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# 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, notwithstanding that a complaint  
8 for annulment, divorce, or separation has not been filed. The  
9 order may be granted to any person who, at the time the order is  
10 granted, is a family or household member as defined in section  
11 586-1 or who filed a petition on behalf of a family or household  
12 member. The order shall enjoin the respondent or person to be  
13 restrained from performing any combination of the following  
14 acts:

15           (1) Contacting, threatening, or physically abusing the  
16           protected party;

17           (2) Contacting, threatening, or physically abusing any  
18           person residing at the protected party's residence; or



1           (3) Entering or visiting the protected party's residence.  
2     The ex parte temporary restraining order may also enjoin or  
3     restrain both of the parties from taking, concealing, removing,  
4     threatening, physically abusing, or otherwise disposing of any  
5     animal identified to the court as belonging to a household,  
6     until further order of the court."

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

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



1 physically abusing the applicant's family or household  
2 members[-]; and may enjoin or restrain both parties from taking,  
3 concealing, removing, threatening, physically abusing, or  
4 otherwise disposing of any animal identified to the court as  
5 belonging to a household, until further order of the court. The  
6 order shall not only be binding upon the parties to the action,  
7 but also upon their officers, agents, servants, employees,  
8 attorneys, or any other persons in active concert or  
9 participation with them. The order shall enjoin the respondent  
10 or person to be restrained from performing any combination of  
11 the following acts:

- 12 (1) Contacting, threatening, or physically abusing the  
13 protected party;
- 14 (2) Contacting, threatening, or physically abusing any  
15 person residing at the protected party's residence;  
16 [e-]
- 17 (3) Entering or visiting the protected party's  
18 residence[-]; or
- 19 (4) Taking, concealing, removing, threatening, physically  
20 abusing, or otherwise disposing of any animal  
21 identified to the court as belonging to a household,  
22 until further order of the court."



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

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on January 1, 2010.



H.B. NO. 1512  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Temporary Restraining Order; Household Animals

**Description:**

Authorizes family court to authorize the issuance of a temporary restraining order in certain circumstances involving an animal identified to the court as belonging to a household. Effective 1/1/10. (HB1512 CD1)

