
A BILL FOR AN ACT

RELATING TO PET ANIMALS.

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

1 SECTION 1. Section 586-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Pet animal" shall have the same meaning as in section
5 710-1100."

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

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

9 "(a) Upon petition to a family court judge, an ex parte
10 temporary restraining order may be granted without notice to
11 restrain either or both parties from contacting, threatening, or
12 physically abusing each other, notwithstanding that a complaint
13 for annulment, divorce, or separation has not been filed. The
14 order may be granted to any person who, at the time the order is
15 granted, is a family or household member as defined in section
16 586-1 or who filed a petition on behalf of a family or household
17 member. The order shall enjoin the respondent or person to be

1 restrained from performing any combination of the following
2 acts:

- 3 (1) Contacting, threatening, or physically abusing the
4 protected party;
- 5 (2) Contacting, threatening, or physically abusing any
6 person residing at the protected party's residence; or
- 7 (3) Entering or visiting the protected party's residence.

8 The ex parte temporary restraining order may grant exclusive
9 care of a pet animal to a party to enjoin the respondent or
10 person to be restrained from visiting, taking, concealing,
11 threatening, physically abusing, or otherwise disposing of any
12 pet animal whose exclusive care has been granted to the
13 protected party."

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

15 "(c) The family court judge may issue the ex parte
16 temporary restraining order orally, if the person being
17 restrained is present in court. The order shall state that
18 there is probable cause to believe that a past act or acts of
19 abuse have occurred, or that threats of abuse make it probable
20 that acts of abuse may be imminent. The order further shall
21 state that the temporary restraining order is necessary for the
22 purposes of: preventing acts of abuse or preventing a

1 recurrence of actual domestic abuse; and ensuring a period of
2 separation of the parties involved. The order shall also
3 describe in reasonable detail the act or acts sought to be
4 restrained. Where necessary, the order may require either or
5 both of the parties involved to leave the premises during the
6 period of the order, and also may restrain the party or parties
7 to whom it is directed from contacting, threatening, or
8 physically abusing the applicant's family or household
9 members~~[,]~~, or from visiting, taking, concealing, threatening,
10 physically abusing, or otherwise disposing of a pet animal that
11 is in the exclusive care of the protected party. The order
12 shall not only be binding upon the parties to the action, but
13 also upon their officers, agents, servants, employees,
14 attorneys, or any other persons in active concert or
15 participation with them. The order shall enjoin the respondent
16 or person to be restrained from performing any combination of
17 the following acts:

- 18 (1) Contacting, threatening, or physically abusing the
19 protected party;
- 20 (2) Contacting, threatening, or physically abusing any
21 person residing at the protected party's residence;
- 22 [~~or~~]

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

6 3. By amending subsection (f) to read:

7 "(f) Any fines collected pursuant to subsection ~~[+]~~(e) ~~[+]~~
8 shall be deposited into the spouse and child abuse special
9 account established under section 601-3.6."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2050.

Report Title:

Domestic Abuse; Temporary Restraining Orders; Pets

Description:

Allows an ex parte restraining order to include granting exclusive care of a pet animal to a party and to enjoin the other party from visiting, taking, concealing, threatening, physically abusing, or disposing of the animal. Effective 7/1/2050. (SD1)