

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

FC-DA No. _____
)
)
) TEMPORARY RESTRAINING ORDER
)
v. PETITIONER) Hearing Date: _____
) Judge: _____
)
) This Order expires on:
) _____
RESPONDENT.) [] **Caution: Weapon Involved**

TEMPORARY RESTRAINING ORDER

A. After reviewing the Petition for an Order for Protection, 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. HRS § 586-4(c).
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. HRS § 586-4(c).
3. Petitioner and Respondent are family or household members. HRS § 586-1.

is/are a household pet(s).

4. Respondent's identifying information is as follows:

Name: _____

Address: _____

Year of Birth: _____ Telephone Number(s): _____

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

B. THEREFORE, THE COURT MAKES THE FOLLOWING ORDERS:

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

1. You must go to court on (date) _____
2. Do not threaten, physically abuse or psychologically abuse the Petitioner or anyone living with the Petitioner.
3. Do not contact, write, telephone, or otherwise electronically contact (recorded message, pager, email, text message, instant message, etc.) the Petitioner or anyone living with the Petitioner.
 - ___ a. Attorneys for the Petitioner and Respondent may contact each other.
4. Do not approach or come within **100 feet** of the Petitioner.
 - ___ a. Petitioner and Respondent may have LIMITED contact only for the purposes of attending courtroom proceedings; or for service of legal documents by mail or through a process server.
5. Do not visit or approach within **100 yards** of any place where the Petitioner lives or works or goes to school. Do not violate this order even if the Petitioner invites you to be at the place where the Petitioner lives or works or goes to school.
6. **FIREARMS RESTRICTIONS.** Pursuant to sections 134-7(f) and 134-86(g) 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, and electric gun, or firearm permit or license for the duration of this Order or extension thereof. All firearm permits or licenses are hereby revoked. You, Respondent, shall immediately turn over all firearms, ammunition, electric guns, permits, and/or licenses to a police officer, nearest police station or to the Hawaii Police Department (Firearms Unit, 349 Kapiolani Street, Hilo, Hawaii), for the duration of this Order or extension thereof.
7. Do not damage or otherwise disturb the property of the Petitioner or the property of anyone living with the Petitioner.

____. 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 Petitioner is contacted. You may be at the residence only while a police officer is present.

____. Do not have contact with these minor(s)/incapacitated adult(s) including at their work place or school: _____

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

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 assist the Petitioner in securing possession of any dwelling or residence that the Respondent is ordered to vacate.
 2. Filing fees are waived.
 3. If there are firearm restrictions, a copy of this Order shall be forwarded to the Respondent's chief commanding officer or administrator (*name/address*): _____
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At the court hearing on the date noted in paragraph numbered 1 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 testify, present evidence, and question witnesses. The Petitioner and the Respondent can bring their attorneys.

ANY VIOLATION OF THIS TEMPORARY RESTRAINING ORDER IS A MISDEMEANOR AND PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR A FINE PURSUANT TO SECTION 586-4 OF THE HAWAII REVISED STATUTES.

DATED: _____, Hawai'i, _____

Judge of the Above-Entitled Court

Printed Judge's Name: _____



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation: Call the ADA Coordinator of the Third Circuit Family Court Office at 961-7629, fax 961-7577, or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will work to provide, but cannot guarantee your requested auxiliary aid, service, or accommodation.