Electronically Filed
THIRD CIRCUIT
3CSP-20-0000022
29-JUL-2020
11:53 AM

SP. NO. 3CSP-20-0000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

In the Matter of the CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	(Special Proceeding) FIFTH AMENDED EMERGENCY ORDER #4 REGARDING FAMILY COURT OF THE THIRD CIRCUIT;

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

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, the Order Directing Courthouse Closures filed March 20, 2020, the Order Regarding Trials filed April 17, 2020, the Order Regarding Remote Court Procedures filed April 24, 2020, the Order Regarding Judiciary Operations filed April 27, 2020, the Order Regarding Jury Trials and Grand Juries filed May 22, 2020, the Order Regarding Judiciary Operations filed May 28, 2020, the Order Regarding Judiciary Operations filed June 23, 2020, the Order Regarding Jury Trials filed June 23, 2020, and the Order

Regarding Judiciary Operations filed July 28, 2020, under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and under the authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. The following Family Court essential calendars shall continue to be conducted:
    a. Temporary Restraining Orders;
    b. Gun Violence Protective Orders;
    c. Shelter hearings;
    d. Detention hearings;
    e. Involuntary hospitalization (civil commitment) hearings;
    f. Emergency guardianships;
    g. Uncontested guardianships (minor and incapacitated adults) by stipulation of the parties to video/telephonic hearings;
    h. Uncontested adoptions by stipulation of the parties to video/telephonic hearings; and
    i. Child Welfare Services cases, including (i) initial and continued temporary foster custody hearings; (ii) initial and continued temporary family supervision hearings; (iii) motions when a child is removed from family supervision to foster custody; and, (iv) Periodic Review Hearings and Permanency Hearings may continue to be handled by written stipulation but the assigned Family Court may in its discretion also hold said hearings in person or by video conference or by telephone.
2. The following Family Court cases will be continued until after July 31, 2020 except that the following Family court cases may also be heard remotely by telephonic or by video conference to the extent feasible and as permitted by

law or through in-person proceedings as determined and approved by the assigned Family Court judge:

a. Divorce;
b. Paternity;
c. Contested Guardianships (minor and incapacitated adults);
d. Contested Adoptions;
e. Assisted Community Treatment ("ACT");
f. Non-custody juvenile matters such as disposition hearings, further disposition and review hearings, arraignment matters, trials and school non-attendance hearings;
g. Child Welfare Services trials; and
h. All Specialty Court hearings, including Juvenile Drug Court, Family Drug Court, Imua Kakou (which may be heard by written hearings only), and Truancy Court;
i. Miscellaneous proceedings, UCCJEA & UIFS proceedings;

3. The Kids First and Children in Transition programs are suspended until after July 31, 2020;
4. The Family Court Adult Criminal hearings will be heard remotely by telephonic or video conference to the extent feasible and as permitted by law. If the Family Court division authorizes and approves in-person proceedings, the hearings shall be held on a staggered basis and counsel and parties shall practice social distancing.

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

No person shall enter the Judiciary facility if they have: (1) a cough, shortness of breath, difficulty breathing, or at least two of the following: fever, chills, repeated

shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell; (2) traveled in the past 14 days outside the State of Hawaii); or (3) had prolonged contact with a person who has or is suspected to have COVID-19. Exceptions may be made to these restrictions in extraordinary circumstances.

Person(s) entering the Judiciary facility shall wear a face covering as described and recommended by the Centers for Disease Control and Prevention

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai'i June 24, 2020

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