Electronically Filed
THIRD CIRCUIT
3CSP-20-0000022
15-SEP-2020
11:28 AM

S.P. NO. 3CSP-20-0000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	(SPECIAL PROCEEDING) SEVENTH AMENDED EMERGENCY ORDER #4 REGARDING FAMILY COURT OF THE THIRD CIRCUIT

SEVENTH AMENDED EMERGENCY ORDER #4
REGARDING FAMILY COURT OF THE THIRD CIRCUIT

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

The recent increase in the coronavirus disease 2019 (COVID-19) cases on the Island of Hawai'i, and across the State of Hawai'i, constitute exceptional and extraordinary circumstances. Pursuant the Order of the Chief Justice Mark E. Recktenwald filed March 16, 2020 under SCMF No. 20-0000152 regarding to COVID-19 significantly reduce the need for in-court appearances and other restrictions; Governor David Ige's declared state of emergency in Hawaii in response to the public health threat posed by COVID-19; the United Nations World Health Organization's designation of COVID-19 as a global public health emergency on January 30, 2020 and a global pandemic on March 11, 2020; the March 13, 2020 Declaration of a national emergency by the President of the United States beginning

March 1, 2020 pursuant to the National Emergencies Act (50 USC 1601 *et seq.*); the Order Regarding Judiciary Operations filed August 28, 2020, under SCMF No. 20-0000152, and with the authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. The following Family Court[1] essential calendars shall continue to be conducted. In-person appearance is required unless a remote appearance is requested in writing at least 24 hours in advance of the hearing and approved of by the Court for the following hearings:

a. Temporary Restraining Orders;

b. Gun Violence Protective Orders;

c. Shelter Hearings;

d. Detention Hearings (with exception for Juvenile to appear remotely if at off-island detention facility);

e. Emergency Guardianships;

f. Contested Guardianships;

g. Contested Adoptions;

h. FC-S (Child Welfare Cases) contested hearings, motions for immediate review, and initial and continued return hearings for: temporary foster custody, foster custody, temporary family supervision and family supervision cases;

i. FC-J (Juvenile) adjudication (initial and continued) hearings, contested motions, disposition hearings, and trials unless all parties consent to appear remotely

[1] **This Order does not apply to South Kohala Family Court as a separate order shall be issued for that Court.**

and the Court approves. Representatives from the Department of Health, Department of Education and other ancillary agencies may appear remotely;

j. Juvenile Drug Court adjudication hearings, contested motions, disposition hearings and trials unless the parties consent to appear remotely and the Court approves. Representatives from the Department of Health, Department of Education and other ancillary agencies may appear remotely; and

k. FC-CR (Adult Criminal) will be in person, however, Defendants in custody will be heard remotely to the extent feasible and as permitted by law;

2. The following Family Court cases will be conducted remotely by Zoom video conferencing or telephone unless an in-person appearance is required in the Court's sole discretion and/or upon written request at least 24 hours in advance of the hearing and approved of by the Court:

a. Involuntary Hospitalization (civil commitment) hearings;

b. Uncontested Guardianships (minor and incapacitated adults);

c. Uncontested Adoptions;

d. Divorce except for evidentiary hearings requiring in person appearance(s);

e. Paternity except for evidentiary hearings requiring in person appearance(s);

f. Assisted Community Treatment ("ACT");

g. FC-S (Child Welfare Cases) non-contested hearings, periodic review hearings, permanency hearings, status hearings, non-contested guardianship hearings, and non-contested adoption hearings. All attorneys shall consult with their respective clients prior to the any

scheduled hearings as part of their professional obligation to ensure effective representation. Until further notice, due to COVID-19 concerns, minors shall not be brought to the courthouse. Arrangements shall be made with the Guardian Ad Litem to communicate with the minor via Zoom video conferencing and schedule a meeting with the presiding judge.;

h. FC-J uncontested motions, review hearings, pretrial conferences; and

i. Other hearings as required in the Court's sole discretion or upon approved request to be conducted in-person, including evidentiary hearings in divorce and paternity cases requiring in person appearance(s) as scheduled, approved and conducted at the Court's discretion.

3. All motions for hearings that will take place via Zoom conferencing shall include in the title "Notice of Zoom Remote Hearing" and include the following language in the notice of hearing:

> The foregoing motion will be heard via Zoom remote conferencing on _____, 20__ at _____ __m., in the Family Court of the Third Circuit, by the above-entitled Court. You are directed to appear remotely via Zoom video conferencing 15 minutes prior to the scheduled time. Your Zoom conference ID is: _____, no password is required. Non-attorney participants unable to participate by video may call **1 669 900 9128** to participate by telephone by using the above noted Zoom video conference ID.

4. All attorneys shall enter a user name that sets forth their full name and includes the suffix "Esq.", to be allowed into any Zoom video conference. All parties shall enter a user name that sets forth their full name. Failure to comply may result in sanctions. All attorneys and parties shall dress appropriate for all remote court proceedings.

5. Third Circuit Zoom video conference ID's are designated as follows:

(Hilo)	Hon. Darien Ching Nagata:	990 8806 1527
(Hilo)	Hon. Jeffrey A. Hawk:	943 0592 7124
(Kona)	Sitting Per Diem Judge	928 9571 4331

6. The following Family Court cases will be continued until further notice:

a. School Non-Attendance;

b. Truancy Court (CAPP); and

c. Imua Kakou (which may be heard by written hearings only); and

7. The Kids First and Children in Transition programs are suspended until further notice.

8. Parties shall contact the assigned court to schedule or reschedule hearings.

9. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in full force and effect. The provisions of this Order do not limit a trial court's discretion to entertain in-person hearings.

Dated: Kailua-Kona, Hawaii, 9.15.2020.

Hon. Robert D. S. Kim, Chief Judge
Circuit Court of the Third Circuit, State of Hawai'i