

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO PET ANIMALS.

**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 to grant exclusive care of a  
8 pet animal, as defined in 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;



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

3                    [~~ex~~]

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, as  
8                    defined in section 711-1100, that is in the exclusive  
9                    care of the protected party."

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

11           "(c)   The family court judge may issue the ex parte  
12                   temporary restraining order orally, if the person being  
13                   restrained is present in court.   The order shall state that  
14                   there is probable cause to believe that a past act or acts of  
15                   abuse have occurred, or that threats of abuse make it probable  
16                   that acts of abuse may be imminent.   The order further shall  
17                   state that the temporary restraining order is necessary for the  
18                   purposes of:   preventing acts of abuse or preventing a  
19                   recurrence of actual domestic abuse[~~-~~] and ensuring a period of  
20                   separation of the parties involved or granting exclusive care of  
21                   a pet animal, as defined in section 711-1100.   The order shall  
22                   also describe in reasonable detail the act or acts sought to be



1 restrained. Where necessary, the order may require either or  
2 both of the parties involved to leave the premises during the  
3 period of the order, and also may restrain the party or parties  
4 to whom it is directed from contacting, threatening, or  
5 physically abusing the applicant's family or household members.  
6 The order shall not only be binding upon the parties to the  
7 action, but also upon their officers, agents, servants,  
8 employees, 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) Visiting, taking, concealing, threatening, physically  
20 abusing, or otherwise disposing of a pet animal, as  
21 defined in section 711-1100, that is in the exclusive  
22 care of the protected party."



1           3. By amending subsection (f) to read:  
2           "(f) Any fines collected pursuant to subsection [†] (e) [†]  
3 shall be deposited into the spouse and child abuse special  
4 account established under section 601-3.6."

5           SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

  
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**Report Title:**

Domestic Abuse; Temporary Restraining Orders; Pets

**Description:**

Amends the family court temporary restraining order statute to include care and treatment of pets.

