
A BILL FOR AN ACT

RELATING TO TEMPORARY RESTRAINING ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 586-4, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Upon petition to a family court judge, an ex parte
5 temporary restraining order may be granted without notice to
6 restrain either or both parties from contacting, threatening, or
7 physically abusing each other, and grant exclusive care of a pet
8 animal, as defined by section 711-1100, to a party,
9 notwithstanding that a complaint for annulment, divorce, or
10 separation has not been filed. The order may be granted to any
11 person who, at the time the order is granted, is a family or
12 household member as defined in section 586-1 or who filed a
13 petition on behalf of a family or household member. The order
14 shall enjoin the respondent or person to be restrained from
15 performing any combination of the following acts:
16 (1) Contacting, threatening, or physically abusing the
17 protected party;



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- 1 (2) Contacting, threatening, or physically abusing any
2 person residing at the protected party's residence;
3 [or]
- 4 (3) Entering or visiting the protected party's
5 residence[-]; or
- 6 (4) Visiting, taking, concealing, threatening, physically
7 abusing, or otherwise disposing of a pet animal that
8 is in the exclusive care of the protected party."

9 2. By amending subsection (c) to read:

10 "(c) The family court judge may issue the ex parte
11 temporary restraining order orally, if the person being
12 restrained is present in court. The order shall state that
13 there is probable cause to believe that a past act or acts of
14 abuse have occurred, or that threats of abuse make it probable
15 that acts of abuse may be imminent. The order further shall
16 state that the temporary restraining order is necessary for the
17 purposes of: preventing acts of abuse or preventing a
18 recurrence of actual domestic abuse[+] and granting exclusive
19 care of a pet animal; and ensuring a period of separation of the
20 parties involved. The order shall also describe in reasonable
21 detail the act or acts sought to be restrained. Where
22 necessary, the order may require either or both of the parties



1 involved to leave the premises during the period of the order,
2 and also may restrain the party or parties to whom it is
3 directed from contacting, threatening, or physically abusing the
4 applicant's family or household members. The order shall not
5 only be binding upon the parties to the action, but also upon
6 their officers, agents, servants, employees, attorneys, or any
7 other persons in active concert or participation with them. The
8 order shall enjoin the respondent or person to be restrained
9 from performing any combination of the following acts:

- 10 (1) Contacting, threatening, or physically abusing the
11 protected party;
- 12 (2) Contacting, threatening, or physically abusing any
13 person residing at the protected party's residence; or
- 14 (3) Entering or visiting the protected party's
15 residence [-]; or
- 16 (4) Visiting, taking, concealing, threatening, physically
17 abusing, or otherwise disposing of a pet animal that
18 is in the exclusive care of the protected party."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.



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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. M. K...", written over a horizontal line.

JAN 27 2009



Report Title:

Temporary Restraining Order; Pet Animals

Description:

Authorizes family court, when issuing a temporary restraining order, to award exclusive care of a pet animal and enjoin the restrained party from having any contact with the pet animal.

