SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS.

WHEREAS, civil legal services can improve community well-being as a vital part of our social safety net, which ensures that our keiki, kupuna, family care givers, and all members of a family are healthy and safe; and

WHEREAS, "The 2007 Assessment of Civil Legal Needs and Barriers of Low- and Moderate-Income People in Hawaii" found that only one in five people has civil legal needs addressed and that only one in three people who contact a civil legal service provider is able to get assistance; and

WHEREAS, one of the goals set forth in "The Community Wide Action Plan: Ten Action Steps to Increase Access to Justice in Hawaii by 2010" was that an appropriate home for funding civil legal services should be established to ensure stable state funding; and

WHEREAS, access to civil legal services by the indigent is critical to providing access to justice for those who cannot afford an attorney; and

WHEREAS, access to civil legal services results in:

(1) Cost savings to the State by way of recovery of federal public benefits, such as Social Security and Veterans Administration benefits;

(2) Reduction in use of safety net services, such as foster care, by establishing guardianships for family caregivers;
(3) Reduction of dependency on public assistance by securing child support and alimony;

(4) Reduction of instances of homelessness through housing representation; and

(5) Increase in state tax revenues through employment and re-employment related legal assistance; and

WHEREAS, civil legal services provide better access to the justice system for the indigent, who are immigrants, homeless, at risk of homelessness, families in crisis, consumers who have been taken advantage of, and individuals who speak English as a second language; and

WHEREAS, civil legal services can support efforts to ensure that government is providing effective services to help those without an attorney navigate the complex legal system; and

WHEREAS, for thirty years, funding for civil legal services was provided through the Department of Labor and Industrial Relations Office of Community Services; and

WHEREAS, prior to 2005, general funding for civil legal services was provided by way of a purchase of service contract; and

WHEREAS, since 2005, general funding for civil legal services has been made by a grant-in-aid; and

WHEREAS, since 1995, general funding for pro bono legal services has been made by grants-in-aid; and

WHEREAS, in 2011, the legislature increased court fees to include an amount to be paid into the indigent legal assistance fund pursuant to section 607-5.7, Hawaii Revised Statutes. The legislature did so upon a finding that there was a need to fund legal services for low- and moderate-income individuals who would not otherwise have access to legal services; and
WHEREAS, despite the increase in court fees to include an amount to be paid into the indigent legal assistance fund, the total amount of funding for general civil legal services decreased from $2,017,093 in the 2008 fiscal year to $1,213,135 in the 2015 fiscal year; and

WHEREAS, grant-in-aid funding for civil legal services and pro bono legal services decreased from $1,832,496 in the 2008 fiscal year to $400,000 in the 2015 fiscal year; and

WHEREAS, general revenue funding is critical to meet the need for legal services in Hawaii, and the funding of legal services can promote the resolution of critical community issues; and

WHEREAS, an examination of executive agencies, the Judiciary, and community agencies is necessary to determine which agency or organization is most appropriate and suitable to administer general funding for civil legal services to obtain the best results; and

WHEREAS, the examination should require:

(1) The identification and assessment of the problems and issues relating to the funding of civil legal services, including the best agency or organization to administer these funds; and

(2) The involvement of all interested governmental and community stakeholders to ensure that the administration of these funds is workable and acceptable to the interested stakeholders; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, the House of Representatives concurring, that the Hawaii Access to Justice Commission is requested to assemble a working group of interested government agencies and community entities to conduct meetings to develop a plan for determining which agency or organization should administer funding for civil legal services; and
BE IT FURTHER RESOLVED that the following persons or a representative of the following persons, agencies, or organizations be invited to participate in the working group:

(1) The Governor;
(2) The President of the Senate;
(3) The Speaker of the House of Representatives;
(4) The Judiciary;
(5) The Attorney General;
(6) The Department of Human Services;
(7) The Department of Labor and Industrial Relations Office of Community Services;
(8) The Department of Budget and Finance;
(9) The Department of Accounting and General Services;
(10) The Hawaii Justice Foundation;
(11) The Hawaii Access to Justice Commission;
(12) Legal Aid Society of Hawaii;
(13) Volunteer Legal Services Hawaii; and
(14) Any other stakeholders that the Hawaii Access to Justice Commission may invite to participate in the working group; and

BE IT FURTHER RESOLVED that the plan include a history of state funding of civil legal services and the issues historically faced by civil legal service providers in providing service to low- and moderate-income individuals; and
BE IT FURTHER RESOLVED that the plan include an analysis of
the benefits and barriers to assigning the administration of
funding for civil legal services to the Judiciary, Department of
the Attorney General, Department of Human Services, Department
of Labor and Industrial Relations Office of Community Services,
Department of Budget and Finance, Department of Accounting and
General Services, and the Hawaii Justice Foundation; and

BE IT FURTHER RESOLVED that the plan include
recommendations on which agency or organization should
administer funding for civil legal services, levels of funding
for civil legal services, and if enabling legislation is
necessary, a proposal for such enabling legislation; and

BE IT FURTHER RESOLVED that the Hawaii Access to Justice
Commission is requested to submit the working group's plan to
the legislature no later than twenty days prior to the convening
of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that the working group be dissolved
on June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Governor, President
of the Senate, Speaker of the House of Representatives, Chief
Justice of the Hawaii Supreme Court, Attorney General, Director
of Human Services, Executive Director of the Department of Labor
and Industrial Relations-Office of Community Services, Director
of Finance, Comptroller, Executive Director of the Hawaii
Justice Foundation, Chair of the Hawaii Access to Justice
Commission, Executive Director of the Legal Aid Society of
Hawaii, and Executive Director of Volunteer Legal Services of
Hawaii.