



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

Representative John M. Mizuno, Chair

Representative Jo Jordan, Vice Chair

Monday, March 14, 2011, 9:00 a.m.

State Capitol, Conference Room 329

by

R. Mark Browning

Deputy Chief Judge / Senior Judge

Family Court, First Circuit

Bill No. and Title: Senate Bill No. 1054, S.D. 1, Relating to Temporary Restraining Orders.

Purpose: Provides for the issuance of temporary restraining orders (“TROs”) by the Family and District Courts upon submission of sufficient oral sworn testimony communicated to the court by telephone, radio, or other means of electronic voice communication if exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally.

Judiciary's Position:

The Judiciary takes no position on this bill but raises the following concerns.

(1) In addition to “law enforcement officer”, this bill allows the Supreme Court, through its rule making authority, to designate other “persons” to assist applicants requesting temporary restraining orders. Our concern is that the process will involve time-sensitive responses to applicants as well as the responsibility “to enter the court’s authorization verbatim on the appropriate form, designated the duplicate original temporary restraining order.” It may be clearer to restrict the designation to “law enforcement” and delete references to other “persons.”

(2) Limiting this bill to law enforcement officers is particularly important since this bill allows an officer to create a valid court order since the person assisting the petitioner creates a form that is “designated as the duplicate original temporary restraining order.” This is an unusual scheme. Currently, the police have the authority in domestic abuse cases, using their own powers, to issue “stay away orders” sufficient to give the petitioner enough time to obtain a temporary restraining order through the usual court procedures. This bill allows the police



(generally recognized as part of the Executive branch of government) to, in effect, be “deputized” as a member of the Judicial branch of government in both civil and domestic TRO cases and empowered to create an original court order (a responsibility generally kept strictly to judges and their staff in order to preserve the public’s confidence in court orders and to prevent fraud).

(3) These TROs are required to be served before they become enforceable. Thus, although they are “effective” when the court grants it, they are not “enforceable” until the respondent has been served with the court order. This means that, if a respondent contacts or abuses the petitioner after the order has been granted but before the order has been served, the respondent cannot be prosecuted for violating the court order (although the respondent could be arrested in the event a crime were committed). The Supreme Court may be unable to change this requirement of service through their rulemaking authority. In contrast, a respondent can be prosecuted for disobeying a valid police issued stay-away order.

(4) Additionally, without an explicit authorization from the Legislature, the Supreme Court would not have the authority to direct police procedures through their rulemaking authority.

(5) At this time, such orders are not served between the hours of 10pm to 6am, unless a judge specifically allows this in writing on the summons. If this bill’s intent is that process will be available 24 hours a day, then the bill should explicitly allow service 24 hours a day in order to keep this proposed process as streamlined as possible.

(6) We are unsure of the scope of this bill. Are these procedures applicable during regular court hours? Does this bill require this process to be available 24 hours a day?

(7) If this bill requires 24 hour coverage, the Judiciary will need additional appropriations, beyond our current budget requests, in order to provide these services. On the neighbor islands, it is anticipated that staff and judges will have to be available after-hours on an on-call basis. On Oahu, because of the size of its population, we anticipate the need to develop new after-hours staff dedicated for this purpose as well as assigning this as a “calendar” for a judge rather than leaving it on an on-call basis. We have not developed a cost plan primarily because of the ambiguities in this bill. However, as an example, pursuant to collective bargaining, the minimum cost for one Social Worker IV position (the person who would have the responsibility for fielding the contacts from law enforcement) to be on call would be approximately \$32,948.23 annually. This includes compensation for standby duty, mileage, night differential, and meal costs.



(8) Additionally, new equipment and software may be needed to develop this new system of processing TROs (for example, a new interface between law enforcement and the courts may be needed).

(9) Additionally, a training process will have to developed for both Judiciary and law enforcement personnel. In our experience, we have found that, when Petitioners in family court cases are assisted by untrained persons, there may be a greater dissatisfaction with the court process (for example, when a Petitioner claims that a non-family court related person did not accurately express the Petitioner's claims and statements—this in turn gives the Respondent less than adequate notice about the claims he/she will be required to address in court).

(10) There cannot be unfettered contact between the petitioner and the judge for very practical reasons. There are and will be procedural requirements that both the Petitioner and the law enforcement officer will need help with. Based on our experience, we have also found that Petitioners need help focusing their statements. While court officers are extremely careful not to place statements in the mouths of Petitioners and are extremely careful not to act as advocates, they provide necessary help in explaining what is and is not relevant or what may or may not be significant. For example, a Petitioner might present a rather minor annoyance with the Respondent as the basis for a TRO and then happen to mention as an aside an actual physical abuse event which they did not consider to be important because of the frequency of such occurrences. Court staff will also have to create files and complete paperwork after the judge has completed his/her part of the process.

(11) Besides the practical, there is another extremely important reason to avoid direct personal contact with the judge. Such a procedure is inherently unfair to Respondents and will be rightfully perceived as such. When court staff assists in the preparation of the petition or complaint, the judge is not exposed to all of the extraneous statements and information imparted by the Petitioner. The judge and the Respondent will read the same statements. The Respondent is assured that there were no ex parte communications between the Petitioner and the judge and that, at the initial hearing, both parties will be appearing before a judge at the same time.

All of the above listed factors relate to judicial processes. However, we also have a few policy comments to raise for the Legislature's consideration.

(A) Many district court cases are less volatile than family court cases since intimate relationships are not usually involved. Also, unlike family court cases, district court orders are generally less intrusive (for example, family court respondents can be ordered to vacate their home immediately and to have no further contact with their children until at least the first return hearing). If this bill intends 24 hour coverage, its implementation may be potentially very costly and so need for such coverage in district court cases may have to be re-examined.



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(B) Allowing a more relaxed and remote process may possibly allow for more false claims based on improper motives.

(C) Besides the possibility of an increase in false claims, there may be an overall increase in petitions filed in both family and district courts. Of course, all valid petitions and complaints should be dealt with expeditiously and properly. However, if, for whatever reason, there is an overall increase in these petitions and complaints, the Judiciary will require increased judicial resources or delays may result.

The Judiciary takes issue with that part of the report by the Senate Committee on Judiciary and Labor (SB 1054, SD 1, Senate Standing Committee Report No.505, dated March 3, 2011) that comments on the perceived failure by the Supreme Court:

“ . . . the Judiciary has not adequately used its power under article VI, section 7, of the Hawaii State Constitution, which vests the Supreme Court with the power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure, and appeals, which shall have the force and effect of law.”

As discussed above, these matters are not simple and the solutions are not clearly indicated. Furthermore, the Supreme Court does not have the legislative authority to simply promulgate rules that would have the effect of law over all persons and all agencies. Lastly, as discussed above, the Judiciary and the family and district courts have done quite a bit to streamline processes and to make forms and processes more “user friendly” over the years. And, we intend to continue to work toward greater improvements.

If this bill should pass, we respectfully request that the effective date be at least two years from the date of promulgation, *i.e.*, sometime beyond the summer of 2013, in order to allow the Judiciary and all law enforcement agencies to first develop the procedures for all the different circuits, then enough time to seek adequate appropriations from the Legislature, and then enough time to train and implement the new program.

Thank you for the opportunity to testify on this matter.

**Testimony of the Office of the Public Defender, State of Hawaii,
to the House Committee on Human Services**

March 14, 2011

S.B. No. 1054 SD1: RELATING TO TEMPORARY RESTRAINING ORDERS

Chair Mizuno and Members of the Committee:

We oppose the passage of S.B. No. 1054 SD1 which seeks to allow courts to issue temporary restraining orders ["TRO"s] without the physical presence of the applicant. We believe that this measure will allow persons to abuse the TRO process for their personal objectives.

The family court has already made the TRO process a simple one for an applicant. The application can be filled out and made *ex parte* (without giving notice to the restrained person) to the family court. The judiciary has designed self-explanatory forms which a person can fill out without assistance of a lawyer. Once submitted to the court, a judge reviews the application and, in the vast majority of cases, grants the TRO. The process has been described by some detractors as a "rubber stamp" process because the applications are almost never denied.

While the process is simple, the issuance of TROs can have very serious, life-changing results for the person who is restrained. The subject of a TRO can lose his/her place of residence, be prohibited from having contact with his/her children and even be prevented from working (if the applicant works in the same building or near to the subject).

In the past, detractors of the TRO process have recounted situations where the process is abused. Parties to divorce proceedings have sought TROs simply to assert leverage in financial settlements or child custody disputes and not because there was any fear for a party's personal safety. Spouses, during arguments, have threatened their partners with TROs so that they would be excluded from the family home and be prohibited from having contact with their children.

At the very least, the current system contains an inherent deterrent to unwarranted issuances of TROs. If an applicant must fill out a written application, thereby swearing to a judge that he/she fears for personal safety, that applicant is far less likely to fabricate facts and proceed with improper motives than would be the case if an applicant can simply phone in an application or have someone submit an application on behalf of him/her.

An additional concern presented by S.B. No. 1054 SD1 is that the relaxation of TRO application procedures will eventually lead to electronic filing of applications. We feel that this expansion of access to TROs will open the floodgates to false claims in the family court. This is evidenced by the phenomena of internet blogging, website commentary, and social media. There is clear daily evidence that the internet and seeming anonymity provided by it leads to many false claims and reprehensible conduct. This situation will almost assuredly lead to a myriad of problems with wrongfully issued TROs if electronic filing comes to pass.

Finally, the delegation of the TRO application process to a “law enforcement officer” or “other person designated by rule” is very problematic. A law enforcement officer is not an unbiased party with regard to TROs. That officer is likely to encourage the applicant even when a TRO is not warranted under the circumstances. The officer’s understandable position would be “better safe than sorry.” The bill does not specify who the “other person designated by rule” would be. The fear is that the delegation of the application process will go to domestic violence counselors or victim-witness counselors who, likewise, are not unbiased parties in this area.

Thank for the opportunity to comment on this measure.



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**TESTIMONY OF THE FAMILY LAW SECTION
HAWAII STATE BAR ASSOCIATION
IN OPPOSITION TO SENATE BILL 1054, SD 1
RELATING TO TEMPORARY RESTRAINING ORDERS**

House Committee on Human Services
Monday, March 14, 2011, 9:00 a.m.
Room 329, State Capitol

Good morning Rep. Mizuno and Rep. Jordan, and members of the Committee.

My name is Tom Farrell. I am an attorney and the chair of the Family Law Section of the Hawaii State Bar Association, on whose behalf I testify this morning.

The Family Law Section is comprised of over 125 attorneys who practice primarily in Family Court. We handle divorce, paternity, domestic violence, child protection and guardianship cases. As a Section, our testimony represents the views of our members only; we do not speak on behalf of the entire Hawaii State Bar Association.

The bottom line up front: We are strongly opposed to allowing oral *Petitions for Protection* by telephone (or radio). We are in favor of the submission of electronic petitions, through the Judiciary Electronic Filing System (JEFS) when that system is extended to the Family Court.

This bill is an example of good intentions producing bad legislation. As written, it addresses problems that don't actually exist, and imposes processes that will not work. However, we agree with the basic proposition that one should be able to submit a *Petition for Protection* in the most expeditious manner possible. We also submit that in your effort to protect victims of domestic abuse, you must also ensure that the process is fair to the alleged perpetrator. After all, the consequences of both the *Temporary Restraining Order* and the *Order for Protection* following hearing are very grave---in some cases, worse than a criminal conviction. If your process fails to provide due process to the respondent, it will eventually be declared unconstitutional and you will have accomplished nothing.

So how do we fix this bill to accommodate all of these competing concerns?

First, the language about the petitioner not being physically present is meaningless and should be deleted. Petitioners are not physically present when the court considers the *Petition*. They do not see or speak to a judge. The judge considers whether the *Temporary Restraining Order* will be granted based solely on a review of the *Petition*. The only thing that is required for the person

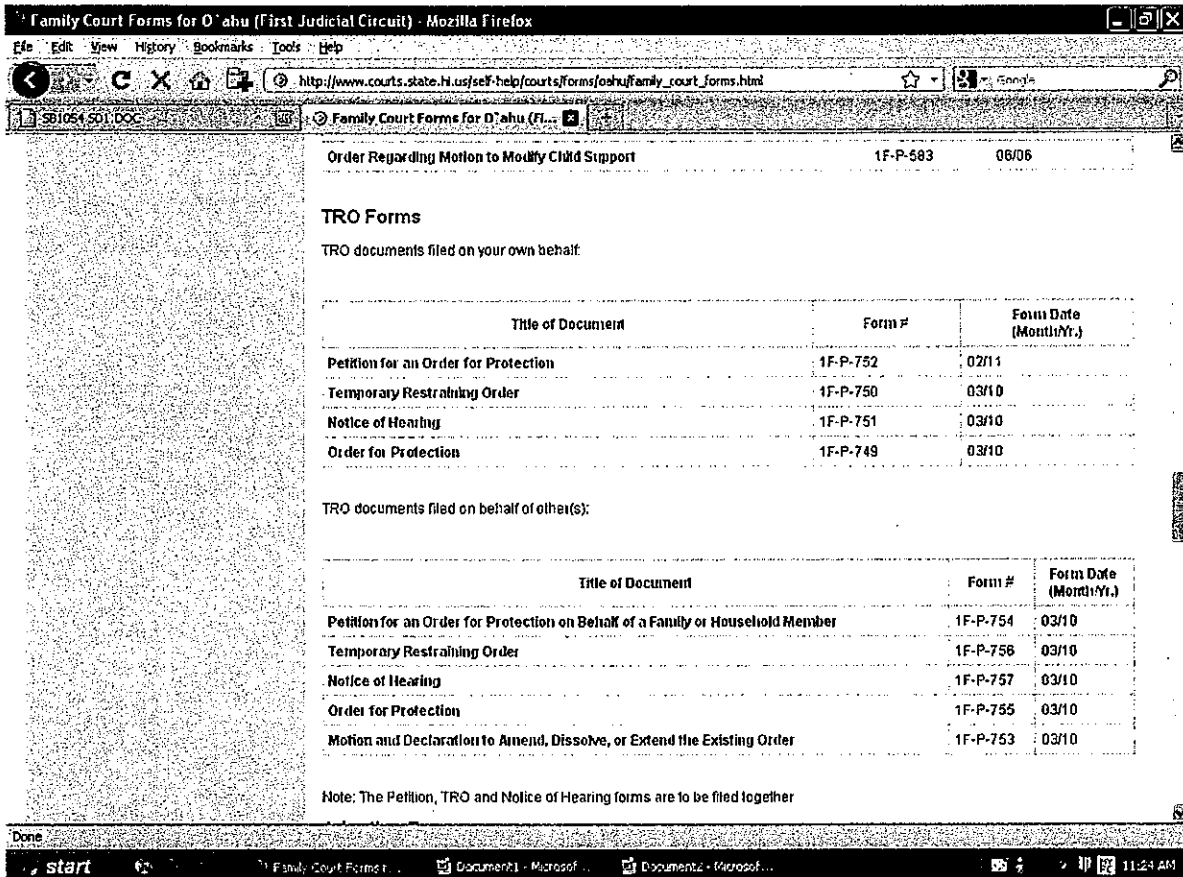
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seeking the *Temporary Restraining Order* is to submit a petition to the court. Therefore the real question is how one goes about submitting a *Petition*.

Currently, one fills out a rather simple form. I've attached an example of one to my testimony. On Oahu, these petitions are submitted to the court when the petitioner, or an attorney or legal services provider such as Ala Kuola, places the *Petition* in the hands of the Adult Services Branch. ASB either physically carries the petition to the judge, or scans and emails it. A concern has been voiced that a petitioner cannot submit a *Petition* at any time, on any day. It is possible to fix that problem, but it is not reasonable to require that a Family Court Judge be available 24/7 to immediately address any *Petition* that comes in, although that is what the current draft of SB 1054 effectively mandates. We have twelve Family Court judges. Every one of them has a staggering workload. To expect that one will be on-call at all times of the day or night to receive a phone call from any member of the public who wishes to have a *Temporary Restraining Order* is unreasonable.

It is also unnecessary. In situations where the police have been summoned to respond to the abuse of a family or household member, the police have the power to order an alleged perpetrator to leave the premises for twenty four hours, during which time the alleged perpetrator may not initiate any contact, either by telephone or in person, with the alleged victim. See, Section 709-906 (4)(b), Hawaii Revised Statutes. If the incident occurs after 12 noon on a Friday, Saturday, Sunday or legal holiday, the twenty four hour period is extended until 4:30 p.m. on the first day following the weekend or legal holiday. In essence, this makes the police officer the issuer of a temporary restraining order until the victim can submit a *Petition* to the court. The police have a simple form for doing this and they are very familiar with this procedure. If the perpetrator has fled the scene, the police can still issue the stay-away order, although they must find the perpetrator and serve him with it. May I point out that this is also the case with a *Temporary Restraining Order* issued by a judge pursuant to Chapter 586. Even if you could get a TRO with a phone call, it still has to be served on the respondent. If it isn't served on the respondent: (1) the respondent doesn't know about it, and (2) the respondent cannot be prosecuted for violating it. An unserved TRO is useless.

Currently, the forms for a *Petition* are available online for all circuits except the Big Island (which I think is probably an oversight that will be corrected shortly). So anyone with access to a computer can prepare a petition at any time of the day or night. Maui allows petitions to be faxed in, and that's probably something the other circuits could do---you can ask Judge Browning if he could set that up here on Oahu.



Screen capture, Judiciary Website, March 12, 2011.

Besides the fact that it isn't really necessary, and the unreasonable imposition on our judges, there are a couple of additional reasons that the Family Law Section is strongly opposed to petitions by telephone.

First, due process requires that the respondent have notice of the specific allegations of the petitioner. The current form does a decent job of this. When one of my clients is on the receiving end of one of these petitions, we know what we have to defend against. That's only fair. That means that there has to be a record made of the specific allegations supporting the *Petition*. The draft before you imposes the burden of making the record on "the law enforcement officer or other person designated by rule to assist the applicant in communicating the sworn oral testimony or complaint by electronic means." And the method provided in the current draft is that this person "shall contemporaneously record the testimony or complaint by means of an audio-recording device or stenographic machine if available; otherwise, adequate longhand notes summarizing the applicant's statements shall be made by the court" This just isn't going to work.

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First of all, the Supreme Court cannot, by rule, impose new duties on the various county police departments. (And if HPD isn't here today in opposition to this bill, I'd be rather surprised.) If you expect the police to be carrying around tape recorders and recording one side of a phone call, that just isn't realistic. Are you prepared to purchase thousands of microcassette recorders, tapes, and batteries for all the police officers of the various counties? Moreover, how does the respondent ever get hold of the tape? Who makes the copy? When? At whose expense? It's one thing to xerox a police report, it's quite another to duplicate a tape. The part about the stenographic machine is absurd---what is the petitioner supposed to do, call a court reporter to come out to the house at 2:00 a.m.? So you're reduced to "longhand notes." Have you ever tried to take longhand notes of a telephone conversation? How fast can the average person write?

Today, the respondent is served with the *Petition* along with the *Temporary Restraining Order*, so the respondent knows from the outset exactly what is being alleged. That's only fair and that's how it should be.

The reality of telephone petitions is that the respondent just isn't going to know what the petitioner told the judge, and that is fundamentally unfair. So unfair, in my opinion, that it violates the due process clause of the Constitution.

The second problem is that there has to be a paper order generated. Again, your draft proposes to place that burden on the police. Asking the police officer to be the judge's scrivener is not reasonable nor can the Supreme Court impose that duty by rule. Court orders are drafted and issued by courts or court staff. That's why we have the portions of the Abuse of a Family or Household Member statute that authorize the police to issue their own orders until a court can act.

There is one initiative, however, that can make the submission of a *Petition* even easier, although it's pretty easy right now. That initiative is the Judiciary Electronic Filing System, otherwise known as JEFS. As you may know, many courts have gone to e-filing, including the Federal Court here in Hawaii. Our state courts are getting there. Last year, the Judiciary unveiled its e-filing system and made it mandatory for filings in the appellate courts. I've used it and it works well. It will be expanded in the next year, first to the Circuit Court, and eventually to Family Court. There are issues with how persons who are representing themselves will use the system, but those issues are technical issues that are not insurmountable. I predict that within a year or two, most petitions will be filled out online and submitted with the push of a button.

Accordingly, the Family Law Section has provided a proposed HD1 which eliminates the objectionable telephone petitions and incorporates e-filing as an authorized method for filing a *Petition for Protection*. And while my remarks today have addressed the *Family Court Petition for Protection* process, our HD 1 also conforms the provisions of the District Court Restraining Order Against Harassment process to eliminate telephone petitions for many of the same reasons.

Thank you for the opportunity to testify this morning.

adg

<p>IN THE FAMILY COURT OF THE FIRST CIRCUIT STATE OF HAWAII</p>	<p>PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF A FAMILY OR HOUSEHOLD MEMBER</p>	<p>CASE NUMBER 11-1-[REDACTED] FC-DA No.</p>
<p>Brittney [REDACTED] PETITIONER, on behalf of Kekai [REDACTED], Kawai [REDACTED] and SUBJECT Edward [REDACTED], minors VS. Edward [REDACTED] RESPONDENT.</p>	<p>Petitioner's name, address and telephone number: Brittney [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and, Petitioner's Attorney's name, address and telephone number:</p>	

I. Petitioner alleges, under penalty of perjury, that:

- 1. This Petition is made pursuant to Hawai'i Revised Statutes ("H.R.S.") Chapter 586 and H.R.S. section 134-7.
- 2. I (Petitioner) am submitting this petition on behalf of the following family or household member who is:
 a minor; an incapacitated adult.

Name (Subject): Kekai [REDACTED], Kawai [REDACTED], Edward [REDACTED]

The Subject is: male female Year of Birth 03/22/03, 09/06/04, 06/16/07

The Subject of this Petition is my (for example, child, nephew, uncle, parent, etc.): Children

The legal parents/guardians of the Subject are: Edward [REDACTED]

- 3. The Subject resides on the island of O'ahu.

Name(s) and species of the animal(s) belonging to household in need of protection, if any: Kekai [REDACTED], Kawai [REDACTED] and Edward [REDACTED]

If the Subject has been declared incapacitated and/or is the subject of a guardianship ordered by a court, please complete the following case information:

Case name: _____ Case number: _____

Location of court: _____ Type of case: _____

- 4. The Subject of this Petition has the following relationship with the Respondent named above:

length of their relationship: ___ day(s) ___ month(s) 6 year(s)

- A. they are married.
- B. they were married, but are now divorced.
- C. they are current or former reciprocal beneficiaries.
- D. they are or were dating (romantic, courting, or engaged).
- E. they are now living together.
- F. they used to live together.
- G. they are related by blood and Respondent is the Subject's _____
- H. they have a child/children together.

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Ron Mc [Signature]
Clerk, Circuit Court, First Circuit

2011 JAN 19 PM 11:28
FILED
FAMILY COURT
FIRST CIRCUIT
STATE OF HAWAII
E. ALAFAO
CLERK
EXHIBIT

LEGAL DEFINITIONS

11-1-6072

"Dating relationship" means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

Pursuant to section 586-4(b) of the Hawai'i Revised Statutes ("HRS"), for any person who is alleged to be a family or household member by virtue of a dating relationship, the court may consider the following factors in determining whether a dating relationship exists:

- (1) The length of the relationship;
- (2) The nature of the relationship; and
- (3) The frequency of the interaction between the parties.

"Domestic abuse" means:

- (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or
- (2) Any act which would constitute an offense under HRS section 709-906, or under part V or VI of HRS chapter 707 committed against a minor family or household member by an adult family or household member.

"Extreme psychological abuse" means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.

"Family or household member" means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship.

"Malicious property damage" means an intentional or knowing damage to the property of another, without his consent, with an intent to thereby cause emotional distress.

**PETITION FOR AN ORDER FOR PROTECTION ON BEHALF
OF A FAMILY OR HOUSEHOLD MEMBER (continued)**

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CASE NUMBER

FC-DA No 1 - 1 - [REDACTED]

5. The Respondent has abused the Subject and/or pet as follows:

A. FIRST INCIDENT OF ABUSE

Respondent abused Subject and/or Kekai [REDACTED] Kawai [REDACTED] and Edward [REDACTED].

on (date) 12/16/10 by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: Kekai said he is scolded for this he doesn't done. Kekai feels like a bad brother at his

father's house and has to do everything for them. On 12/16/10 while crying Kekai stated that "sometimes i think about hurting myself and wants to run away to mom's house while at father's house. He also said "I don't want to stay with my father but I'm scared when he's mad and if my father ask me about living with him, i would lie and say yes."

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:
in the home and were present when the above incident occurred.

B. MOST RECENT INCIDENT OF ABUSE (check here if same as above)

Respondent abused Subject and/or Kekai [REDACTED] Kawai [REDACTED] and Edward [REDACTED].

on (date) 01/13/11 by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: Kekai was crying while driving home because he said "my father found out that i am going boxing and i was punished for it." Kekai & Kawai stated that his father and his girlfriend [REDACTED] had told them that mom gave up her rights when she got divorced." Both Kekai & Kawai was told not to talk about their fathers house by father & girlfriend. He also said "I'm scared of my father and sometimes i want to kill myself."

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:
In the home and were present when the above incident occurred.

C. OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

Respondent abused Subject and/or KEKAI [REDACTED], KAWAI [REDACTED], EDWARD [REDACTED]

on (date) MAY 12, 2010 by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: KAWAI [REDACTED] STATED HE CAN NOT CUT HIS HAIR OR HAVE HIS HAIR LINED UP BECAUSE MY FATHER SAID HE WOULD BE MAD AND THAT DON'T LET YOUR MOM CUT YOUR HAIR. THE FATHER ALSO TOLD KAWAI THAT A LINE UP MAKES HIM LOOK LIKE A NIGGA!

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:
In THE HOME AND WERE PRESENT WHEN THE ABOVE INCIDENT OCCURRED.

**PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF A
FAMILY OR HOUSEHOLD MEMBER (continued)**

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CASE NUMBER

FC-D 1 No. 1 - ~~0000~~

6. The Respondent:

- A. may be mentally ill.
- B. may use illegal drugs.
- C. is a member of the Armed Services is deployed or has received deployment orders.
- D. may need supervised visitation with the children because: Both the respondent and respondents girlfriend
has been putting extreme psychological abuse on the children resulting with kekai wanting to kill or hurt
himself.
- E. may own/possess/have access to a weapon (describe): Hand Knife and/or Hunting rifle

7. Firearms (check all that apply and fill in the blanks):

A. The Respondent:

owns possesses has access to intends to obtain intends to transfer ownership of
firearm(s), which may be used to threaten, injure or abuse a person as follows:

1) Description of firearm(s): Hunting Rifle

2) Location of firearm(s): (give street address and describe specific place where firearm is located)

Unknown

B. The Respondent is a member of the police department, a sheriff, a law enforcement officer, a member of the
armed forces of the State of Hawai'i or the United States, a mail carrier, or is employed by the State, or subdivisions thereof,
or the United States, and may be required to be armed while on duty.

8. Other court cases:

The Subject and/or my family and household members and/or the Respondent are or have been involved in other court
cases (check all that apply and list the case number if you know it):

Divorce FC-D 07-1-~~0000~~ Paternity

Restraining Order/Protective Order

Juvenile C.P.S.

Child Support Criminal

Others: Abuse against a household member

9. The address I live in is owned rented by: Petitioner and Petitioner's spouse

10. The social worker or police officer or other official from this agency told me to file this Petition (identify the agency):
CPS Child Protective Services

**PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF A
FAMILY OR HOUSEHOLD MEMBER (continued)**

CASE NUMBER

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FC-DÁ No. - 1 - ~~XXXXXX~~

II. Based on the foregoing statements and information, Petitioner requests the following:

1. A Temporary Restraining Order enjoining the Respondent and any other person acting on the Respondent's behalf from:

- A. contacting, threatening or physically abusing the Subject and the Subject's family and household members (no contact includes no meetings, email, phone calls, messaging, mail).
- B. entering or visiting the Subject's residence.
- C. contacting, threatening, or physically abusing the Subject at his/her place of work.

Employer's name and address: _____

D. contacting, threatening, or physically abusing the children at school. School's name and address:

~~XXXXXX~~ Elementary School ~~XX~~

- E. maliciously/intentionally damaging the Subject's property or the property of the Subject's family and household members.
- F. psychologically abusing the Subject and the Subject's family and household members.
- G. taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal previously identified in section I, #3, as belonging to the household.

2. An order requiring that Respondent immediately vacate the Subject's residence.

3. An order requiring Respondent to appear in court and show cause as to why the Order should not be continued.

4. A Protective Order continuing the Temporary Restraining Order and including:

- temporary visitation and custody orders.
- temporary prohibition of visitation with (*children's names*): _____
- supervised visitation with (*children's names*): _____

to be supervised by: _____ who: does not yet know of this request
 has agreed to this

requiring the Respondent to participate in domestic violence intervention services and/or other counseling.

Parenting Class

5. The Protective Order should last for at least ~~6~~ month(s) or 1 year(s).

I HEREBY SOLEMNLY AND SINCERELY DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF, INFORMATION, AND KNOWLEDGE.

~~XX~~
Petitioner's Signature

Dated: Kapolei Honolulu, Hawai'i, JAN 19, 2011

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

11-1-~~XXXXXX~~

_____) FC-DA No. _____
BRITTNEY _____)
PETITIONER,)
_____))
on behalf of KEKAI _____, KAWAI _____ AND)
SUBJECT(S))
_____))
EDWARD _____, MINORS)
SUBJECT(S))
_____))
SUBJECT(S))
_____))
VS.)
_____))
EDWARD _____)
RESPONDENT.)

Hearing Date: JAN 19 2011
Judge: LINDA S. MARTELL
This Order expires on: APR 19 2011
 Caution: Weapon Involved

TEMPORARY RESTRAINING ORDER

A. After reviewing the Petition for an Order for Protection on Behalf of a Family or Household Member, the Court finds probable cause to believe that:

1. A past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent.
2. This Temporary Restraining Order is necessary to prevent acts of abuse or a recurrence of abuse and to ensure a period of separation of the persons involved.
3. Subject(s) and Respondent are family or household members.

BRITTNEY _____, RICARDO _____, LYAN _____ [name(s) & species of animal(s)] is a household pet.

4. Respondent's identifying information is as follows:

Name: EDWARD _____
Address: _____ HAWAII 96700
Year of Birth: 1979 Telephone No.: _____

Respondent may own, possess, have access to, or intends to obtain a firearm, which may be used to threaten, injure or abuse a person.

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B. THEREFORE, THE COURT MAKES THESE ORDERS:

Respondent: These orders apply right now to you and anyone acting for you. Read carefully.

1. You must go to court on (date) FEB 0 2 2011 at 7:45 a.m. 1:00 p.m.
2. Do not threaten, physically abuse or psychologically abuse the Subject(s) or anyone living with the Subject(s).
3. Do not contact, write, telephone or otherwise electronically contact (recorded message, pager, email, text message, instant message, etc.) the Subject or anyone living with the Subject(s).
4. Do not approach or come within **100 feet** of the Subject(s).
5. Do not visit or approach within **100 yards** of any place where the Subject(s) lives or works or goes to school. Do not violate this order even if the Subject(s) invites you to be at the place where the Subject(s) lives or works or goes to school.
6. Do not damage or otherwise disturb the property of the Subject(s) or the property of anyone living with the Subject(s).

_____ Immediately leave the residence located at _____

_____ and do not go back until this Order is changed. If you need personal items from the residence before the court hearing, such as clothing, you may contact the Police Department within 24 hours of the service of this Order. The Police Department is authorized to escort you to the residence to remove personal items one time, but only after the Subject(s) is contacted. You may be at the residence only while a police officer is present:

7 Do not have contact with these people who live with the Subject(s), including at their work place or school: LYRON ~~XXXXXXXXXX~~

_____ Do not take, conceal, remove, threaten, physically abuse, or otherwise dispose of the following animal(s) belonging to the household: [name(s) & species of the animal(s):] _____

7

8

FIREARMS RESTRICTIONS. Pursuant to section 134-7(f) of the Hawai'i Revised Statutes, you, Respondent, and/or anyone acting on your behalf, are prohibited from possessing, controlling, or transferring ownership of any firearm, ammunition, or firearm permit or license for the duration of this Order or extension thereof. All firearms permits or licenses are hereby revoked. You, Respondent, shall immediately turn over all firearms, ammunition, permits and/or licenses to a police officer or to the Honolulu Police Department (Firearms Unit, Main Station, 801 South Beretania Street, First Floor), for the duration of this Order or extension thereof.

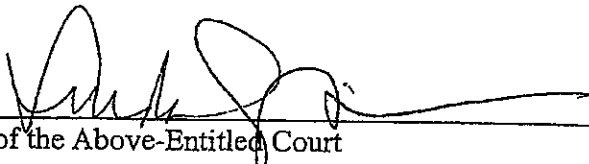
C. IT IS FURTHER ORDERED THAT:

1. A law enforcement officer shall personally serve this Order and related documents on the Respondent and shall accompany the Petitioner and/or Subject(s) and assist the Petitioner and/or Subject(s) in securing possession of any dwelling or residence that the Respondent is ordered to vacate.
2. Filing fees are waived.
3. If there are firearms restrictions, a copy of this Order shall be forwarded to Respondent's chief, commanding officer or administrator (name/address): _____

At the court hearing on the date noted on page 2 of this Order, the Respondent must tell the Court why this Order should be cancelled. The Petitioner and the Respondent must be ready for the hearing and both can testify, present evidence, and question witnesses. The Petitioner and the Respondent can bring their own attorneys.

ANY VIOLATION OF THIS TEMPORARY RESTRAINING ORDER IS A MISDEMEANOR AND PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR UP TO A \$1,000 FINE.

DATED: ^{Kapolei} Honolulu, Hawai'i, JAN 19 2011



Judge of the Above-Entitled Court
LINDA S. MARTELL

8

BRITTNEY ~~XXXXXXXXXX~~

PETITIONER,

on behalf of KEKAI ~~XXXXXXXXXX~~ KAWAI ~~XXXXXXXXXX~~ and
EDWARD ~~XXXXXXXXXX~~, Minors,

SUBJECT,

vs.

EDWARD ~~XXXXXXXXXX~~

RESPONDENT.

TO: THE PARTIES NAMED ABOVE

THIS IS TO NOTIFY YOU of the attached "Petition for An Order for Protection" / "Petition for An Order for Protection on Behalf of a Family or Household Member" and "Temporary Restraining Order". **YOU ARE COMMANDED** to appear before the Presiding Judge of this Court at the date, time and place indicated below. At this hearing, you will be permitted to show cause why the Temporary Restraining Order should not continue to be in effect.

If you wish to seek the advice of an attorney, do so promptly. You must appear at the hearing with or without an attorney.

HEARING SET FOR:

DATE:	FEBRUARY 2, 2011
TIME:	8:00 A.M.
PLACE:	FAMILY COURT OF THE FIRST CIRCUIT RONALD T. Y. MOON JUDICIAL COMPLEX 4675 KAPOLEI PARKWAY, 3RD FLOOR KAPOLEI, HAWAII 96707
BEFORE:	PRESIDING JUDGE

This Notice of Hearing shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit court permits, in writing on the Notice of Hearing, personal delivery during those hours.

If you are incarcerated on the date of your court hearing, you will not be automatically transported to the Family Court. You must either: 1) make your own arrangements with your secured facility; or 2) obtain authorization from the Court prior to your court date. (Send a written request entitle, "Ex Parte Request for Transport for Incarcerated Party," stating full case name and number, hearing date and time, place of incarceration and you name to the SPECIAL DIVISION CALENDARING CLERK, FAMILY COURT, 4675 KAPOLEI PARKWAY, KAPOLEI, HI 96707 in sufficient time for the Court to respond to your request.)

FAILURE TO OBEY THIS ORDER AND APPEAR IN COURT ON THE ABOVE DATE MAY RESULT IN THE ENTRY OF A DEFAULT AND A DEFAULT JUDGMENT AGAINST YOU AND THE FRANTING OF A PROTECTIVE ORDER AGAINST YOU AND / OR MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.



In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Chief Court Administrator's Office at PHONE NO. 954-8200, FAX 954-8308 or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

DATE
JAN 19 2011

CLERK OF THE FIRST CIRCUIT FAMILY COURT

[Signature]

9

A BILL FOR AN ACT

RELATING TO TEMPORARY RESTRAINING ORDERS.

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

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

"§586-4 Temporary restraining order. (a) Upon petition to a family court judge^[5] pursuant to subsection (c), an ex parte temporary restraining order may be granted without notice to restrain either or both parties from contacting, threatening, or physically abusing each other, notwithstanding that a complaint for annulment, divorce, or separation has not been filed. The order may be granted to any person who, at the time the order is granted, is a family or household member as defined in section 586-1 or who filed a petition on behalf of a family or household member. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:

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

The ex parte temporary restraining order may also enjoin or restrain both of the parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.

(b) For any person who is alleged to be a family or household member by virtue of a dating relationship, the court may consider the following factors in determining whether a dating relationship exists:

- (1) The length of the relationship;
- (2) The nature of the relationship; and
- (3) The frequency of the interaction between the parties.

(c) An ex parte temporary restraining order may be issued pursuant to subsection (a) upon submission of a written or electronic petition in accordance with rules adopted by the supreme court.

~~[(e)]~~ (d) The family court judge may issue the ex parte temporary restraining order orally, if the person being restrained is present in court. The order shall state that there is probable cause to believe that a past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent. The order further shall state that the temporary restraining order is necessary for the purposes of: preventing acts of abuse or preventing a recurrence of actual domestic abuse and ensuring a period of separation of the parties involved. The order shall also describe in reasonable detail the act or acts sought to be restrained. Where necessary, the order may require either or both of the parties involved to leave the premises during the period of the order; may also restrain the party or parties to whom it is directed from contacting, threatening, or physically abusing the applicant's family or household members; and may enjoin or restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court. The order shall not only be binding upon the parties to the action, but also upon their officers, agents, servants, employees, attorneys, or any other persons in active concert or participation with them. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:

- (1) Contacting, threatening, or physically abusing the protected party;
- (2) Contacting, threatening, or physically abusing any person residing at the protected party's residence;
- (3) Entering or visiting the protected party's residence; or
- (4) Taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.

~~[(d)]~~ (e) If a divorce or a child custody proceeding is pending, a petition for a temporary restraining order may be filed in that same proceeding to the extent practicable. Any decree or order issued in a divorce or child custody proceeding subsequent to the petition being filed or an order being issued pursuant to this section, in the discretion of the court hearing the divorce or child custody proceeding, may supersede in whole or part the orders issued pursuant to this section. The factual findings and rulings made in connection with the granting or denying of a temporary restraining order may not have binding effect in any other family court proceeding, including child custody determinations under section 571-46, and the court in such proceedings may give de novo consideration to the facts and circumstances alleged in making later determinations affecting the parties, including determination of custody and visitation.

~~[(e)]~~ (f) When a temporary restraining order is granted and the respondent or person to be restrained knows of the order, a knowing or intentional violation of the restraining order is a misdemeanor. A person convicted under this section shall undergo domestic violence

intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:

(1) For a first conviction for violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine; and

(2) For the second and any subsequent conviction for violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1) and (2), upon condition that the defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor.

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

SECTION 2. Section 601-3.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The account shall consist of fees remitted pursuant to sections 338-14.5 and 572-5, income tax remittances allocated under section 235-102.5, fines collected pursuant to sections ~~[(586-4(e))];~~ 586-4(f), 580-10, and 586-11, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the account shall be subject to the conditions specified in subsection (b)."

SECTION 3. Section 604-10.5, Hawaii Revised Statutes, is amended to read as follows:

"§604-10.5 Power to enjoin and temporarily restrain harassment. (a) For the purposes of this section:

"Course of conduct" means a pattern of conduct composed of a series of acts over any period of time evidencing a continuity of purpose.

"Harassment" means:

(1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault; or

(2) An intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer emotional distress.

(b) The district courts shall have power to enjoin or prohibit or temporarily restrain harassment.

(c) Any person who has been subjected to harassment may petition the district court of the district in which the petitioner resides for a temporary restraining order and an injunction from further harassment.

(d) [A] Except as provided in subsection (f), a petition for relief from harassment shall be in writing and shall allege that a past act or acts of harassment may have occurred, or that threats of harassment make it probable that acts of harassment may be imminent; and shall be accompanied by an affidavit made under oath or statement made under penalty of perjury stating the specific facts and circumstances from which relief is sought.

(e) Upon petition to a district court under this section, the court may temporarily restrain the person or persons named in the petition from harassing the petitioner upon a determination that there is probable cause to believe that a past act or acts of harassment have occurred or that a threat or threats of harassment may be imminent. ~~[The court may issue an ex parte temporary restraining order either in writing or orally; provided that oral orders shall be reduced to writing by the close of the next court day following oral issuance.]~~

(f) An ex parte temporary restraining order may be issued pursuant to subsection (e) upon submission of a written or electronic petition in accordance with rules adopted by the supreme court.

~~[(f)]~~ (g) A temporary restraining order that is granted under this section shall remain in effect at the discretion of the court for a period not to exceed ninety days from the date the order is granted. A hearing on the petition to enjoin harassment shall be held within fifteen days after the temporary restraining order is granted. In the event that service of the temporary restraining order has not been effected before the date of the hearing on the petition to enjoin, the court may set a new date for the hearing; provided that the new date shall not exceed ninety days from the date the temporary restraining order was granted.

The parties named in the petition may file or give oral responses explaining, excusing, justifying, or denying the alleged act or acts of harassment. The court shall receive all evidence that is relevant at the hearing, and may make independent inquiry.

If the court finds by clear and convincing evidence that harassment as defined in paragraph (1) of that definition exists, it may enjoin for no more than three years further harassment of the

petitioner, or that harassment as defined in paragraph (2) of that definition exists, it shall enjoin for no more than three years further harassment of the petitioner; provided that this ~~[paragraph]~~ subsection shall not prohibit the court from issuing other injunctions against the named parties even if the time to which the injunction applies exceeds a total of three years.

Any order issued under this section shall be served upon the respondent. For the purposes of this section, "served" shall mean actual personal service, service by certified mail, or proof that the respondent was present at the hearing in which the court orally issued the injunction.

Where service of a restraining order or injunction has been made or where the respondent is deemed to have received notice of a restraining order or injunction order, any knowing or intentional violation of the restraining order or injunction order shall subject the respondent to the provisions in subsection ~~[(h)]~~ (i).

Any order issued shall be transmitted to the chief of police of the county in which the order is issued by way of regular mail, facsimile transmission, or other similar means of transmission.

~~[(g)]~~ (h) The court may grant the prevailing party in an action brought under this section, costs and fees, including attorney's fees.

~~[(h)]~~ (i) A knowing or intentional violation of a restraining order or injunction issued pursuant to this section is a misdemeanor. The court shall sentence a violator to appropriate counseling and shall sentence a person convicted under this section as follows:

(1) For a violation of an injunction or restraining order that occurs after a conviction for a violation of the same injunction or restraining order, a violator shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours; and

(2) For any subsequent violation that occurs after a second conviction for violation of the same injunction or restraining order, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days.

The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1) and (2), upon appropriate conditions, such as that the defendant remain alcohol and drug-free, conviction-free, or complete court-ordered assessments or counseling. The court may suspend the mandatory sentences under paragraphs (1) and (2) where the violation of the injunction or restraining order does not involve violence or the threat of violence. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense.

~~[(i)]~~ (j) Nothing in this section shall be construed to prohibit constitutionally protected activity."

SECTION 4. Section 806-73, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) All adult probation records shall be confidential and shall not be deemed to be public records. As used in this section, the term "records" includes, but is not limited to, all records made by any adult probation officer in the course of performing the probation officer's official duties. The records, or the content of the records, shall be divulged only as follows:

(1) A copy of any adult probation case record or of a portion of it, or the case record itself, upon request, may be provided to:

(A) An adult probation officer, court officer, social worker of a Hawaii state adult probation unit, or a family court officer who is preparing a report for the courts; or

(B) A state or federal criminal justice agency, or state or federal court program that:

(i) Is providing supervision of a defendant or offender convicted and sentenced by the courts of Hawaii; or

(ii) Is responsible for the preparation of a report for a court;

(2) The residence address, work address, home telephone number, or work telephone number of a current or former defendant shall be provided only to:

(A) A law enforcement officer as defined in section 710-1000(13) to locate the probationer for the purpose of serving a summons or bench warrant in a civil, criminal, or deportation hearing, or for the purpose of a criminal investigation; or

(B) A collection agency or licensed attorney contracted by the judiciary to collect any delinquent court-ordered penalties, fines, restitution, sanctions, and court costs pursuant to section 601-17.5.

(3) A copy of a presentence report or investigative report shall be provided only to:

(A) The persons or entities named in section 706-604;

(B) The Hawaii paroling authority;

(C) Any psychiatrist, psychologist, or other treatment practitioner who is treating the defendant pursuant to a court order or parole order for that treatment;

(D) The intake service centers;

(E) In accordance with applicable law, persons or entities doing research; and

(F) Any Hawaii state adult probation officer or adult probation officer of another state or federal jurisdiction who:

(i) Is engaged in the supervision of a defendant or offender convicted and sentenced in the courts of Hawaii; or

(ii) Is engaged in the preparation of a report for a court regarding a defendant or offender convicted and sentenced in the courts of Hawaii;

(4) Access to adult probation records by a victim, as defined in section 706-646 to enforce an order filed pursuant to section 706-647, shall be limited to the name and contact information of the defendant's adult probation officer;

(5) Upon written request, the victim, or the parent or guardian of a minor victim or incapacitated victim, of a defendant who has been placed on probation for an offense under section 580-10(d)(1), [~~586-4(e)~~], 586-4(f), 586-11(a), or 709-906 may be notified by the defendant's probation officer when the probation officer has any information relating to the safety and welfare of the victim;

(6) Notwithstanding paragraph (3) and upon notice to the defendant, records and information relating to the defendant's risk assessment and need for treatment services; information related to the defendant's past treatment and assessments, with the prior written consent of the defendant for information from a treatment service provider; provided that for any substance abuse records such release shall be subject to Title 42 Code of Federal Regulations Part 2, relating to the confidentiality of alcohol and drug abuse patient records; and information that has therapeutic or rehabilitative benefit, may be provided to:

(A) A case management, assessment or treatment service provider assigned by adult probation to service the defendant; provided that such information shall be given only upon the acceptance or admittance of the defendant into a treatment program;

(B) Correctional case manager, correctional unit manager, and parole officers involved with the defendant's treatment or supervision; and

(C) In accordance with applicable law, persons or entities doing research;

(7) Probation drug test results may be released with prior written consent of a defendant to the defendant's treating physician when test results indicate substance use which may be compromising the defendant's medical care or treatment;

(8) Any person, agency, or entity receiving records, or contents of records, pursuant to this subsection shall be subject to the same restrictions on disclosure of the records as Hawaii state adult probation offices; and

(9) Any person who uses the information covered by this subsection for purposes inconsistent with the intent of this subsection or outside of the scope of the person's official duties shall be fined no more than \$500."

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

SECTION 6. This Act shall take effect on July 1, 2011.

Report Title:

Domestic Abuse; Harassment; Temporary Restraining Orders; Electronic Application

Description:

Allows temporary restraining orders against harassment and domestic abuse to be issued upon the petition to a judge by electronic means. Effective 7/1/2011. (SD1, HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.