

JAN 24 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND
THE HOUSE OF REPRESENTATIVES TO CONVENE A TASK FORCE DURING
THE INTERIM TO FURTHER STUDY AND MAKE RECOMMENDATIONS
REGARDING ISSUES IDENTIFIED BY THE TEMPORARY RESTRAINING
ORDERS COMMITTEE.

1 WHEREAS, in the 2006 Regular Session, the Senate and the
2 House of Representatives adopted Senate Concurrent Resolution
3 No. 52, S.D. 1, authorizing the Committees on Human Services of
4 the Senate and the House of Representatives to convene interim
5 hearings on the use of legal interventions available to the
6 Family Court; and

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8 WHEREAS, during the course of the interim hearings, four
9 committees were formed relating to Family Court Models, Family
10 Court Sunshine and Accountability, Temporary Restraining Orders,
11 and the Best Interests of the Child; and

12
13 WHEREAS, after hours of hard work and meetings, the
14 Temporary Restraining Orders Committee submitted its findings
15 and recommendations to the Committees on Human Services of the
16 Senate and the House of Representatives, which adopted its
17 recommendation regarding the need to further study certain
18 outstanding issues related to temporary restraining orders in
19 the Hawaii State Family Court; and

20
21 WHEREAS, the Temporary Restraining Orders Committee found
22 that:

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24 (1) Temporary restraining orders should address the issue
25 of minors in greater detail, to wit:

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27 (A) A temporary restraining order should provide
28 notice to the petitioner and respondent that at
29 the first Order to Show Cause hearing, the court
30 will have authority to enter a temporary ninety



1 day emergency order regarding any child-in-common
2 that addresses relevant issues of child support,
3 housing, health insurance, transportation, and
4 visitation by the non-custodial parent; and
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6 (B) The temporary order should not be used as
7 evidence in subsequent legal proceedings;
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9 (2) The Ex Parte Petition for a Temporary Restraining
10 Order for Protection should request a narrative of the
11 "threats of abuse to the child," explain that "threats
12 of abuse" include the acts of abuse described in
13 chapter 586, Hawaii Revised Statutes, and list those
14 examples of abuse;
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16 (3) The Ex Parte Petition for a Temporary Restraining
17 Order for Protection form should also be modified to
18 request:
19

20 (A) Information on the parties' legal relationship to
21 the child;
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23 (B) Whether there has been agency contact and if so,
24 it should be specified;
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26 (C) Whether there are any other known legal actions
27 regarding the child or the parties; and
28

29 (4) There is a need to provide better information to the
30 Family Court Judge; now, therefore,
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32 BE IT RESOLVED by the Senate of the Twenty-fourth
33 Legislature of the State of Hawaii, Regular Session of 2007, the
34 House of Representatives concurring, that the Committees on
35 Human Services of the Senate and the House of Representatives
36 are requested to convene a task force during the interim to
37 further study and make recommendations regarding the issues
38 identified by the Temporary Restraining Orders Committee; and
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40 BE IT FURTHER RESOLVED that the task force should include
41 one representative of the Judiciary, the legal community, a
42 children's advocacy organization, a social work organization, a
43 domestic violence organization, an organization representing the



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1 interests of petitioners, and an organization representing the
2 interests of respondents; and
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4 BE IT FURTHER RESOLVED that the task force is requested to
5 submit a report, including any proposed legislation, to the
6 Legislature no later than twenty days prior to the convening of
7 the Regular Session of 2008; and
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9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the President of the
11 Senate, the Speaker of the House of Representatives, the Chair
12 of the Senate Committee on Human Services, the Chair of the
13 House Committee on Human Services, and the Chief Justice.
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OFFERED BY:

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