

Family Court of the First Circuit — THE JUDICIARY • STATE OF HAWAII
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R. MARK BROWNING
SENIOR JUDGE

DEAN E. OCHIAI
CIRCUIT COURT JUDGE


FA'AUUGA L. TO'OTO'O
CIRCUIT COURT JUDGE

DISTRICT FAMILY JUDGES

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MEMORANDUM

TO: Family Court Judges
Donella Cambra, Clerk Supervisor, Juvenile Division
Family Court Juvenile Calendaring Clerks
William Bento, Deputy Public Defender
Charlene Ikeda, Deputy Prosecuting Attorney
Mary Anne Magnier, Deputy Attorney General
Sandie Kato, Juvenile Probation Officer Supervisor
Diane Moriyama, Clerk Supervisor, Juvenile Intake and Probation Section
Natalie Castro, 587 Unit Supervisor

FROM: Judge R. Mark Browning 
Senior Judge, Family Court/Chief Deputy Judge, First Circuit

SUBJECT: JSS Review Calendar Guidelines

DATE: November 10, 2014

Effective November 24, 2014, and until further notice, Phase 1 of the attached guidelines are applicable to the JSS (FC-S) Review child abuse and neglect Calendar.

cc: Judicial Services Section
Cheryl Marlow, Deputy Chief Court Administrator
Becke Kubo, JSB Administrator
Daenna Goroza, Bailiff's Section Supervisor
Justin Sturdivant, Chair, Family Law Section
Stacey Fukuhara-Barclay, Chair, Child Law Section

JSS Review Calendar Guidelines

[revised as of 11/10/14]

Implementation of JSS Guidelines in Phases: The guidelines drafted by the Committee will be implemented in phases. If all goes well, this may obviate the implementation of the Phase 2 guidelines, such as the imposition of sanctions, revising calendaring weeks 2 and 4 to avoid parking congestion on Wednesdays, or having designated teams assigned to each courtroom.

PHASE 1

Effective as of November 24, 2014

1. **Case Calendaring Options *[implement immediately]*.**
 - a) Limit number of cases [excluding TFCs] to 8.
 - b) Set 4 cases at 8:30 a.m.
 - c) Set 4 cases at 9:30 a.m.
 - d) Reserve 9:30 setting for custody cases.
 - e) Set cases on Friday to avoid exceeding 8 case limit on Monday, Tuesday, Wednesday and Thursday.
 - f) DO NOT accommodate any request(s) for special hearing times.

2. **DHS social workers shall pre-qualify parents for an attorney prior to court hearing.**
 - a) Attorney can be assigned and contact can be made with parent prior to hearing.
 - b) At a minimum, process can be expedited on date of hearing
 - c) At least 2 **business** days prior to hearing, DHS to provide parents with financial form.
 - d) If parents need assistance in completing the form, they may call the 587 Unit at 954-8190 and ask to speak with the court officer for their assigned Judge or with Unit Supervisor if they don't know who their assigned Judge is.
 - e) If possible, DHS to forward each parent's **completed** financial form to court officer prior to hearing.
 - f) Determination can then be made by the assigned court officer or 587 Unit Supervisor as to whether a parent qualifies for court-appointed counsel.
 - g) To expedite hearing, if DHS sends parent counsel applications over to court with petitions, counsel can be assigned to case prior to morning of hearing.

3. **Parties shall discuss the case prior to coming to court on day of hearing.**
 - a) **Not less than 5 business days** before scheduled hearing, all attorneys [DAGs, GALs/CASAs, parents' counsel] will contact their respective clients to discuss case.
 - b) Remind clients of what time they have to be at court and possible consequences if they are late or absent.
 - c) **Not less than 3 business days** before scheduled hearing attorneys to contact each other to confer about their cases.

4. **ALL parties [excluding TFC cases] shall report to court 30 minutes prior to their court time [TFC cases to report 1 hour prior to scheduled court time].**
 - a) This will give parties time to discuss matters that may not have been discussed prior to coming to court.
 - b) This will also ensure that everyone is present and ready to go into court at 8:30 a.m. or 9:30 a.m.
5. **Every case should be ready to go into court/proceed with hearing at time scheduled for hearing [e.g., 8:30 or 9:30].**
 - a) If cases are ready prior to scheduled time, judges may be allowed to take those cases.
6. **Order of Cases.**
 - a) Cases in which all parties are present and ready will be called first.
 - b) Cases where a minor appears for the hearing will have priority.
7. **Eliminate special set hearings.**
 - a) If a hearing does have to be special set, schedule it in the afternoon so it does not cause scheduling conflicts with attorneys for JSS review week Judge.
 - b) Judges to create/implement time management strategies in their courtroom to ensure flow of cases [e.g., timers, sanctions, pretrial conferences, etc.].
8. **Minors coming to court to speak with the Judge.**
 - a) At least 2 *business* days prior to hearing, DHS social worker or GAL/CASA to notify court officer if a minor will be attending court hearing and/or concerns or issues minor may have.
 - b) On day of hearing, let judge know before 8:30 if possible so time can be allocated for meeting(s) with minor(s), particularly if calendar is heavy that day.
 - c) Set a 10 minute time limit when minor comes to court to speak with judge **OR** arrange to have minor brought to court on another day when the Judge does not have JSS reviews.
 - d) Have GALs/CASAs inform minor of time limit so they can assist minor to be more prepared/organized about what they want to say to the Judge.
9. **If there is a cross over youth [i.e., with FC-S and FC-J cases], consider holding FC-S and FC-J cases together as time permits, as most of the parties will be present and everyone is aware of the situation.**
 - a) Consider rotating these cases on the FC-S and FC-J calendars [e.g., put FC-S/FC-J consolidated cases in October under FC-S hearing, then for the next hearing put both cases under FC-J review hearing].
 - b) This would help to address overloading the FC-S hearing times.
10. **Continue to follow one judge one family model.**
11. **DHS, GAL/CASA, parents' counsel to notify all parties of any changes regarding their clients [e.g., contact no., address, etc.]**

12. Parties to inform assigned bailiff if they have to leave area outside of courtroom for any reason so bailiff can keep track of cases that are ready to be called into court.

PHASE 2

Implement only as necessary to assist with flow of cases.

1. Have “pre-set” recess times [e.g., 10:15-10:30] to allow attorneys, other non-Judiciary personnel a designated time for bathroom breaks, feeding meters, making phone calls, etc.
2. Default parents and sanction attorneys or social workers who are not present or prepared to proceed at scheduled hearing.
3. Each courtroom should have its own court team [i.e., GALs/CASAs, parents’ counsel, DAGs, social workers].
4. Consider splitting the JSS review and JSS trial calendars to avoid setting JSS reviews on Mondays and Wednesdays when parking is an issue.
 - a) Week 2 and Week 4 would be the same: JSS trials on Mondays and Wednesdays and JSS reviews on Tuesdays, Thursdays and Fridays.
 - b) JSS reviews will be scheduled on Fridays, i.e., Fridays will no longer be off the grid.
5. Address parking availability on day of hearing
 - a) Note parking shortage on Mondays/Wednesdays especially due to Waianae District Court and Family Court domestic OSC calendar [this will no longer be an issue if we revise Weeks 2 and 4 as discussed above in #4].
 - b) Obtain parking passes for attorneys/other court personnel that they can pay for on a monthly basis, if possible.
 - c) This would eliminate the need for them to go out and feed their meter and would cut down on court delays.