

HAWAII

Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.	Each circuit maintains its own list of child representatives. There is not requirement that the child representative be an attorney. <i>See, e.g.,</i> First Circuit informational package , Third Circuit RFP .
Funding Child Representation	Each circuit funds its child representatives, contracting with individuals and agencies as funds are available. <i>See, e.g.,</i> First Circuit informational package .
1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child’s interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.	<p>(a) The court shall appoint a guardian ad litem for a child to serve throughout the pendency of child protective proceedings under this chapter. ... HAW. REV. STAT. § 587A-16.</p> <p>“Guardian ad litem” means any person who is appointed by the court under this chapter to protect and promote the needs and interests of a child or a party, including a court-appointed special advocate. HAW. REV. STAT. § 587A-4.</p> <p>“Court-appointed special advocate” means a responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and who, when appointed by the court, serves as an officer of the court in the capacity of a guardian ad litem. HAW. REV. STAT. § 587A-4.</p>
2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements	<p>(c) A guardian ad litem shall, unless otherwise ordered by the court:</p> <p>(1) Have access to the child or incapacitated adult;</p> <p>(2) Have the authority to inspect and receive copies of any records, notes, and electronic recordings concerning the child or incapacitated adult that are relevant to the proceedings filed under this chapter. This authority shall exist even without the consent of the child, incapacitated adult, or individuals and authorized agencies that have control of the child or incapacitated adult; provided that nothing in this section shall override any attorney-client or attorney work product privilege;</p> <p>(3) Be given notice of all hearings and proceedings involving the child or incapacitated adult, whether civil or criminal, including grand juries, and shall protect the best interests of the child or incapacitated adult;</p> <p>(4) Make face-to-face contact with the child or incapacitated adult in the child's or incapacitated adult's family or resource family home at least once every three months... HAW. REV. STAT. § 587A-16(c)(1)-(4).</p>
3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake	<p>Conduct of hearing in child protective proceedings.</p> <p>(c) The court has discretion to exclude the child from the hearing at any time.</p> <p>(d) If a party is without counsel or a guardian ad litem, the court shall inform the party of the right to be represented by counsel and the right to appeal. Haw. Rev. Stat. § 587A-25(c)-(d).</p> <p>(c) A guardian ad litem shall, unless otherwise ordered by the court: ... (5) Report to the court and all parties in writing at six-month intervals, or as ordered by the court, regarding such guardian</p>

<p>certain obligations post-disposition.</p>	<p>ad litem's actions taken to ensure the child's or incapacitated adult's best interest, and recommend how the court should proceed in the best interest of that child or incapacitated adult; and (6) Inform the court of the child's opinions and requests. If the child's opinions and requests differ from those being advocated by the guardian ad litem, the court shall evaluate and determine whether it is in the child's best interests to appoint an attorney to serve as the child's legal advocate concerning such issues and during such proceedings as the court deems to be in the best interests of the child. ... HAW. REV. STAT. § 587A-16(c)(5)-(6).</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p>(a) A child who is subject to an active proceeding under this chapter, the child's guardian ad litem, the child's attorney, if any, or the department, may file a motion to reinstate the terminated parental rights of the child's parents in a proceeding under this chapter, where the following circumstances exist: (1) The child has been in permanent custody for at least twelve months; and (2) The child is fourteen years of age or older. ... (d) Within seven days before the preliminary hearing on the motion, the department and the child's guardian ad litem shall submit reports to the court that address: (1) The material change in circumstances since the termination of parental rights; (2) The reasons parental rights were terminated and the date of the termination order; (3) A parent's willingness to resume contact with the child and to have parental rights reinstated; (4) The child's willingness to resume contact with the parent and to have parental rights reinstated; (5) A parent's willingness and ability to be involved in the child's life and to accept physical custody of the child; and (6) Other relevant information. ... HAW. REV. STAT. § 587A-34.</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>An interested party aggrieved by any order or decree of the court under this chapter may appeal as provided in section 571-54. HAW. REV. STAT. § 587A-36.</p> <p>If a party is without counsel or a guardian ad litem, the court shall inform the party of the right to be represented by counsel and the right to appeal. HAW. REV. STAT. § 587A-25(d).</p> <p>(a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under chapters 587A and 346, part X, or that a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any... HAW. REV. STAT. § 571-87(a).</p>
<p>6. Cessation of Representation: Contacts post representation, if any</p>	<p>(a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under chapters 587A and 346, part X, or that a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any... Haw. Rev. Stat. § 571-87(a).</p>
<p>7. General Representation Rules: Administrative</p>	<p>(a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under chapters [587A] and 346, part X, or that</p>

<p>structure is clear for appointment, support and accountability of the CR. The child’s representative is independent from the court</p>	<p>a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any. HAW. REV. STAT. § 571-87(a).</p> <p>(d) If a party is without counsel or a guardian ad litem, the court shall inform the party of the right to be represented by counsel and the right to appeal. HAW. REV. STAT. § 587A-25(d).</p> <p>“Guardian ad litem” means a person appointed by the court under section 587-34, HRS, whose role is to protect and promote the needs and interests of the child or a party in a court hearing pursuant to chapter 587, HRS. HAW. ADMIN. CODE R. 17-1601-2.</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p><i>No explicit legal authority or requirement.</i></p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>(a) ... Appointed counsel and the guardian ad litem shall receive reasonable compensation for necessary expenses, including travel, the amount of which shall be determined by the court, and reasonable fees pursuant to subsections (b) and (c). All of these expenses and fees shall be certified by the court and paid upon vouchers approved by the judiciary and warrants drawn by the comptroller.</p> <p>(b) The court shall determine the amount of reasonable compensation paid to appointed counsel and guardian ad litem, based on the following rates:</p> <p>(1) \$90 an hour for in-court services provided by an attorney licensed to practice law in the State; and</p> <p>(2) \$60 an hour for:</p> <p>(A) Out-of-court services provided by an attorney licensed to practice law in the State; and</p> <p>(B) All services provided by a person who is not an attorney licensed to practice law in the State, whether performed in-court or out-of-court.</p> <p>(c) The maximum allowable fee shall not exceed the following schedule:</p> <p>(1) Cases arising under chapters [587A] and 346, part X:</p> <p>(A). Predisposition..... \$3,000;</p> <p>(B). Postdisposition review hearing..... \$1,000;</p> <p>(2) Cases arising under chapters 560, 571, 580, and 584..... \$3,000. Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies, based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of that court.</p> <p>(d) Nothing in this section shall preclude the judiciary from contracting for court-appointed counsel and guardian ad litem services pursuant to chapter 103D and based on contract amounts guided by the rates in subsection (b). HAW. REV. STAT. § 571-87.</p>

	<p>(f) The fees and costs of a guardian ad litem appointed pursuant to this section may be paid by the court, unless the party for whom counsel is appointed has an independent estate sufficient to pay such fees and costs. The court may order the appropriate parties to pay or reimburse the fees and costs of the guardian ad litem and any attorney appointed for the child. HAW. REV. STAT. § 587A-16(f).</p> <p>Any judge of the State who appoints counsel or guardian ad litem pursuant to the compact may, in the judge's discretion, fix a fee to be paid out of funds available for disposition by the court but no such fee shall exceed the sum of \$75. HAW. REV. STAT. § 582-5.</p> <p>(a) ... Attorneys who are appointed by the court to represent indigent legal parents and other indigent qualifying parties may be paid by the court, unless the legal parent or party for whom counsel is appointed has an independent estate sufficient to pay such fees and costs. The court may order the appropriate legal parent or party to pay or reimburse the fees and costs of an attorney appointed for the child or incapacitated adult. HAW. REV. STAT. § 587A-17(a).</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>