

Electronically Filed  
 Supreme Court  
 SCWC-13-000401  
 11-DEC-2015  
 11:31 AM

IN THE FAMILY COURT OF THE FIRST CIRCUIT  
 STATE OF HAWAII

[KA]  
 PETITIONER,  
 VS.  
 SCOTT A. ABREGANO  
 RESPONDENT.

FC-DA No. 12-1-6011  
 ORDER FOR PROTECTION  
 Hearing Date: JAN 17 2012  
 Judge: LANSON K. KUPAU  
 This Order expires on: January 17, 2017  
 Caution: Weapon Involved

ORDER FOR PROTECTION

PETITIONER IDENTIFIERS

Year of Birth (YOB) Petitioner: [ ]  
 Other Protected Persons/YOB:  
[HP] [ ]  
[HA] [ ]  
[H-LA] [ ]

RESPONDENT IDENTIFIERS

RACE/ETHNICITY			
<u>[ ]</u>			
SEX	YEAR OF BIRTH	HT	WT
MALE	<u>[ ]</u>	<u>[ ]</u>	
EYES	HAIR	SSN - LAST 4 DIGITS	
<u>[ ]</u>	<u>[ ]</u>		
DRIVER'S LICENSE NUMBER	STATE	EXP. DATE	
	<u>HI</u>		

Respondent's Relationship to Petitioner: MARRIED  
 Respondent's Address: [ ] [ ]  
[ ] [ ]

Distinguishing Features: \_\_\_\_\_

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.  
 Additional findings of this Order are as set forth below.

COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

That the above named Respondent be restrained from any contact with the Petitioner.  
 Additional terms of this Order are set forth below.

The terms of this Order shall be effective until January 17, 2017.

WARNINGS TO RESPONDENT:

This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 United States Code ("U.S.C.") Section ("§") 2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)).

Only the Court can change this Order.

FAMILY COURT  
 FIRST CIRCUIT COURT  
 STATE OF HAWAII

10:59 FILED A M.  
 JAN 17 2012

R. Aral  
 Clerk

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

[Signature]  
 Clerk, Circuit Court, First Circuit

"ATTACHMENT 1"

Pursuant to Hawai'i Revised Statutes ("H.R.S.") § 586-5, a hearing on the Petition for an Order for Protection (the "Petition") was held on the date indicated above. The following parties were present in court:  Petitioner;  Respondent. Other persons present at the hearing were:

Petitioner's attorney: \_\_\_\_\_

Respondent's attorney: \_\_\_\_\_

Other: \_\_\_\_\_

Court Officer: M. Williams - Adult Client Services Branch

I. After full consideration of the facts and evidence presented pursuant to this action,

THE COURT MAKES THE FOLLOWING FINDINGS:

A. The Court has subject matter jurisdiction over this action.

B. The Court has personal jurisdiction over the Respondent.

C. The Respondent was provided with all necessary notice and given a full and sufficient opportunity to be heard.

D. A protective order is necessary to prevent domestic abuse or a recurrence of abuse, and is necessary for a period of 5  month(s)  year(s), which is a reasonable amount of time.

E. The Respondent has failed to show cause why the Temporary Restraining Order should not be continued.

\_\_\_\_\_. The parties have agreed to the issuance of this Order but Respondent denies the allegations in the Petition.

[ ] [ ] [ ]

II. THEREFORE, IT IS HEREBY ORDERED that this Protective Order is issued pursuant to H.R.S. § 586-5.5. This Order shall remain in effect until: January 17, 2017.

III. THE COURT MAKES THE FOLLOWING FURTHER ORDERS:

A. THREATS AND ABUSE. The Respondent is prohibited from threatening, physically abusing, or psychologically abusing the Petitioner or anyone living with the Petitioner. This includes, but is not limited to, the use or attempted use of any physical force against, or any harassment of, the Petitioner or any person who resides with the Petitioner. ~~Respondent shall not take, conceal, remove, threaten, physically abuse, or otherwise dispose of the following animals belonging to the household: [name(s)/species of the animal(s):]~~ \_\_\_\_\_

Furthermore, the Respondent shall not damage or otherwise disturb the property of the Petitioner or the property of anyone living with the Petitioner. All of these orders apply to Respondent and anyone acting on behalf of the Respondent.

B. CONTACT BETWEEN PARTIES.

1. The Respondent is prohibited from contacting the Petitioner.
2. The Respondent is prohibited from telephoning, writing, electronically communicating (for example: no recorded message, pager, email, text message, instant message, etc.) or communicating through third parties with the Petitioner and any children who reside with the Petitioner or any children of the parties.
3. The Respondent is prohibited from coming or passing within 100 yards of any residence or place of employment or school of the Petitioner. The Respondent must not violate this Order even if the Petitioner invites the Respondent over.
4. The Respondent is prohibited from coming or passing within 100 feet of the Petitioner at all other neutral locations. If the parties run into each other, the Respondent must leave immediately.
5. The Respondent may have LIMITED contact with the Petitioner for the purpose of:
  - attending courtroom proceedings;
  - service of legal documents by mail or through a process server.
  - other: \_\_\_\_\_

- 6 . The Petitioner is prohibited from soliciting or aiding the Respondent in violating this Order.
- 7 . The parties' attorneys can contact each other and both parties.
- 8 . Respondent is prohibited from contacting the following persons:

[KA]  
[HP]  
[HA]  
[H-LA]

- C. The Petitioner shall promptly report any violation of these orders to the:
  - Honolulu Police Department
  - Military Police Department

D. TEMPORARY CUSTODY AND VISITATION [ ] [ ]

- 1 .  Petitioner       Respondent

shall have temporary legal and physical custody of the parties' minor children:

<u>Name</u>	<u>Sex</u>	<u>Age</u>
<u>[KA]</u>		
<u>[HP]</u>	<u>[ ]</u>	<u>[ ]</u>
<u>[HA]</u>	<u>[ ]</u>	<u>[ ]</u>
<u>[H-LA]</u>	<u>[ ]</u>	<u>[ ]</u>

- 2 .  Petitioner       Respondent

shall have visitation with the minor children as follows:

- Pursuant to attached exhibit       Supervised visitation

[ ] [ ] [ ]

\_\_\_\_\_  
 \_\_\_\_\_

E. SERVICES AND DOMESTIC VIOLENCE INTERVENTION

\_\_\_\_.  Petitioner  Respondent

shall attend and fully participate in domestic violence intervention at or as directed by:

Child and Family Service/Developing Options to Violence Program

PACT/Family Peace Center

\_\_\_\_\_

\_\_\_\_.  Petitioner  Respondent

shall arrange for a substance abuse assessment at:

\_\_\_\_\_

Each and every session of the above ordered services must be attended unless excused by the therapist and/or until clinically discharged. The service providers/programs indicated above must be contacted by the ordered party within one week of the hearing. Ordered parties are responsible for the costs of all ordered services and programs.

THE ORDERED PARTY'S failure to attend and fully participate in the ordered domestic violence intervention or treatment/counseling program(s) may cause a referral to be made to the Department of the Prosecuting Attorney for criminal charges for non-compliance with a court order.

F. RESIDENCE

\_\_\_\_.  Petitioner  Respondent

shall leave the residence and premises located at: \_\_\_\_\_

no later than \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_.  Petitioner  Respondent

is awarded exclusive occupancy of said residence.

\_\_\_\_.  Petitioner  Respondent

may, with police escort, pick up personal belongings on \_\_\_\_\_, 20 \_\_\_\_

between the hours of \_\_\_\_\_ a.m./p.m. and \_\_\_\_\_ a.m./p.m. only.

G. CHANGES TO THIS ORDER

The Petitioner and the Respondent cannot change this Order by themselves. Only the Court can change this Order. These orders can be modified by any subsequent written and filed Family Court order in any action.

H. FIREARMS RESTRICTIONS.

Pursuant to H.R.S. § 134-7(f), the Respondent, and/or anyone acting on the Respondent's behalf, are prohibited from possessing, controlling, or transferring ownership of any firearm, ammunition, or firearm permit or license for the duration of this Order or extension thereof. All firearms permits or licenses are hereby revoked. The Respondent shall immediately turn over all firearms, ammunition, permits and/or licenses to a police officer or to the Honolulu Police Department (Firearms Unit, Main Station, 801 South Beretania Street, First Floor), for the duration of this Order or extension thereof.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ The Respondent shall provide a copy of this Order to the Respondent's chief, commanding officer or administrator whose name and address are as follows:

\_\_\_\_\_

\_\_\_\_\_

Information on the Respondent who is ordered to surrender all firearms/permits, etc.:

Name: SCOTT A. ABREGANO

Address: [ ]

Year of Birth: [ ] Telephone No.: [ ]

IV. CERTIFICATION

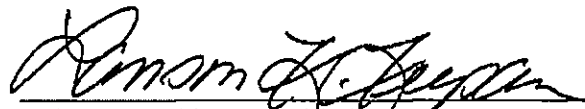
- A. The terms and conditions of this Order were explained by the Court to the parties in open court. The parties acknowledged that they understood the terms and conditions of the Order and the possible criminal sanctions for violating it.
- \_\_\_\_. The Respondent was not present in court and will be served with this Order.

A copy of this Order shall be released to the appropriate law enforcement and school authorities as well as other persons who have a need to review or possess a copy of the Order in order to enforce the terms and conditions of this Order.

THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL 50 STATES, DISTRICT OF COLUMBIA, U.S. TERRITORIES, AND TRIBAL LANDS PURSUANT TO 18 U.S.C. § 2265. INTERSTATE VIOLATION OF THIS ORDER IS SUBJECT TO FEDERAL CRIMINAL PROSECUTION PURSUANT TO 18 U.S.C. §§ 2261, 2261A, AND 2262.

THE POLICE SHALL ENFORCE THIS ORDER.

DATED: <sup>Kapolei</sup> Honolulu, Hawai'i, JAN 17 2012

  
\_\_\_\_\_  
Judge of the Above-Entitled Court  
LANSON K. KUPAU