
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 prohibiting a court from granting a continuance,
12 absent good cause.

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 good cause, no continuance of the
8 hearing shall be granted. All parties shall be present at the
9 hearing and may be represented by counsel.

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

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 Statutory material to be repealed is bracketed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

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



Report Title:

Domestic Abuse; Order to Show Cause Hearing

Description:

Provides that a court may not grant continuances of an order to show cause hearing in domestic abuse cases, absent a finding of good cause. (SD1)

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