variances were due to normal employee turnover and the corresponding expenditure variance was attributed to conservative spending practices and effective management of funding resources.

The position variance shown for the first quarter of FY 2023 can again be attributed to normal employee turnover and the expenditure variance for this period reflects expenditure levels that are typically lower in the early part of the fiscal year.

The position variance for the remaining nine months of FY 2023 represents Courts of Appeal's ongoing efforts to recruit and maintain funded and essential staff positions, as well as its efforts to fill the additional ICA Judge and support staff positions that were authorized per Act 90 of the 2022 Legislative Session. The expenditure variance associated with this nine month period is the result of collective bargaining augmentation, the aforementioned authorization of an additional ICA Judge and support staff, and the normal increase in spending levels associated with the latter part of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Median Time to Decision, Criminal Appeal (Mo), was 29% higher than the estimated level because of the continued impact of the COVID-19 pandemic on caseload and processing of appeals.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Criminal Appeals Filed, was 44% lower than the estimated level in FY 2022 because the estimate was based on actual filings that were much higher in prior years (i.e., 248 in FY 2018, 286 in FY 2019, 209 in FY 2020, and 147 in FY 2021).

Item 5, Motions Filed, and Item 6, Motions Terminated, were 23% lower and 24% lower respectively than estimated levels, and can also be attributed to higher levels of motions filed/terminated in the preceding years. The actual number of motions filed over the last several years were 2,600 in FY 2018, 2,626 in FY 2019, 2,531 in FY 2020, and 2,324 in FY 2021; while the number of motions terminated were 2,590 in FY 2018, 2,651 in FY 2019, 2,522 in FY 2020, and 2,320 in FY 2021.

**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**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	1,143.50	956.50	187.00	- 16	1,137.50	945.00	192.50	- 17		
	Positions, Temp	58.58	31.13	27.45	- 47	58.58	30.00	28.58	- 49		
	Expenditures	88,639	85,727	2,912	- 3	88,029	85,727	2,302	+ 3		
Totals	Positions, Perm	1,143.50	956.50	187.00	- 16	1,137.50	945.00	192.50	- 17		
	Positions, Temp	58.58	31.13	27.45	- 47	58.58	30.00	28.58	- 49		
	Expenditures	88,639	85,727	2,912	- 3	88,029	85,727	2,302	+ 3		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2022					Fiscal Year 2023				
		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., Circt. Ct. Crim. Act. (Days)	600	981	381	+ 64	375	788	413	+ 110		
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	800	1,718	918	+ 115	575	945	370	+ 64		

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

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2022					Fiscal Year 2023				
		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	8,609	7,455	1,154	- 13	8,707	7,528	1,179	- 14		
2.	T02 Marital Actions	8,437	3,841	4,596	- 54	8,350	4,033	4,317	- 52		
3.	T03 Adoption Proceedings	408	474	66	+ 16	439	405	34	- 8		
4.	T04 Parental Proceedings	1,730	987	743	- 43	1,727	1,086	641	- 37		
5.	A01 Civil Actions Filed, Circuit Court	1,665	1,528	137	- 8	2,022	1,604	418	- 21		
6.	A02 Criminal Actions Filed, Circuit Court	1,594	1,746	152	+ 10	1,879	1,688	191	- 10		
7.	A03 Marital Actions Filed	3,148	2,921	227	- 7	3,196	3,074	122	- 4		
8.	A04 Traffic - Filed (thousands)	276	260	16	- 6	280	268	12	- 4		
9.	A05 Traffic - Terminated (thousands)	277	308	31	+ 11	280	323	43	+ 15		

## **JUD 310 FIRST CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, in addition to position variances being affected by normal employee turnover and recruitment time factors, the effects of funding removed from over a hundred permanent and temporary positions in FY 2020 and the low unemployment rate environment provides challenges to recruit and fill vacancies as job seekers have more opportunities to select from when looking for employment. The challenges to fill temporary position vacancies are even greater than for permanent positions due to the nature of the positions being temporary.

In FY 2022, First Circuit expenditures were lower than budgeted due to a combination of factors including funds for the repealed Probation Services Special Fund still included in the Judiciary's appropriation's Act 127/21, expenditures being less than the ceiling provided for the Driver Education Training Program, and the transitioning of the courts to open up more from the lingering effects of the COVID-19 pandemic.

In the first quarter of FY 2023, the variance in the number of filled authorized positions was primarily the result of the continuing effects of the low unemployment rate environment, the courts transitioning out from the COVID-19 pandemic, and the reduction in funding for First Circuit's permanent and temporary positions from FY 2020. Expenditure variances in the first quarter are mainly due to normal procurement and operational practices.

For the balance of FY 2023, action to fill vacancies and recruitment will continue to be impacted by allocation reductions and the effects of transitioning out from the COVID-19 situation on the entire State. Estimated expenditures are expected to reflect the payments for court operational costs and funds appropriated through the Budget and Finance Department for the Community Outreach Court, funding via separate acts for the Women's Court Pilot Program, Residential Program for Mother's with Minor Children, Women's Corrections Implementation Commission, and collective bargaining augmentation.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Medium Time to Disposition, Circuit Court Criminal Actions (Days) was 64% over the estimated level due to First Circuit closing out older cases whose dispositions had not been entered into JIMS.

Item 2, Medium Time to Disposition, Circuit Court Civil Actions (Days) was 115% over the estimated level to due to First Circuit closing out older cases whose dispositions had not been entered into JIMS.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Marital Actions was 54% lower than the estimated level in FY 2022 is mainly attributable to the migration of Family Court case data to the JIMS. In order to ensure a proper transition to JIMS, older Family Court case data had been reviewed and updated resulting in significant adjustment to caseload numbers.

Similarly, Item 4, Parental Proceedings was 43% lower than the estimated level in FY 2022 likely due to the migration of Family Court case data into JIMS.

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**JUDICIARY**

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

**VARIANCE DETAILS**

Program Structure No. 01 01 03

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	210.50	183.50	27.00	- 13	210.50	196.50	14.00	- 7		
	Positions, Temp	1.68	1.40	0.28	- 17	1.68	1.68	0.00	+ 0		
	Expenditures	17,334	17,289	45	- 0	13,032	14,103	1,071	+ 8		
Totals	Positions, Perm	210.50	183.50	27.00	- 13	210.50	196.50	14.00	- 7		
	Positions, Temp	1.68	1.40	0.28	- 17	1.68	1.68	0.00	+ 0		
	Expenditures	17,334	17,289	45	- 0	13,032	14,103	1,071	+ 8		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2022					Fiscal Year 2023				
		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)	600	704	104	+ 17	400	683	283	+ 71		
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	700	716	16	+ 2	500	695	195	+ 39		

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

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2022					Fiscal Year 2023				
		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	1,669	1,399	270	- 16	1,665	1,441	224	- 13		
2.	T02 Marital Actions	797	522	275	- 35	856	548	308	- 36		
3.	T03 Adoption Proceedings	60	59	1	- 2	64	62	2	- 3		
4.	T04 Parental Proceedings	355	260	95	- 27	381	268	113	- 30		
5.	A01 Civil Actions Filed, Circuit Court	381	380	1	- 0	462	391	71	- 15		
6.	A02 Criminal Actions Filed, Circuit Court	814	814	0	+ 0	832	838	6	+ 1		
7.	A03 Marital Actions Filed	453	423	30	- 7	494	436	58	- 12		
8.	A04 Traffic - Filed (thousands)	32	33	1	+ 3	34	34	0	+ 0		
9.	A05 Traffic - Terminated (thousands)	36	37	1	+ 3	37	39	2	+ 5		

## **JUD 320 SECOND CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, the position variances were due to normal employee turnover and the sustained impact of vacant positions defunded in 2020 as a result of the COVID-19 pandemic. The corresponding expenditure variance for FY 2022 is attributed to conservative spending practices and effective management of funding resources.

The position variance shown for the first quarter of FY 2023 can again be attributed to normal employee turnover and the sustained impact of vacant defunded positions. The expenditure variance for this period reflects normal expenditure levels which tend to be lower in the early part of the fiscal year.

The position variance for the remaining nine months of FY 2023 indicates Second Circuit's ongoing efforts to recruit and maintain funded and essential staff positions. The expenditure variance associated with this nine month period is the result of several factors including collective bargaining augmentation, additional GAL/CAC funding, and an overall increase in expenditure levels in the latter part of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

There are no significant variances to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Marital Actions was 35% lower than the estimated level in FY 2022 is mainly attributable to the migration of Family Court case data to JIMS. In order to ensure a proper transition to JIMS, older Family Court case data had been reviewed and updated resulting in significant adjustments to caseload numbers.

Similarly, Item 4, Parental Proceedings was 27% lower than the estimated level in FY2022 likely due to the migration of Family Court case data into JIMS.

**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**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	240.00	215.00	25.00	- 10	240.00	223.00	17.00	- 7		
	Positions, Temp	5.20	2.00	3.20	- 62	5.20	3.20	2.00	- 38		
	Expenditures	20,759	20,812	53	+ 0	15,909	16,369	460	+ 3		
Totals	Positions, Perm	240.00	215.00	25.00	- 10	240.00	223.00	17.00	- 7		
	Positions, Temp	5.20	2.00	3.20	- 62	5.20	3.20	2.00	- 38		
	Expenditures	20,759	20,812	53	+ 0	15,909	16,369	460	+ 3		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2022					Fiscal Year 2023				
		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)	200	758	558	+ 279	190	303	113	+ 59		
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	600	2,373	1,773	+ 296	575	831	256	+ 45		

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

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2022					Fiscal Year 2023				
		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	2,802	2,921	119	+ 4	2,666	2,775	109	+ 4		
2.	T02 Marital Actions	1,325	802	523	- 39	1,373	842	531	- 39		
3.	T03 Adoption Proceedings	190	79	111	- 58	190	83	107	- 56		
4.	T04 Parental Proceedings	1,881	500	1,381	- 73	1,793	525	1,268	- 71		
5.	A01 Civil Actions Filed, Circuit Court	523	380	143	- 27	634	391	243	- 38		
6.	A02 Criminal Actions Filed, Circuit Court	1,164	1,024	140	- 12	1,221	1,055	166	- 14		
7.	A03 Marital Actions Filed	526	528	2	+ 0	565	544	21	- 4		
8.	A04 Traffic - Filed (thousands)	38	38	0	+ 0	38	39	1	+ 3		
9.	A05 Traffic - Terminated (thousands)	38	35	3	- 8	39	37	2	- 5		

## **JUD 330 THIRD CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, the position variances were due to normal employee turnover and the sustained impact of vacant positions defunded in 2020 as a result of the COVID-19 pandemic. The corresponding expenditure variance for FY 2022 is attributed to operating expenditures slightly exceeding Third Circuit's budgeted amount. Available funding from other Judiciary sources were used to address the minimal shortfall.

The position variance shown for the first quarter of FY 2023 can again be attributed to normal employee turnover and the sustained impact of vacant defunded positions. The expenditure variance for this period reflects Third Circuit's normal expenditure practice of encumbering funds in the early part of the fiscal year for significant ongoing operating costs.

The position variance for the remaining nine months of FY 2023 indicates Third Circuit's ongoing efforts to recruit and maintain funded and essential staff positions. The expenditure variance associated with this nine month period is the result of several factors including collective bargaining augmentation, additional GAL/CAC funding, and the liquidation of encumbered funding during the course of remaining fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Medium Time to Disposition, Circuit Court Criminal Action (Days) was 279% higher than the estimated level in FY 2022 due to a concerted effort by Third Circuit to close out older cases whose dispositions had not been entered into JIMS.

Item 2, Medium Time to Disposition, Circuit Court Civil Action (Days) was 296% higher than the estimated level in FY 2022 and was also impacted by Third Circuit's concerted effort to close out older cases whose dispositions had not been entered into JIMS.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Marital Actions was 39% lower than the estimated level in FY 2022 is mainly attributable to the migration of Family Court case data to JIMS. In order to ensure a proper transition to JIMS, older Family Court case data had been reviewed and updated resulting in significant adjustments to caseload numbers.

Similarly, Item 3, Adoption Proceedings, and Item 4, Parental Proceedings, were also notably lower than estimated levels in FY 2022 likely due to the migration of Family Court case data into JIMS.

Item 5, Civil Actions Filed, Circuit Court was 27% lower than the estimated level in FY 2022 due primarily to a lower number of foreclosure filings in FY2022 than in past years. (i.e., 117 in FY 2022 and 218 in FY 2020 as compared to 298 in FY 2019).

**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**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	103.00	85.00	18.00	-	17	103.00	98.00	5.00	-	5
	Positions, Temp	2.60	1.00	1.60	-	62	2.60	2.60	0.00	+	0
	Expenditures	8,103	8,322	219	+	3	6,095	6,287	192	+	3
Totals	Positions, Perm	103.00	85.00	18.00	-	17	103.00	98.00	5.00	-	5
	Positions, Temp	2.60	1.00	1.60	-	62	2.60	2.60	0.00	+	0
	Expenditures	8,103	8,322	219	+	3	6,095	6,287	192	+	3

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2022					Fiscal Year 2023				
		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., Circt. Ct. Crim. Act. (Days)	500	470	30	-	6	400	456	56	+	14
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	700	1,257	557	+	80	900	1,006	106	+	12

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

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2022					Fiscal Year 2023				
		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	628	690	62	+	10	767	711	56	-	7
2.	TO2 Marital Actions	699	307	392	-	56	687	322	365	-	53
3.	TO3 Adoption Proceedings	93	32	61	-	66	96	35	61	-	64
4.	TO4 Parental Proceedings	596	121	475	-	80	577	133	444	-	77
5.	A01 Civil Actions Filed, Circuit Court	155	138	17	-	11	208	142	66	-	32
6.	A02 Criminal Actions Filed, Circuit Court	324	281	43	-	13	391	289	102	-	26
7.	A03 Marital Actions Filed	207	164	43	-	21	196	169	27	-	14
8.	A04 Traffic - Filed (thousands)	10	14	4	+	40	12	12	0	+	0
9.	A05 Traffic - Terminated (thousands)	11	11	0	+	0	12	11	1	-	8

## **JUD 350 FIFTH CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, the position variances were due to normal employee turnover and the sustained impact of vacant positions defunded in 2020 as a result of the COVID-19 pandemic. The corresponding expenditure variance for FY 2022 is attributed to operating expenditures exceeding Fifth Circuit's budgeted amount. Available funding from other Judiciary sources were used to address the minimal shortfall.

The position variance shown for the first quarter of FY 2023 can again be attributed to normal employee turnover and the sustained impact of vacant defunded positions. The expenditure variance for this period reflects Fifth Circuit's normal expenditure practice of encumbering funds in the early part of the fiscal year for significant ongoing operating costs.

The position variance for the remaining nine months of FY 2023 indicates Fifth Circuit's ongoing efforts to recruit and maintain funded and essential staff positions. The expenditure variance associated with this nine month period is the result of several factors including collective bargaining augmentation, additional GAL/CAC funding, and the liquidation of encumbered funding during the course of remaining fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 2, Medium Time to Disposition, Circuit Court Civil Action (Days) was 80% higher than the estimated level in FY 2022 due to a concerted effort by Fifth Circuit to close out older cases whose dispositions had not been entered into JIMS.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Marital Actions was 56% lower than the estimated level in FY 2022 is mainly attributable to the migration of Family Court case data to JIMS. In order to ensure a proper transition to JIMS, older Family Court case data had been reviewed and updated resulting in significant adjustments to caseload numbers.

Similarly, Item 3, Adoption Proceedings, and Item 4, Parental Proceedings, were also notably lower than estimated levels in FY 2022 likely due to the migration of Family Court case data into JIMS.

Item 7, Marital Actions Filed was 21% lower than the estimated level in FY 2022 because the estimate was based on actual filings that were higher in prior years (i.e., 215 in FY 2019, 180 in FY 2020, and 207 in FY 2021).

Item 8, Traffic - Filed (thousands) was 40% higher than the estimated level in FY 2022 because the estimate was based on actual filings that were consistently lower in prior years (i.e., 9 in FY 2019, 10 in FY 2020, and 8 in FY 2021).

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**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 2022				
		A Budgeted	B Actual	Change From A TO B 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	101	57	44	-	44
Totals	Positions, Perm	1.00	1.00	0.00	+	0
	Positions, Temp	0.00	0.00	0.00	+	0
	Expenditures	101	57	44	-	44

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-22					Nine Months Ended 6-30-23				
		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	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	29	4	+	15	76	77	1	+	2
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	29	4	+	15	76	77	1	+	2

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2022					Fiscal Year 2023				
		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)**

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2022					Fiscal Year 2023				
		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**

Actual expenditures for FY 2022 were much lower than budgeted due to the one authorized position being vacant for the first half of the fiscal year.

FY 2023 first quarter expenditures are more than budgeted due to collective bargaining augmentation. For the remainder of the fiscal year, expenditures will again exceed budgeted amounts due to collective bargaining augmentation and possible judicial vacancies and related expenses.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

N/A.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

N/A.

**JUDICIARY**

STATE OF HAWAII

PROGRAM TITLE: Administration

Program Plan ID: JUD 601

**VARIANCE DETAILS**

Program Structure No. 01 02 02

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2022					Fiscal Year 2023				
		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	227.00	190.00	37.00	- 16	228.00	205.00	23.00	- 10		
	Positions, Temp	18.48	13.48	5.00	- 27	18.48	13.48	5.00	- 27		
	Expenditures	35,284	31,936	3,348	- 9	27,721	26,749	972	- 4		
Totals	Positions, Perm	227.00	190.00	37.00	- 16	228.00	205.00	23.00	- 10		
	Positions, Temp	18.48	13.48	5.00	- 27	18.48	13.48	5.00	- 27		
	Expenditures	35,284	31,936	3,348	- 9	27,721	26,749	972	- 4		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2022					Fiscal Year 2023				
		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)**

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2022					Fiscal Year 2023				
		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	27,000	26,255	745	- 3	27,000	27,000	0	+ 0		
2.	A02 Number of Recruitment Announcements	1,200	1,396	196	+ 16	1,200	1,200	0	+ 0		
3.	A03 Number of JUDHR001 Forms Processed	3,000	3,966	966	+ 32	7,400	7,400	0	+ 0		
4.	A04 Library - Size of Collections (000's)	295	285	10	- 3	284	285	1	+ 0		
5.	A05 Library - Circulation, Trans & Ref Use (000's)	50	141	91	+ 182	135	135	0	+ 0		
6.	A06 Library - Patrons Served (000's)	4	14	10	+ 250	14	14	0	+ 0		

## **JUD 601 ADMINISTRATION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2022, position variances were the result of normal employee turnover, recruitment time factors, and a carryover of the 2020 Legislature eliminating funding for vacant positions. The corresponding expenditure variance for the fiscal year is attributed to position vacancies as well as conservative spending practices.

In the first quarter of FY 2023, the variance in the number of filled authorized positions is again a carryover from the FY 2022 and the inability to fill positions due to the removal of funding for vacant positions. Expenditure variances are a result of 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. More position vacancies are expected to be filled.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

None.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 3, Number of JUDHR001 Forms Processed, was 32% higher than estimated levels due to negotiated pay increase forms processed and First Circuit undergoing a reorganization.

Item 5, Library Circulation, Transactions and Reference Use, was 182% more than estimated due to the increase in digital transactions in terms of accessing library resources via the website, online FAQs, and virtual reference desk, due to the pandemic

Item 6, Library Patrons Served, was 250% higher than estimated levels because coming out of the pandemic safety protocols led to a higher usage of law library services, both in person and in digital format.