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SP. NO. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

In the Matter of the CIRCUIT COURT OF THE FIRST CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	)	SP. No. 1CSP-20-0000082 (Special Proceeding) SECOND AMENDED EMERGENCY ORDER #4 REGARDING FAMILY COURT OF THE FIRST CIRCUIT

SECOND AMENDED EMERGENCY ORDER #4
REGARDING FAMILY COURT OF THE FIRST CIRCUIT

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

In light of the Judiciary’s efforts to conduct remote proceedings, steps have been taken to increase technological capabilities and infrastructure for the courts to operate and maintain their respective dockets, while navigating the constraints of the rapidly evolving emergency situation. The necessary devices and teleconferencing programs are available now to allow for remote proceedings to be held. Thus, with this upgraded technological capability, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24,

2020, and April 27, 2020 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. The Order Implementing E-mail Submission to the Family Court of the First Circuit filed April 9, 2020 is hereby extended through May 29, 2020.

2. Amended Emergency Order #4 Regarding Family Court of the First Circuit filed March 16, 2020 and the Order Clarifying the Circuit Court of the First Circuit's Amended Emergency Order #4 Regarding Family Court of the First Circuit filed March 18, 2020 are hereby extended through May 29, 2020, except as modified herein.

3. Matters that were continued until after April 30, 2020 pursuant to the above-mentioned emergency orders shall be further postponed until after May 29, 2020 except as otherwise ordered herein.

4. Matters previously scheduled for hearing in March and April 2020 that were postponed pursuant to the orders identified above but that may now be conducted under this Order shall be rescheduled by the Court. An order resetting those matters will be issued as soon as practicable based upon the Court's calendar.

5. No party or attorney shall appear in person unless permitted pursuant to this Order or prior approval is granted by the presiding judge.

6. Domestic Division. All matters other than trials and extended hearings shall remain on calendar as scheduled and shall be conducted by video or telephonic conferencing. These matters include but are not limited to the following: pre-decree and post-decree divorce matters, motions to set, return hearings on custody evaluator or best interest factfinder reports, and other divorce matters.

7. Special Division

a. Temporary Restraining Order ("TRO") and Gun Violence Protective Order ("GVPO") hearings and trials shall continue to be heard as scheduled and all parties and counsel may appear in-person at the courthouse for the hearing and/or trial.

b. All non-trial matters shall remain on calendar as scheduled and shall be conducted by telephonic or video conferencing. These matters include but are not limited to the following: paternity hearings, guardianship matters, adoptions, Assisted Community Treatment ("ACT") hearings, Queen's Medical Center and Hawai‘i State Hospital civil commitment hearings, return of firearm hearings, adult abuse cases, and other civil matters.

8. Juvenile Division.

a. Beginning the week of May 11, 2020, juvenile cases for arraignment and plea, disposition and waiver shall be scheduled for telephonic or video hearing, unless otherwise directed. All parents and youth involved in these cases are to appear by telephone unless otherwise directed. Probation officers may appear by telephone.

b. The juvenile probation officers shall timely submit their YASI (Youth Assessment and Screening Instrument), if applicable, and recommendations prior to each hearing. Case files should be sent to the presiding judge prior to the scheduled hearings or made available at court.

9. Specialty Courts

a. Family Drug Court and Zero to Three Court will begin holding hearings in May 2020.

b. Family Drug Court will begin conducting hearings on Friday May 1, 2020. All Family Drug Court participants shall appear by telephone. The presiding Judge shall determine if other parties may appear in person or if they shall appear by telephone.

c. Zero to Three Court (ZTT) will begin conducting hearings on Tuesday May 19, 2020. All ZTT participants shall appear by phone. The presiding Judge shall determine if other parties may appear in person or if they shall appear by phone.

d. All other Specialty Court hearings, including Girls' Court, Juvenile Drug Court, Imua Kākou, and Truancy Court shall be postponed to a date after Friday, May 29, 2020, unless otherwise ordered by the presiding judge.

e. For the month of May 2020, Imua Kākou shall proceed by way of paper review and submission of Ex Parte Petitions.

10. Telephonic & Video Hearings Procedures for All Matters

a. Telephone Procedure. Unless otherwise directed by this Order, court staff, or the presiding judge, all parties and attorneys shall appear for hearings by telephone. The parties and/or attorneys shall call the bailiff's desk fifteen minutes prior to the hearing time at (808) 954-8087 for the second floor, or (808) 954-8085 for the third floor.

b. Video Hearings. The Court may also direct that parties and attorneys appear for the hearing via video conference through WebEx, if available to the parties and attorneys (smartphone and/or computer with video, audio, and microphone required). If it is possible to conduct the hearing by video, the Court will send an "Invitation" to attend the hearing by e-mail, which will include a link to join the meeting at the scheduled time. A party or attorney may need to download the WebEx program or application to their device, which is recommended. A party or attorney may learn more by visiting www.webex.com. At the time of the hearing, all participants must be in a quiet place, without interruption or distractions.

11. Domestic Division and Special Division Civil Case Requirements

a. Cases Where A Party Is Represented By An Attorney. In cases where both parties are represented by an attorney, the attorneys shall confer with one another prior to the date of the hearing to attempt to resolve any disputed issues. If a contested hearing is necessary, attorneys are encouraged to agree to proceed by way of offers of proof. In cases where one party is represented by an attorney, the attorney shall confer, or attempt to confer, with the opposing party prior to the date of the hearing in an effort to resolve any disputed issues. Failure of attorneys to confer prior to the date of the hearing may result in the Court rescheduling the matter to a future date.

b. Exhibits or Documents. For proceedings scheduled from May 4, 2020 through May 8, 2020, any exhibits or documents that a party intends to use or present at the hearing shall be submitted to the Court and all opposing parties or

attorneys in substantial compliance with the directions set forth in the order resetting that hearing. Beginning May 11, 2020, any exhibits or documents that a party intends to use or present at the hearing must be provided to the Court no later than seven days prior to the scheduled hearing. Beginning May 11, 2020, exhibits shall be provided to the opposing parties or attorneys no later than 48 hours prior to the hearing. Exhibits shall be mailed to the Court or dropped off at the Family Court drop box located at the entrance to the Family Court in Kapolei. Attorneys are encouraged to exchange exhibits with each other by e-mail or other electronic means.

12. Child Support Enforcement Agency Appeals shall proceed as scheduled.

13. In person appearances for the Kids First Program shall continue to be suspended though Friday, May 29, 2020, but parties may be required to participate in on-line education/programing as directed by the Kids First Program.

It is so Ordered.

DATED: Honolulu, Hawai'i, APR 29 2020.

R. Mark Browning

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

FIRST CIRCUIT COURT SEAL STATE OF HAWAII