
A BILL FOR AN ACT

RELATING TO PROTECTIVE ORDERS.

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

1 SECTION 1. Section 586-5.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§586-5.5 Protective order; additional orders. (a) If,
4 after hearing all relevant evidence, the court finds that the
5 respondent has failed to show cause why the order should not be
6 continued and that a protective order is necessary to prevent
7 domestic abuse or a recurrence of abuse, the court may order
8 that a protective order be issued for a further fixed reasonable
9 period as the court deems appropriate.

10 The protective order may include all orders stated in the
11 temporary restraining order and may provide for further relief
12 as the court deems necessary to prevent domestic abuse or a
13 recurrence of abuse, including orders establishing temporary
14 visitation and custody with regard to minor children of the
15 parties and orders to either or both parties to participate in
16 domestic violence intervention services. If the court finds
17 that the party meets the requirements under section

18 334-59(a)(2), the court further may order that the party be



1 taken to the nearest facility for emergency examination and
2 treatment.

3 (b) A protective order may be extended for such further
4 fixed reasonable period as the court deems appropriate. Upon
5 application by a person or agency capable of petitioning under
6 section 586-3, the court shall hold a hearing to determine
7 whether the protective order should be extended. In making a
8 determination, the court shall consider evidence of abuse and
9 threats of abuse that occurred prior to the initial restraining
10 order and whether good cause exists to extend the protective
11 order.

12 The extended protective order may include all orders stated
13 in the preceding restraining order and may provide such further
14 relief as the court deems necessary to prevent domestic abuse or
15 a recurrence of abuse, including orders establishing temporary
16 visitation and custody with regard to minor children of the
17 parties and orders to either or both parties to participate in
18 domestic violence intervention services. The court may
19 terminate the extended protective order at any time with the
20 mutual consent of the parties.

21 (c) In all cases where the duration of a protective order
22 made pursuant to subsection (a) or extended pursuant to



1 subsection (b) exceeds three years, the court shall hold a
2 hearing every three years until the order expires to determine
3 whether the protective order should remain in force. In making
4 a determination, the court shall consider evidence of abuse and
5 threats of abuse that occurred prior to the initial restraining
6 order and whether good cause exists to continue the protective
7 order."

8 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: Andy Evans

JAN 26 2009



Report Title:

Protective Order; Review

Description:

Requires periodic court review of protective order where duration of initial or extended order exceeds 3 years.

