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SP. NO. 2CSP-20-0000015

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI`I

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| In the matter of the<br><br>CIRCUIT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I'S RESPONSE TO COVID-19 OUTBREAK | )<br>)<br>)<br>)<br>)<br>)<br>)<br>) | SP. NO. 2CSP-20-0000015<br>(Emergency Order)<br><br>EMERGENCY ORDER NO. 6 REGARDING FAMILY COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I |

EMERGENCY ORDER NO. 6 REGARDING
FAMILY COURT OF THE SECOND CIRCUIT, STATE OF HAWAI`I

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

Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020[1], April 17, 2020, April 24, 2020, and April 27, 2020 under SCMF No. 20-

[1] See, page 4 of Order Regarding Judiciary Operations, filed April 27, 2020, SCFM-20-00000152 explaining **Access to Judiciary Facilities**, that, "[N]o one shall enter Judiciary facilities if they have:

- A fever, cough, or other respiratory symptoms;
- Traveled in the past 14 days; or
- Have had close prolonged contact with a person with a person who h as or is suspected to have COVID-19.

0000152 regarding the coronavirus (COVID-19) and ordering increased use of remote proceedings[2]; and with the authority as Chief Judge[3] of the above-entitled Court,

IT IS HEREBY ORDERED:

1. The Emergency Order No. 3 Regarding Family Court of the Second Circuit, State of Hawai`i filed March 17, 2020 and the Order Implementing E-Mail Submissions to the Family Court of the Second Circuit filed April 13, 2020, are hereby extended through May 29, 2020, except as modified herein.
2. Chief Justice Recktenwald's April 9, 2020 Order, in SCMF-20-0000152 authorizes documents in Family Courts may be filed via email, through April 30, 2020, since the family courts are not yet part of the Judiciary's electronic filing system.[4]
3. The Second Judicial Circuit, Family Court will eventually phase out the temporary email address for filing as a JEFS (Judiciary Electronic Filing and Service System) and JIMS (Judiciary Information Management System) Document Drop Off has been created for use by Family Court filers/users: attorneys and pro se litigants. Hawai`i Judiciary's JEFS/JIMS Team was able to create an additional service on JEFS for Second Circuit

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Additionally, anyone entering a Judiciary facility shall comply with social distancing requirements consistent with the Governor's Sixth Supplementary Proclamation, including wearing a face covering as described and recommended by the Center for Disease Control and Prevention."

[2] See, page 3, Order Regarding Judiciary Operations, filed April 27, 2020, SCFM-20-00000152.

[3] See, page 4, Order Regarding Judiciary Operations, filed April 27, 2020, SCFM-20-0000152, at Circuit Specific Emergency Orders paragraph.

[4] See, Order, filed April 09, 2020, SCMF-20-0000152; *at* paragraph 1; paragraph 2 also explains the Family Court of each circuit shall provide an email address for such filings; and paragraph 5 states, the Family Court in each circuit shall establish the procedures necessary to implement this order in their respective circuits.; See also, Order Implementing E-Mail Submissions To the Family Court of the Second Circuit, 2CSCP-20-0000015, ordering that an email address to be utilized when submitting documents for filing in the Second Judicial Circuit, Family Court, shall be: courtroomb.2cc@courts.hawaii.gov.

Family Court attorneys and pro se litigations to scan their documents and drop the document into the COURT DOCUMENT DROP OFF on the JEFS Portal, instead of walking into the building with hard copies. This will also help the JEFS users, attorneys and pro se litigants, get into the practice of using JEFS system when Family Court goes live with the JIMS Family Court module. This COURT DOCUMENT DROP OFF feature however is not available for FC-J and FC-S filings.

4. 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.

5. Domestic Division (FC-D cases). 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 hearing on custody evaluator or best interest fact finder reports, and other divorce matters.

6. Special Division (FC-DA; FC-P; FC-M; FC-G; FC-A; UCCJEA; UIFS cases)

    a. Temporary Restraining Orders ("TRO") and Gun Violence Protective Orders ("GVPO") hearings and trial 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, but shall practice social distancing requirements.

    b. All non-trial matters shall remain on calendar as scheduled and shall be conducted by telephonic or video conferencing available (*i.e.*, CISCO Webex). These matters include but are not limited to the following: paternity hearings, guardianship matters, adoptions, Assisted Community Treatment ("ACT") hearings, Civil Commitment hearings, return on firearm hearings, adult abuse cases and other civil matters.

7. Juvenile Division and Child Protective Services Cases (FC-J & FC-S cases).

   a. Beginning the week of May 5, 2020, FC-S and FC-J hearings shall be schedule for telephonic or video hearing, unless otherwise directed by the presiding judge. Counsel and parties may choose to appear in person as calendared on a staggered basis, and if practicing social distancing. All parents and youths involved in these cases are to appear by telephone or video conferencing unless otherwise directed by presiding judge. Probation officers, Guardian ad-litems, social workers, counsel, and parties, may appear by telephone or other available electronic means available, i.e. CISCO WebEx.

   b. The juvenile probation officers shall timely submit their YASI (Youth Assessment and Screening Instrument), if applicable, and recommendations prior to each hearing.

   c. The DHS Social Workers and/or Guardian at-litems shall continue to submit their reports as previously ordered prior to each hearing.

   d. Case files should be sent to the presiding judge or be made available, prior to the schedule hearings.

8. Speciality Courts.

   a. Family Court Drug Court will continue to hold compliance hearings and begin holding hearings via available telephonic and/or available electronic means, i.e. CISCO WebEx on May 5, 2020.

   b. Family Court Drug Court participants shall appear remotely, i.e. telephone and/or available WebEx technology. The presiding judge shall determine if other parties may appear in person or if they shall appear via telephone or available electronic means.

   c. All other Speciality Court hearings, including Juvenile Drug Court, Imua Kakou, Truancy Court[5], shall continue to heard as calendared

[5] Second Circuit Family Court's Truancy Court has been rescheduled to dates after May 29, 2020.

via remotely, i.e. telephone, and/or video conferencing available, and/or if approved by the presiding judge, in person if practicing social distancing.

d. For the month of May 2020, Imua Kakou shall proceed by way of paper review and submission of Ex Parte Petitions.[6]

9. Telephonic & Video Hearings Procedures For All Matters.

a. Telephone Procedure. Unless otherwise directed by this Order, court staff, of the presiding judge, all parties and attorneys may appear for hearings by telephone. The parties and/or attorneys appearing via telephone shall call the Family Court Clerk's office at (808) 244-2700.

b. Video Hearings. The court may also direct that parties and attorneys appear for the hearing via video conferencing through CISCO Webex, if available, to the parties and attorneys (smart phone 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 CISCO 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.

10. 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

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[6] Imua Kakou Ex Parte Petitions have been approved and uploaded on the Judiciary court forms website under Miscellaneous forms at the following link: https://www.courts.state.hi.us/self-help/courts/forms/maui/family_court_forms.

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.

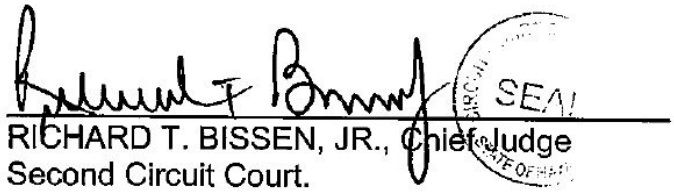
b. Exhibits or Documents. Any exhibits or documents that a party intends to use or present at their scheduled hearing shall be submitted to the court and all opposing parties or attorneys in substantial compliance with court rules or existing orders. Exhibits may be mailed to the Court or dropped off at the Family Court drop box at Hoapili Hale, 2145 Main St., Wailuku, HI 96793, or may be filed and uploaded at the JIMS/JEFS DropBox mentioned in paragraph 3, *supra*. Questions re: all e-filing systems, such as registering for JEFS, problems with login, or password resets to the JIMS Migration Help Line at: (808) 534-6644 Monday through Friday 7:45 am to 4:30 pm, excluding holidays or they may be directed to Second Judicial Circuit Legal Documents Section at (808) 244-2969.

11. Child Support Enforcement Agency Appeals shall proceed as scheduled.
12. In person appearances for the Kids' First Program shall continue to be suspended through Friday May 29, 2020, and will resume in person in the month of June. Parties may be required to participate in on-line education/program as directed by the Kids First Program.
13. Adult Criminal Division calendars will continue to be conducted as calendared and permitted via remotely, and approved by presiding judge. These include: arraignments, bail hearings, and preliminary hearings.
14. Molokai and Lana`I Family Court hearings will continue to be conducted via available telephonic and video conferencing available means, and

approved by presiding judge in Wailuku Courtroom 3A or 3B. Travel restrictions have been extended by Governor Ige's Emergency Proclamations.[7]

IT IS SO ORDERED.

DATED: Wailuku, Maui, Hawai`i, April 30, 2020




RICHARD T. BISSEN, JR., Chief Judge
Second Circuit Court.

[7] Governor Ige's Emergency Proclamations may be found on the following link: https://governor.hawaii.gov/emergency-proclamations/.