

INSTRUCTIONS FOR COMPLETING A TEMPORARY RESTRAINING ORDER (TRO)
APPLICATION FOR FAMILY COURT

1. Complete and sign the appropriate TRO document in Black or Blue ink.
2. Write legibly.
3. Return the completed TRO application and attached forms to the FILING clerk's window at 3970 Ka'ana Street, Lihue, Hawaii 96766.
4. The Family Court Judge will review and sign the TRO.
5. You will be instructed to return at a later time to complete the process should your TRO is granted.

AFTER THE JUDGE REVIEWS AND SIGNS, THE TRO (GRANTED), YOU WILL BE
INSTRUCTED AS FOLLOWS:

- A. Deliver 2(two) certified copies of the TRO to the Kauai Police Department or Process Server of your choice along with the Serving Instructions, and Proof of Service form. The amount of copies will increase based on how many respondents involved in the TRO.
- B. Note: You are responsible for any fees incurred by using a Process Server of your choice.
- C. Keep 1(one) certified copy with you at all times.
- D. If you have utilized the services of the YWCA shelter, you must deliver one certified copy to them.

YOU ARE RESPONSIBLE FOR CHECKING WITH THE KAUAI POLICE
DEPARTMENT/PROCESS SERVER AS TO THE STATUS OF THE SERVICE OF THE
TEMPORARY RESTRAINING ORDER ON THE RESPONDENT(S) BEFORE THE
SCHEDULED COURT DATE.

STATE OF HAWAII FAMILY COURT FIFTH CIRCUIT	CASE NUMBER FC-DA No. _____
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**PETITION FOR AN ORDER
FOR PROTECTION ON BEHALF OF
FAMILY OR HOUSEHOLD MEMBERS**

on behalf of	PETITIONER
	SUBJECT(S)
	SUBJECT(S)
	SUBJECT(S) v.
	RESPONDENT

COURT USE ONLY

This document is prepared by: <input type="checkbox"/> Petitioner, Self-Represented Litigant <input type="checkbox"/> 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:

- This Petition is made pursuant to Hawai'i Revised Statutes (HRS) Chapter 586 and section 134-7.
- The Subject(s) live(s) on the island of Kaua'i.
- 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)
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☐ Name(s) and species of the animal(s) belonging to the household in need in protection, if any:

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- ☐ *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 incident occurred: _____

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

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 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.

☐ _____

☐ _____

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF FAMILY OR HOUSEHOLD MEMBER	CASE NUMBER FC-DA No. _____
<p>5. The Protective Order should last for at least ____ month(s) or ____ year(s) or other period of time found appropriate by the Court.</p> <p>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.</p> <p>DATED: Lihu'e, Hawai'i, _____ (Date)</p> <p>_____ Petitioner's Signature</p>		



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 Fifth Circuit Court Office at 482-2347, fax 482-2509, 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 YWCA TRO Assistance Program at **245-6362** if you have any questions. If you need an interpreter, please call 482-2347.*

____. 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.

IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

_____) FC-DA No. _____
PETITIONER)
on behalf of _____) TEMPORARY RESTRAINING ORDER
SUBJECT(S))
_____)
SUBJECT(S)) Hearing Date: _____
_____) Judge: _____
SUBJECT(S))
V.) This Order expires on: _____
_____)
RESPONDENT.) [] Caution: Weapon Involved

TEMPORARY RESTRAINING ORDER

A. After reviewing the Petition for an Order for Protection on Behalf of a Family or Household Member, 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. Subject(s) and Respondent are family or household members. HRS § 586-1.

is/are a household pet(s).

3. 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.**

4. 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).

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 ☐ Tuesday _____ at _____ a.m./p.m.
☐ Wednesday _____ at 1:30 p.m.
2. Do not threaten, physically abuse or psychologically abuse the Subject(s) or anyone living with the Subject(s).
3. Do not contact, write, telephone, or otherwise electronically contact (recorded message, pager, email, text message, instant message, etc.) the Subject(s) or anyone living with the Subject(s).
___ a. Attorneys for the Petitioner and Respondent may contact each other.
4. Do not approach or come within **100 feet** of the Subject(s).
___ 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 Subject(s) lives or works or goes to school. Do not violate this order even if the Subject(s) invite(s) you to be at the place where the Subject(s) live(s) or work(s) or goes to school.
6. **FIREARMS RESTRICTIONS.** Pursuant to section 134-7(f) 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, 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, permits, and/or licenses to a police officer or to the Kaua'i Police Department (Records Section, 3990 Kaana Street, Suite 200, Lihue, HI 96766), for the duration of this Order or extension thereof.
7. Do not damage or otherwise disturb the property of the Subject(s) or the property of anyone living with the Subject(s).

- ____. 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) who live with the Subject(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/or Subject(s) and assist the Petitioner and/or Subject(s) 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*): _____

4. Petitioner and Subject(s) are prohibited from contacting Respondent or from taking any action that would invite or solicit Respondent to violate the terms of this Temporary Restraining Order.

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 can testify, present evidence, and question witnesses. The Petitioner and the Respondent can bring their own attorneys.

ANY VIOLATION OF THIS TEMPORARY RESTRAINING ORDER IS A MISDEMEANOR AND PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR UP TO A \$1,000 FINE.

DATED: Lihu'e, Hawai'i, _____.

Judge of the Above-Entitled Court

Printed Judge's Name: _____



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