

JAN 17 2020

A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

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

1 SECTION 1. The legislature finds that seeking a temporary
2 restraining order and order of protection can be emotionally and
3 financially taxing for already vulnerable domestic abuse
4 victims. The legislature further finds that these strains can
5 be exacerbated when a court grants numerous continuances,
6 sometimes delaying a victim's escape from their abuser and
7 forcing the victim to be absent from work in order to attend
8 multiple court appearances.

9 The purpose of this Act is to reduce the emotional and
10 financial hardship of show cause hearings for domestic abuse
11 victims by limiting the number of continuances a court may
12 grant, absent exigent circumstances.

13 SECTION 2. Section 586-5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) On the earliest date that the business of the court
16 will permit, but no later than fifteen days from the date the
17 temporary restraining order is granted, the court, after giving



1 due notice to all parties, shall hold a hearing on the
2 application requiring cause to be shown why the order should not
3 continue. [~~In the event that~~] If service has not been effected,
4 the court may set a new date for the hearing; provided that the
5 date shall not exceed ninety days from the date the temporary
6 restraining order was granted[-]; provided further that, absent
7 a finding by the court of exigent circumstances, no more than
8 two continuances of the hearing shall be granted. All parties
9 shall be present at the hearing and may be represented by
10 counsel.

11 The protective order may include all orders stated in the
12 temporary restraining order and may provide further relief, as
13 the court deems necessary to prevent domestic abuse or a
14 recurrence of abuse, including orders establishing temporary
15 visitation with regard to minor children of the parties and
16 orders to either or both parties to participate in domestic
17 violence intervention."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Roslyn H. Biko

Francine G. Mowse

Michelle D. Sidani

[Signature]

[Signature]

Paul E. R.

[Signature]
Hanna Turk

Anna Mercedes K.

[Signature]

[Signature]

ET Rivas

[Signature]

Clarence K. Nishibe

[Signature]

[Signature]

Kal Rhoads

DK

[Signature]



S.B. NO. 2305

Report Title:

Domestic Abuse; Order to Show Cause Hearing

Description:

Provides that a court may not grant more than 2 continuances of an order to show cause hearing in domestic abuse cases, absent a finding of exigent circumstances.

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

