

JAN 16 2025

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# 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 in households where  
2 abuse of a parent or guardian occurs, children who witness the  
3 abuse are also victimized despite not being physically harmed.  
4 These children have a higher risk for long-term physical and  
5 mental health problems and are also at greater risk of  
6 experiencing anxiety, experiencing depression, and exhibiting  
7 violence in a future relationship. Due to the trauma, these  
8 children are more likely to exhibit behaviors such as fighting,  
9 bullying, lying, or cheating. These children are often more  
10 disobedient at home and at school and are more likely to have  
11 social competence problems such as poor school performance and  
12 difficulty in relationships with others. Children who witness  
13 domestic violence are also more likely to resolve conflict by  
14 using violence.

15           The purpose of this Act is to clarify that minors who  
16 reside in the same household as a victim of domestic abuse have



1 standing to file a petition for an order of protection or a  
2 temporary restraining order.

3 SECTION 2. Section 586-3, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) A petition for relief shall be in writing upon forms  
6 provided by the court and shall allege, under penalty of  
7 perjury, that: a past act or acts of abuse may have occurred;  
8 threats of abuse make it probable that acts of abuse may be  
9 imminent; or extreme psychological abuse or malicious property  
10 damage is imminent; and be accompanied by an affidavit made  
11 under oath or a statement made under penalty of perjury stating  
12 the specific facts and circumstances from which relief is  
13 sought. The court shall not require a complainant who is a  
14 minor to demonstrate that the minor was the victim of the  
15 domestic abuse if the petition alleges that the minor resided in  
16 the same household as the victim of the domestic abuse."

17 SECTION 3. Section 568-4, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Upon petition to a family court judge, an ex parte  
20 temporary restraining order may be granted without notice to  
21 restrain either or both parties from contacting, threatening, or



1 physically abusing each other, notwithstanding that a complaint  
2 for annulment, divorce, or separation has not been filed. The  
3 order may be granted to any person who, at the time the order is  
4 granted, is a family or household member as defined in section  
5 586-1 or who filed a petition on behalf of a family or household  
6 member~~(-)~~, including a minor who was not the victim of the  
7 domestic abuse but resided in the same household as the victim  
8 of the domestic abuse. The order shall enjoin the respondent or  
9 person to be restrained from performing any combination of the  
10 following acts:

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

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



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Paul Rhoads



# S.B. NO. 460

**Report Title:**

Domestic Abuse; Order for Protection; Temporary Restraining Order; Minors; Family Court; Judiciary

**Description:**

Specifies that any minor who resides in the same household as a victim of domestic abuse may file a petition for and be granted an order of protection or temporary restraining order.

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

