

ACT 199

S.B. NO. 2249

A Bill for an Act Relating to Domestic Abuse Protective Orders.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 586-5.5, Hawaii Revised Statutes, is amended to read as follows:

**“§586-5.5 Protective order[.]; additional orders.** (a) If after hearing all relevant evidence, the court finds that the respondent has failed to show cause why the order should not be continued and that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, the court may order that a protective order be issued for such further period as the court deems appropriate, not to exceed three years from the date the protective order is granted. [However, the court may terminate the protective order at any time with the mutual consent of the parties.]

The protective order may include all orders stated in the temporary restraining order and may provide such further relief as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation and custody with regard to minor children of the parties and orders to either or both parties to participate in treatment or counseling services. If the court finds that the party meets the requirements under section 334-59(a)(2), the court may

further order that the party be taken to the nearest facility for emergency examination and treatment.

(b) A protective order which was granted for a period less than three years may be extended for a period not to exceed three years from the date the original protective order was granted. Upon application by a person or agency capable of petitioning under section 586-3, the court shall hold a hearing to determine whether the protective order should be extended. In making a determination, the court shall consider evidence of abuse and threats of abuse that occurred prior to the initial restraining order and whether good cause exists to extend the protective order.

The protective order may include all orders stated in the temporary restraining order and may provide such further relief as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation and custody with regard to minor children of the parties and orders to either or both parties to participate in treatment or counseling services. The court may extend or terminate the protective order at any time with the mutual consent of the parties.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 1996.)