

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	Case ID/Number
	_____

**MOTION FOR AN ORDER RESTRICTING  
ABUSIVE LITIGATION**

(Full name) \_\_\_\_\_ PLAINTIFF/PETITIONER,  
v.

(Full name) \_\_\_\_\_ DEFENDANT/RESPONDENT.

This document is prepared by  
 Self-Represented  Plaintiff/Petitioner  
 Defendant/Respondent

Attorney for  Plaintiff/Petitioner  Defendant/Respondent

\_\_\_\_\_  
Name (and if applicable, Attorney No.)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number                      Fax Number

\_\_\_\_\_  
E-Mail Address

1. I am the Plaintiff/Petitioner Defendant/Respondent in this case. I am referred to as the Movant in this motion. The Respondent in this motion is the filing party of the Subject Litigation. Pursuant to Hawai'i Family Court Rule 10 and Hawai'i Revised Statutes Chapter 634L, I seek a finding and order to restrict abusive litigation.

A.  I am submitting this Motion on behalf of a(n)  minor  incapacitated adult:

Name of Minor or <u>Incapacitated Adult</u>	Legal Authority <u>(i.e. Power of Attorney, Guardian)</u>	Relationship to Minor or <u>Incapacitated Adult</u>
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## **LEGAL TERMS.**

*(Official terms and definitions may be found at Chapter 634L, H.R.S.)*

**“Abusive Litigation”** – means litigation in a civil or family court where the following conditions apply; (1) the parties to the lawsuit or legal action qualify under the definition of “Intimate Partner Relationship”; (2) the Party pursuing the litigation has been found by a Court to have committed “Intimate Partner Violence” as defined under Chapter 634L, H.R.S.; (3) the litigation is being pursued primarily to harass, intimidate or to maintain contact with the other party, AND one of the following factors is true (a) the claims and legal contentions in the litigation are not warranted by the law or a good faith extension of the law, (b) the claims and factual bases made in the litigation have no evidentiary support; or (c) the issues raised in the litigation have already been heard in another court or jurisdiction and disposed of by a ruling against the party pursuing the litigation.

**“Harassing/Intimidating Litigation”** – means a petition, motion or legal action is filed with the intent or primarily designed to, exhaust, deplete or adversely impact financial resources of the other party; prevent or interfere with the ability to raise a child for whom the other party has sole custody or joint custody, force or coerce the other party to agree or make adverse concessions concerning financial, custody or support issues when those issues have been litigated and disposed of in favor of the other party, force or coerce the other party to alter, engage in or refrain from engaging in conduct when the conduct is lawful; impair the health and well-being of the other party or their dependents, prevent, impede or adversely impact the ability of the other party to pursue or maintain a livelihood or lifestyle at the same or better standard as enjoyed prior to the filing of the litigation; force or coerce the other party to maintain contact with the party pursuing the litigation; impair, diminish or tarnish the other party’s reputation or alienate friends, colleagues, attorneys, professional associates, by subjecting parties without knowledge of, or when not relevant to the litigation to unreasonably or unnecessarily complex, lengthy or intrusive interrogatories or depositions.

**“Intimate Partner Relationship”** – refers to persons who (1) are current or former spouses, reciprocal beneficiaries; or (2) have a child in common regardless of whether they have been married or have lived together at any time; or (3) have or have had a “Dating Relationship” as defined under § 586-1, H.R.S. Note: the term “intimate” under this definition does not necessarily mean a current romantic involvement.

**“Intimate Partner Violence”** – means the Filing Party pursuing the litigation has been found by a court to have committed intimate partner violence on the Other Party, to include, (1) a temporary restraining order the court found necessary due to domestic violence; (2) an agreement by the parties to stipulate to an order for protection and to the facts supporting the order in cases of domestic violence; (3) an order or decree finding domestic violence related to orders for custody, visitation or support; (4) a protective order issued by another state or territory; (5) a forty-eight (48) no contact order issued after police are called to the scene of a domestic violence incident; (6) a criminal conviction or plea of no contest to any crime under H.R.S. § 709-906 (Abuse of Family Household Member), or § 711-1106.4; § 711-1106.5 (Harassment by Stalking).

**“Subject Litigation”** – means any petition, motion, complaint, or other document in a civil action or proceeding in any state or federal court which the Other Party alleges to be harassing litigation.

## 2. SUBJECT LITIGATION

I ask the court to find the following pleading(s), petition(s), motion(s), or complaint(s) for legal action to be abusive and to grant me relief as stated in this Motion:

CASE NAME: \_\_\_\_\_

Case Number: \_\_\_\_\_ Location of Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Docket Number(s): \_\_\_\_\_

Type of pleading/petition/motion/complaint: \_\_\_\_\_

CASE NAME: \_\_\_\_\_

Case Number: \_\_\_\_\_ Location of Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Date Concluded: \_\_\_\_\_

Type of pleading/petition/motion/complaint: \_\_\_\_\_

Docket Number(s): \_\_\_\_\_

*(Attach separate document, if needed)*

## 3. RELATIONSHIP OF THE PARTIES

A.  The Subject Litigation was filed by: \_\_\_\_\_ . (Respondent to this Motion).

B.  The Movant (or the person I am submitting this motion for) has or had an "Intimate Partner Relationship" with the Respondent: *(please check all that apply)*

Length of their relationship: \_\_\_\_\_ days(s) \_\_\_\_\_ months(s) \_\_\_\_\_ year(s)

- i.  they are married.
- ii.  they were married, but are now divorced.
- iii.  they are current or former reciprocal beneficiaries.
- iv.  they are or were in a "dating relationship" (romantic, courting, or engaged).
- v.  they are now living together.
- vi.  they used to live together.
- vii.  they have child(ren) together.

**4. ALLEGATIONS OF INTIMATE PARTNER VIOLENCE**

A court has made a finding that the Respondent has committed Intimate Partner Violence (“IPV”) against the Movant through the following legal proceeding(s): *(Please list all the current and prior legal proceedings between Movant and Respondent where a finding of domestic violence was made).*

CASE NAME: \_\_\_\_\_

Case Number: \_\_\_\_\_ Location of Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Date Concluded: \_\_\_\_\_

Type of Case: \_\_\_\_\_

The above case resulted in a finding of domestic violence by:  order or decree issued by a divorce court;  an order for protection issued after a contested hearing;  a temporary restraining order;  the parties agreeing to an order for protection and to the factual bases for the order;  a foreign protective order issued by another jurisdiction;  a no contact order issued by a law enforcement officer;  a criminal conviction or a plea of no contest to any of the crimes identified as Abuse of Household Member, Harassment, Harassment by Stalking, or any offense related to violence against an intimate partner.

CASE NAME: \_\_\_\_\_

Case Number: \_\_\_\_\_ Location of Court: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Date Concluded: \_\_\_\_\_

Type of Case: \_\_\_\_\_

The above case resulted in a finding of domestic violence by:  order or decree issued by a divorce court;  an order for protection issued after a contested hearing;  a temporary restraining order;  the parties agreeing to an order for protection and to the factual bases for the order;  a foreign protective order issued by another jurisdiction;  a no contact order issued by a law enforcement officer;  a criminal conviction or a plea of no contest to any of the crimes identified as Abuse of Household Member, Harassment, Harassment by Stalking, or any offense related to violence against an intimate partner..

*(Attach separate document, if needed)*



**6. ALLEGATIONS OF ABUSIVE LITIGATION**

The Movant, upon information and belief, states that the Subject Litigation has been filed by the Respondent with the primary purpose of harassing, intimidating, or maintaining contact with the Movant.

The Movant further states that the Subject Litigation is abusive because:

- A.  The claims and legal theories made are not supported by the law, or a good faith argument for modification or reversal of existing law or establishment of new law.
- B.  The claims and allegations made in the Subject Litigation are without any evidence in support.
- C.  The issues in the Subject Litigation have already been raised and disposed of unfavorably to the Respondent.
- D.  A court has previously determined that the Respondent has engaged in abusive litigation or similar conduct and has issued an order imposing pre-filing restrictions on Respondent. (Please provide case number and name of the court.).
- E.  Other: \_\_\_\_\_

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

**7. RELIEF**

The Movant prays for the following relief:

- Dismiss, deny, strike, or resolve by other disposition all abusive motions or actions with prejudice;
- An order restricting abusive litigation;
- Impose all costs of any abusive litigation action against the Respondent;
- Award Movant reasonable attorney's fees and costs for responding to the abusive litigation action, including the cost of seeking the order restricting abusive litigation;
- Impose pre-filing restrictions upon the Respondent for a period no more than 72 months, which may be subject to extension;
- Other: \_\_\_\_\_  
\_\_\_\_\_.

I hereby declare under penalty of perjury that the information in this motion and all of the attachments hereto is true, correct, and complete to the best of my knowledge and belief.

DATED: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(City) (State) (Date)

\_\_\_\_\_  
Movant's Signature

\_\_\_\_\_  
Printed Name



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 First Circuit Family Court Office at (808)954-8200, fax (808)954-8308, or send an e-mail to [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will work to provide, but cannot guarantee your requested auxiliary aid, service, or accommodation.

*Please call the Family Court Service Center at (808)954-8290 if you have any questions about forms or procedures.*