

**Electronically Filed
Supreme Court
SCRU-11-0000580
20-MAY-2024
09:08 AM
Dkt. 17 ORD**

SCRU-11-0000580

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
District Court Rules of Civil Procedure

ORDER AMENDING FORM DC51 OF THE
DISTRICT COURT RULES OF CIVIL PROCEDURE
(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

IT IS HEREBY ORDERED that the attached Form DC51 is amended, effective July 1, 2024, and appended to the District Court Rules of Civil Procedure. The attached Form DC51 replaces the prior form bearing the number 1DC51.

IT IS HEREBY ORDERED that the district courts are authorized to insert circuit identifiers, addresses and contact information and to publish the forms in print or electronic format.

DATED: Honolulu, Hawai‘i, May 20, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens



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

Form # _DC51

IN THE DISTRICT COURT OF THE _____ CIRCUIT DIVISION STATE OF HAWAII	
Petitioner(s)	Reserved for Court Use Civil No. _DSS
Respondent(s) (if known, list Address, Telephone, and email address for each respondent)	Petitioner(s)/Petitioner(s)' Attorney (Name, Attorney Number, Firm Name (if applicable)), Address, Telephone and email address
PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR INJUNCTION AGAINST HARASSMENT	
This Petition is made pursuant to Hawai'i Revised Statutes § 604-10.5 and the following statement:	
<ol style="list-style-type: none"> 1. This court has jurisdiction because the Petitioner(s) resides or is temporarily located; the Respondent(s) resides and/or the harassment occurred in this division. 2. Based upon the attached Declaration of Petitioner(s), Petitioner(s) ask(s) for: <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> <input type="checkbox"/> contacting, threatening, or physically harassing Petitioner(s) <input type="checkbox"/> telephoning the Petitioner(s) <input type="checkbox"/> entering or visiting Petitioner(s)' <input type="checkbox"/> residence, including yard and garage and <input type="checkbox"/> workplace or school. 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 an electric gun, 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)/Petitioner(s)' Attorney: Print/Type Name(s):

SEE REVERSE SIDE

DECLARATION OF PETITIONER(S)

Petitioner 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).
 - Electric gun
- Describe the firearm(s)/ammunition or electric gun: _____.
- Location of firearm(s)/ammunition or electric gun: _____.
- Date last seen: _____.
- Street address/ specific location where last seen: _____.

(Briefly and clearly explain how you have been harassed or how you have been threatened with harassment, including all relevant dates. Write legibly so the Court can read your statement. Use additional sheets only if necessary.)

- Unless Respondent(s)' wrongful conduct is stopped or prevented by order of the Court, Petitioner(s) will suffer 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 HAWAI'I THAT THE FACTS AND CIRCUMSTANCES STATED IN THE PETITION AND DECLARATION ARE TRUE AND CORRECT.

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

TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT

Based upon the attached Petition for Ex Parte Temporary Restraining Order and Declaration of the 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 phone, contact, threaten, or physically harass Petitioner(s)
- Stay ___ feet from Petitioner(s) at all times.
- Do not enter or visit Petitioner(s)' residence, including yard and garage and work place or school.
- Pursuant to HAWAI'I REVISED STATUTES §134-7, you shall not possess or control any electric guns, firearm(s) and/or ammunition for the duration of this Temporary Restraining Order.
- You shall immediately turn over for safekeeping all electric guns, firearms and/or ammunition in your possession and control to the _____ (space reserved for police department address) _____ for the duration of this Order or any extensions thereof.

This Order becomes effective upon its signing and filing and shall remain in effect for fifteen (15) 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.

Date:	Judge of the above-entitled Court
-------	-----------------------------------

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 _____, _____ at _____ o'clock _____.

Prior to the scheduled hearing date, you or your attorney may file a written response explaining, excusing, justifying, or denying the alleged act 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, or the threat of imminent physical harm, bodily injury, or assault 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
-------	-----------------------------------

For Civil related matters, please call **(808)** _____ or visit the District Court at _____

American with Disabilities Act Notice



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 at (phone number)
- Send an e-mail to adarequest@courts.hawaii.gov.

The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.