

[§587A-17] Court-appointed attorneys. (a) The court may appoint an attorney to represent a legal parent who is indigent based on court-established guidelines. The court may also appoint an attorney to represent another indigent party based on court-established guidelines, if it is deemed to be in the child's best interest. Attorneys who are appointed by the court to represent indigent legal parents and other indigent qualifying parties may be paid by the court, unless the legal parent or party for whom counsel is appointed has an independent estate sufficient to pay such fees and costs. The court may order the appropriate legal parent or party to pay or reimburse the fees and costs of an attorney appointed for the child or incapacitated adult.

(b) Unless otherwise ordered by the court, the attorney for an incapacitated adult shall take instructions from the incapacitated adult's guardian ad litem. [L 2010, c 135, pt of §1]

Case Notes

Indigent parents are guaranteed the right to court-appointed counsel in termination proceedings under the due process clause in article I, §5 of the Hawaii constitution. Trial courts must appoint counsel for indigent parents upon the granting of a petition to the department of human services for temporary foster custody of their children. 131 H. 419, 319 P.3d 338 (2014).

Where the family court did not appoint counsel for petitioner until more than nineteen months after petitioner's son entered foster custody, and only five months prior to the hearing that ultimately terminated petitioner's parental rights, the family court abused its discretion in failing to appoint counsel earlier in the proceedings. 131 H. 419, 319 P.3d 338 (2014).