STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	CASE NUMBER FC-DA No. _____

PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF FAMILY OR HOUSEHOLD MEMBERS

_____
PETITIONER

on behalf of

_____
SUBJECT(S)

_____
SUBJECT(S)

_____
SUBJECT(S)

v.

_____
RESPONDENT

COURT USE ONLY

This document is prepared by:
[ ] Petitioner, Self-Represented Litigant
[ ] Attorney for Petitioner

_____
Name (Attorney No. if applicable)

_____
Address

_____
City, State, Zip Code

_____
Telephone Number

_____
E-Mail Address

I. Petitioner alleges, under penalty of perjury that:

1. This Petition is made pursuant to Hawai'i Revised Statutes (HRS) Chapter 586 and section 134-7.
2. The Subject(s) live(s) on the island of O'ahu.
3. I, Petitioner, am submitting this Petition on behalf of the following family or household member(s) who is/are [ ] a minor/minors [ ] incapacitated adult/adults:

Name of Subject(s)	Sex	Year of Birth	Legal Mother and Father (if Subject is a minor)	Relationship to Petitioner (if Subject is an adult)

[ ] Name(s) and species of the animal(s) belonging to the household in need in protection, if any:

_____

4. [ ] ***The Subject(s) has/have been declared incapacitated and/or is/are the subject of a guardianship ordered by a court. The following is the case information:***

Case name: _____

Type of case and case number: _____

Location of court: _____

5. The Subject(s) of this Petition has/have the following relationship with the above-named Respondent.
   Length of their relationship: _____ *day(s)* _____ *month(s)* _____ *year(s)*
   A. [ ] they are married.
   B. [ ] they were married, but are now divorced
   C. [ ] they are current or former reciprocal beneficiaries.
   D. [ ] they are or were dating (romantic, courting, or engaged).
   E. [ ] they are now living together.
   F. [ ] they used to live together.
   G. [ ] they are related by blood and Respondent is Subject's _____.
   H. [ ] they have a child(ren) together.

6. The Respondent has abused the Subject(s) and/or pet(s) as follows:

   A. FIRST INCIDENT OF ABUSE
   Respondent abused ☐ Subject(s) ☐ and/or _____
   on *(date)* _____ by ☐ doing or ☐ threatening to do this:
   ☐ choke ☐ force to have sex ☐ grab ☐ hit ☐ kick ☐ slap ☐ punch ☐ push ☐ shove
   ☐ other. Briefly describe this incident: _____

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

   This was: ☐ physical harm; ☐ threat of imminent physical harm, bodily injury, assault;
   ☐ extreme psychological abuse; ☐ malicious property damage; ☐ coercive control.

   The following child(ren) was/were in the home, were close by, or were present when the above-incident occurred: _____.

B. MOST RECENT INCIDENT OF ABUSE (check here if same as above ☐).

Respondent abused ☐ Subject(s) ☐ and/or _____

on *(date)* _____ by ☐ doing or ☐ threatening to do this:

☐ choke ☐ force to have sex ☐ grab ☐ hit ☐ kick ☐ slap ☐ punch ☐ push ☐ shove

☐ other. Briefly describe this incident: _____

_____

_____

_____

_____

_____

_____

_____

_____

This was: ☐ physical harm; ☐ threat of imminent physical harm, bodily injury, assault;

☐ extreme psychological abuse; ☐ malicious property damage; ☐ coercive control.

The following child(ren) was/were in the home, were close by, or were present when the above-incident occurred: _____.

C. OTHER INCIDENT(S) OF ABUSE (*attach continuation page(s) if needed*)

Respondent abused ☐ Subject(s) ☐ and/or _____

on _____ by ☐ doing or ☐ threatening to do this:

☐ choke ☐ force to have sex ☐ grab ☐ hit ☐ kick ☐ slap ☐ punch ☐ push ☐ shove

☐ other. Briefly describe this incident: _____

_____

_____

_____

_____

_____

This was: ☐ physical harm; ☐ threat of imminent physical harm, bodily injury, assault;

☐ extreme psychological abuse; ☐ malicious property damage; ☐ coercive control.

The following child(ren) was/were in the home, were close by, or were present when the above-incident occurred: _____.

7. The Respondent:
   A. ☐ may be mentally ill.
   B. ☐ may use illegal drugs
   C. ☐ is a member of the Armed Services ☐ and is deployed or has received deployment orders.
   D. ☐ may need supervised visitation with the child(ren) because:

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

   E. ☐ may own/possess/have access to a weapon (*describe*):

   _____
   _____
   _____
   _____

8. Firearms (*check all that apply and fill in the blanks*):
   A. Respondent ☐ owns ☐ possesses ☐ has access to ☐ intends to obtain ☐ intends to transfer ownership of firearm(s) which may be used to threaten, injure, or abuse a person as follows:
      1) Description of firearm(s): _____
      _____
      _____

      2) Location of firearm(s): *(give street address and describe specific place where firearm(s) is/are located)* _____
      _____
      _____
      _____
      _____

B. Respondent is a member of the police department, a sheriff, a law enforcement officer, a member of the armed forces of the State of Hawai'i or the United States, a mail carrier, or is employed by the State or subdivision thereof, or the United States, and may be required to be armed while on duty.

9. Other court cases:
The Subject(s) and/or family and household member(s) and/or the Respondent are or have been involved in other court cases. *(Check all that apply and list the case number if you know it.)*

☐ Divorce: _____ ☐ Paternity: _____

☐ Restraining Order/Protective Order/Gun Violence Protective Order: _____

_____

☐ Juvenile: _____ ☐ C.P.S.: _____

☐ Child Support: _____ ☐ Criminal: _____

☐ Others: _____

_____

10. The address where Subject(s) live(s) is: ☐ owned ☐ rented by: _____.

11. The social worker, police officer, or other official from this agency told me to file this Petition is *(identify the agency)*: _____.

II. Based on the foregoing statements and information, Petitioner requests the following:

1. A Temporary Restraining Order enjoining the Respondent and any other person acting on his/her behalf from:

A. contacting, threatening, or physically abusing the Subject(s) and the Subject's/Subjects' family and household members (no contact includes no meetings, email, phone calls, messaging, mail).

B. entering or visiting the Subject's/Subjects' residence.

C. maliciously/intentionally damaging the Subject's/Subjects' property or the property of the Subject's/Subjects' family and household members.

D. psychologically abusing the Subject(s) and the Subject's/Subjects' family and household members.

E. ☐ contacting, threatening, or physically abusing the Subject(s) at his/her/their place of work.
Employer's name and address: _____

_____

_____

_____

F. ☐ contacting, threatening, or physically abusing the children at school. School names and addresses: _____

G. ☐ taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal(s) previously identified in Section I, paragraph numbered 3, as belonging to the household.

2. ☐ An order requiring Respondent immediately vacate the Subject's/Subjects' residence.

3. An order requiring Respondent to appear in court and show cause as to why the Order should not be continued.

4. A Protective Order continuing the Temporary Restraining Order and including:

☐ temporary visitation and custody orders.

☐ temporary prohibition of visitation with: (*children's names*) _____

☐ supervised visitation with: (*children's names*) _____

to be supervised by: _____ who ☐ does not yet know of this request.
☐ has agreed to this.

☐ requiring the Respondent to participate in domestic violence intervention services and/or counseling.

☐ _____

☐ _____

5. The Protective Order should last for at least ____ month(s) or ____ year(s) or other period of time found appropriate by the Court.

I HEREBY SOLEMNLY AND SINCERELY DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF, INFORMATION, AND KNOWLEDGE.

DATED: Kapolei, Hawai'i, _____.
(Date)

_____
Petitioner's Signature

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 First Circuit Family Court Office at 954-8200, fax 954-8308, 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.

*Please call the Family Court TRO Unit at **538-5959** if you have any questions or need an interpreter.*

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF FAMILY OR HOUSEHOLD MEMBER**	CASE NUMBER FC-DA No. _____

____. OTHER INCIDENT(S) OF ABUSE (*continued from page 3*)

Respondent abused ☐Subject(s) ☐and/or _____

on _____ by ☐ doing or ☐ threatening to do this:

☐choke ☐force to have sex ☐grab ☐hit ☐ kick ☐slap ☐ punch ☐push ☐shove

☐other. Briefly describe this incident: _____

_____

_____

_____

_____

_____

_____

This was: ☐physical harm; ☐threat of imminent physical harm, bodily injury, assault;

☐extreme psychological abuse; ☐ malicious property damage; ☐coercive control.

The following child(ren) was/were in the home, were close by, or were present when the above-incident occurred: _____.

____. OTHER INCIDENT(S) OF ABUSE (*continued from page 2*)

Respondent abused ☐Subject(s) ☐and/or _____

on _____ by ☐ doing or ☐ threatening to do this:

☐choke ☐force to have sex ☐grab ☐hit ☐ kick ☐slap ☐ punch ☐push ☐shove

☐other. Briefly describe this incident: _____

_____

_____

_____

_____

_____

_____

This was: ☐physical harm; ☐threat of imminent physical harm, bodily injury, assault;

☐extreme psychological abuse; ☐ malicious property damage; ☐coercive control.

The following child(ren) was/were in the home, were close by, or were present when the above-incident occurred: _____.

LEGAL DEFINITIONS

"Family or **"household member"**

(1) Means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have had a dating relationship; and

(2) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

"**Dating relationship"** Means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context. Pursuant to section 584-6, of the Hawai'i Revised Statutes ("HRS"), for any person who is alleged to be a family or household member by virtue of a dating relationship, the court may consider the following factors in determining whether a dating relationship exists:

(1) The length of the relationship;
(2) The nature of the relationship; and
(3) The frequency of the interaction between the parties.

"Domestic abuse" means:

(1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, or malicious property damage between family or household members; or
(2) Any act which would constitute an offense under HRS section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.

"Extreme psychological abuse" means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer emotional extreme distress.

"Coercive control" means a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. It includes a pattern of behavior that seeks to take away the individual's liberty or freedom and strip away the individual's sense of self, including bodily integrity and human rights, whereby the "coercive control" is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:

(1) Isolating the individual from friends and family;
(2) Controlling how much money is accessible to the individual and how it is spent;
(3) Monitoring the individual's activities, communications, and movements;
(4) Name-calling, degradation, and demeaning the individual frequently;
(5) Threatening to harm or kill the individual or a child or relative of the individual;
(6) Threatening to publish information or make reports to the police or the authorities;
(7) Damaging property or household goods; and
(8) Forcing the individual to take part in criminal activity or child abuse.

"Malicious property damage" means an intentional or knowing damage to the property of another, without his/her consent, with an intent to thereby cause emotional distress.