

STATE OF HAWAI'I FAMILY COURT THIRD CIRCUIT	CASE ID/NUMBER 3FDA-
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**PETITION FOR AN ORDER
FOR PROTECTION ON BEHALF OF
FAMILY OR HOUSEHOLD MEMBER(S)**

on behalf of:	Petitioner
	Subject(s)
	Subject(s)
	Subject(s)
	v.
	Respondent

This document is prepared by <input type="checkbox"/> Self-Represented Petitioner <input type="checkbox"/> Attorney for Petitioner
Name (and Attorney Number 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-F.
- Pursuant to HRS section 586-2(a)(1)-(4), as revised by Act 81 of the 2023 Legislative Session, the Family Court of the Third Circuit has jurisdiction over this matter based on the following:
 - Petitioner resides or is temporarily located on Hawai'i Island.
 - Respondent resides on Hawai'i Island;
 - The subject of the petition (a family member or minor household member, an incapacitated person as defined in section 560:5-102, or an individual physically unable to go to the appropriate place to complete or file the petition) resides or is temporarily located on Hawai'i Island.
 - The domestic abuse occurred on Hawai'i Island.

3. I, Petitioner, am submitting this Petition on behalf of the following family or household member(s) who is/are [] a minor/minors [] an incapacitated adult/adults:

Name of Subject(s)	Gender	Year of Birth	Legal Mother and Father (if Subject is a minor)	Relationship to Petitioner (if Subject is an adult)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

[] Name(s) and species of the animals belonging to household in need of protection, if any:

4. [] ***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 ID number: _____ Case Name: _____

Type of case: _____

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 use to live together.
- G. they are related by blood and Respondent is Subject's _____
- H. they have a child(ren) together.

7. The Respondent:

- A. may be mentally ill.
- B. may use illegal drugs.
- C. is a member of the Armed Services. is deployed or has received deployment orders.
- D. may need supervised visitation with the child(ren) because: _____

- E. may own/possess or have access to a weapon (*describe*): _____

8. Firearms and Electric Guns (*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) and/or electric gun(s), which may be used to threaten, injure, or abuse a person as follows:

- (1) Description of firearm(s)/electric guns: _____

- (2) Location of firearm(s)/electric gun(s): (*give street address and describe specific place where firearm(s)/electric gun(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 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 the Subject's/Subjects' 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 is owned rented: _____.

11. The social worker, police officer, or other official from this agency told me to file this Petition:
(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, e-mail, phone calls, messaging, mail).
 - B. entering or visiting the Subject's/Subjects' residence.

C. maliciously or intentionally damaging my property or the property of the Subject's/Subjects' family and household member(s).

D. psychologically abusing the Subject(s) and the Subject's/Subjects' family and household member(s).

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 Subject(s) at school. The school names and addresses are: _____

G. taking, concealing, removing, threatening, physically abusing, or otherwise disposing of animal(s) previously identified in Section 1, paragraph # 3, as belonging to the household.

2. An order requiring Respondent to immediately vacate the Subject's/Subjects' residence located at: _____.

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: _____

supervised visitation with: _____

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.

[] _____

5. The Protective Order should last for at least ___ month(s) ___ year(s) or other period of time found appropriate by the Court.

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.

DATED: _____, Hawai'i, _____.
(City) (Date)

Petitioner's Signature



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 Third Circuit at (808) 961-7629, fax (808) 961-7577, 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.

(Attach this page after Page 4 of the Petition)

D. OTHER INCIDENT(S) OF ABUSE *(continued from page 4)*

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, or assault;

extreme psychological abuse; malicious property damage; coercive control.

The following Subject(s) was/were in the home, were close by, or were present when the above incident occurred: _____.

E. OTHER INCIDENT(S) OF ABUSE *(continued from page 4)*

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, or assault;

extreme psychological abuse; malicious property damage; coercive control.

The following Subject(s) 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 Hawaii 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 extreme emotional 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 their consent, with an intent to thereby cause emotional distress.