
(Name)

(Address)

(City, State, Zip Code)

(Telephone No.)

☐ Plaintiff, Pro Se ☐ Defendant, Pro Se

☐ Attorney for: ☐ Plaintiff ☐ Defendant

**IN THE FAMILY COURT OF THE SECOND CIRCUIT
STATE OF HAWAII**

)	FC-D No. _____
)	AUTOMATIC RESTRAINING ORDER
PLAINTIFF,)	
vs.)	
)	
DEFENDANT.)	
)	

AUTOMATIC RESTRAINING ORDER

A Complaint for ☐ Divorce ☐ Annulment ☐ Separation (check one) is being filed concurrently with this restraining order, and pursuant to ACT 213 (House Bill 1614

HD1 SD1 CD1), which became law and effective July 10, 2018, "each party to a complaint for an annulment, divorce, or separation shall automatically be subject to a restraining order that shall be effective with regard to the plaintiff upon the filing of the complaint and with regard to the defendant upon service of the summons and complaint or any other acceptance of service by the defendant."; (See also Hawai'i Revised Statutes (H.R.S.) §580 Automatic Restraining Order.)

THEREFORE IT IS HEREBY ORDERED that upon the filing of the Complaint by plaintiff and service upon defendant, the following AUTOMATIC RESTRAINING ORDER applies to both parties:

1. Neither party shall sell, transfer, encumber, conceal, assign, remove, or in any way dispose of any property, real or personal, belonging to or acquired by either party except as:
 - (A) Required for reasonable expenses of living;
 - (B) Occurring in the ordinary and usual course of business;
 - (C) Required for payment of reasonable attorney's fees and costs in connection with the action;
 - (D) Occurring pursuant to a written agreement of both parties or
 - (E) Required by order of the court;
2. Neither party shall incur any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards; provided that this paragraph shall not apply reasonable amounts of debt necessary for living and business expenses, including child education expenses and reasonable litigation fees and costs for the pending action;
3. Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by order of the court;
4. Neither party shall directly or indirectly cause the other party or a minor child to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect; **and**

5. Neither party shall remove a minor child of the parties from the island of that child's current residence nor remove a minor child of the parties from the school that child is currently attending.

IT IS FURTHER ORDERED that after service of the complaint for annulment, divorce, or separation, the Defendant may file a motion to set aside or modify the AUTOMATIC RESTRAINING ORDER and may choose to file the Motion without submitting to the jurisdiction of the court. The court shall proceed to hear and determine the motion as expeditiously as possible.

IT IS A DEFENSE to any enforcement action under this section that an act of domestic abuse as defined in §586-1 has occurred. Any sanction for any violation of this Automatic Restraining Order shall remain within the discretion of the court, which shall take into account any instance of domestic abuse and the best interests of the child for violations of subsection (5).

THIS AUTOMATIC RESTRAINING ORDER shall remain in effect during the pendency of the action, unless it is modified by agreement of the parties or by further order of the court.

The provisions of this **AUTOMATIC RESTRAINING ORDER** shall be issued by the family court and a copy therefor shall be served with every complaint to which it applies.

This **AUTOMATIC RESTRAINING ORDER** shall be vacated upon the entry of an annulment, divorce or separation DECREE.

APPROVED AND SO ORDERED:

DATED: _____, Hawai'i, _____
(city) (date)

Judge of the above-entitled court