

PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR INJUNCTION AGAINST HARASSMENT; DECLARATION OF PETITIONER; TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT; AND NOTICE OF HEARING

IN THE DISTRICT COURT OF THE FIFTH CIRCUIT STATE OF HAWAI‘I	
Petitioner(s)	Reserved for Court Use
	Civil No. SS
Respondent(s) (if known, list Address, Telephone)	Petitioner(s)/Petitioner(s)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)

PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR INJUNCTION AGAINST HARASSMENT

This Petition is made pursuant to Hawai‘i Revised Statutes section §604-10.5 and the following statement:

1. The Petitioner(s) is a resident(s) of the Division of the above District and Circuit, State of Hawai‘i.
2. Based upon the attached Declaration of Petitioner(s), Petitioner(s) ask(s) for
 - a. An ex parte temporary restraining order not to exceed a period of ninety (90) days for protection enjoining Respondent(s) and any other person(s) acting on Respondent(s)' behalf from:
 - contacting, threatening, or physically harming
 - Petitioner(s)
 - telephoning the Petitioner(s)
 - entering or visiting Petitioner(s)' residence, including yard and garage and place of employment.
 - b. An order of an Injunction not to exceed a period of three (3) years, enjoining Respondent(s) and any other person(s) acting on Respondent(s)' behalf from committing those acts set forth in paragraph 2a. hereof.
 - c. An order prohibiting Respondent(s) from owning or possessing firearm(s) and/or ammunition.
 - d. An order awarding reasonable attorney's fees and costs to Petitioner(s) and such further relief as the Court deems just and appropriate.

Date:	Signature of Petitioner(s): Print/Type Name(s):
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In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 482-2347, FAX 482-2509, OR TTY 482-2533 at least (10) working days in advance of your hearing or appointment date.

I certify that this is a full, true and correct copy of the original on file in this office.

Clerk, District Court of the Above Circuit, State of Hawai‘i

DECLARATION OF PETITIONER(S)

Petitioner(s) states the following is true:

- Recent or past act(s) of harassment occurred; and/or
- Threats of harassment make it probable that acts of harassment may occur soon.

Respondent(s) own; possess, or intend to obtain or possess
 firearm(s) and or ammunition that may be used to threaten or injure Petitioner(s).

Describe the firearm(s)/ammunition: _____ .

Location of the firearm(s)/ammunition: _____ .

Date last seen: _____ .

Street address/specific location where last seen: _____ .

(Explain in detail recent or past acts or threats of harassment, using additional sheets, if necessary. Please include dates of events.)

- Unless Respondent(s)' wrongful conduct is stopped or prevented by order of the Court, Petitioner(s) will suffer substantial emotional distress.

I have read the Petition and Declaration, know their contents, and verify that the statements contained therein are true to my personal knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FACTS AND CIRCUMSTANCES STATED IN THE PETITION AND DECLARATION ARE TRUE AND CORRECT.

Date:	Signature of Petitioner(s):
	Print/Type Name:

TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT

(reserved for Court use only)

Based upon the attached Petition for Ex Parte Temporary Restraining Order and Declaration of Petitioner(s) and pursuant to **Hawai'i Revised Statutes §604-10.5**, the Court finds there is probable cause to believe:

- Recent or past acts of harassment by Respondent(s) have occurred.
- Threats of harassment by Respondent(s) make it probable that acts of harassment may be imminent against Petitioner(s).

It appears to the Court that a Temporary Restraining Order should be granted and is necessary to prevent acts of harassment. Accordingly, IT IS ORDERED that Respondent(s) shall appear before the Judge in the above-entitled proceeding at the date, time and place indicated in the Notice of Hearing below. Pending the hearing on this Petition, Respondent(s) is/are ordered as follows:

TO THE RESPONDENT:

YOU AND ANYONE ACTING ON YOUR BEHALF ARE ORDERED AS FOLLOWS:

- Do not contact, threaten, or physically harass Petitioner(s)
- Do not telephone Petitioner(s)
- Do not enter or visit Petitioner(s)' residence, including yard and garage, and place of employment
- Pursuant to HAWAI'I REVISED STATUTES §134-7, you shall not possess or control any firearm(s) and/or ammunition for the duration of this Temporary Restraining Order.
- You shall immediately turn over for safekeeping all firearms and/or ammunition in your possession and control to the Kaua'i Police Department (*Firearms Unit, 3990 Kā'ana Street, Lihue, Hawai'i 96766*), for the duration of this Order or any extension thereof.

This Order becomes effective upon its signing and filing and shall remain in effect for ninety (90) days, unless extended or terminated by the Court.

ANY KNOWING OR INTENTIONAL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT IS A MISDEMEANOR PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR UP TO A \$2,000 FINE.

A SENTENCE OF 48 HOURS JAIL FOR A SECOND CONVICTION AND 30 DAYS JAIL FOR ANY SUBSEQUENT CONVICTION(S) IS MANDATORY. [HAWAI'I REVISED STATUTES §604-10.5, §706-663 AND §706-640].

Date:	Judge of the above-entitled Court
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NOTICE OF HEARING

TO _____

NOTICE IS GIVEN that the Petitioner(s) above named has/have filed the foregoing Petition for Ex Parte Temporary Restraining Order and for Injunction Against Harassment.

YOU ARE COMMANDED to appear before the Presiding Judge of the above-entitled Court, the District Court of the above Circuit.

at _____,
on _____, 20____ at _____ o'clock ____M.

Prior to the scheduled hearing date, you or your attorney may file a written response explaining, justifying, or denying the alleged at or acts of harassment. At the hearing, the parties shall be prepared to testify, call and examine witnesses, present any documents, and give legal or factual reasons why the Injunction should or should not be granted. Each party may be represented by an attorney and shall be prepared to proceed at the hearing. **IF YOU OR YOUR ATTORNEY FAIL TO ATTEND AT THE TIME AND PLACE DESIGNATED, AN ORDER GRANTING PETITION FOR INJUNCTION AGAINST HARASSMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.**

The Court shall receive all evidence that is relevant at the hearing, and may make independent inquiry. If the Court finds by clear and convincing evidence that harassment by Respondent(s) in the form of physical harm, bodily injury, assault, of the threat of imminent physical harm, bodily injury to Petitioner(s) exists, it may enjoin for no more than three years further harassment by Respondent(s). If the court finds by clear and convincing evidence that harassment by Respondent(s) in the form of an intentional or knowing course of conduct directed at Petitioner(s) that seriously alarms or disturbs consistently or continually bothers Petitioner(s) and that serves no legitimate purpose exists, and such course of conduct would cause a reasonable person to suffer emotional distress, the court shall enjoin for no more than three years, further harassment by Respondent(s).

This Order shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the above-entitled Court permits, in writing on this Order, personal delivery during those hours.

Date:	Clerk of the above-entitled Court
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