

FAMILY COURT FIRST CIRCUIT STATE OF HAWAI'I	PETITION FOR AN ORDER FOR PROTECTION ON BEHALF OF FAMILY OR HOUSEHOLD MEMBER(S)	CASE NUMBER FC-DA No.
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_____ PETITIONER on behalf of _____ SUBJECT(S) _____ SUBJECT(S) _____ SUBJECT(S) v. _____ RESPONDENT	Petitioner's name, address, and telephone no.: and, Petitioner's Attorney's name, address, and telephone no.:
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I. Petitioner alleges, under penalty of perjury, that:

1. This Petition is made pursuant to Hawai'i Revised Statutes (HRS) Chapter 586 and HRS section 134-7.
2. 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 (*Subject*): _____

The Subject is: male female Year of Birth: _____

The Subject of this Petition is my (*for example: child, nephew, uncle, parent*): _____

The legal parents/guardians of the Subject(s) are: _____

3. The Subject(s) reside(s) on the island of O'ahu.

Name(s) and species of the animal(s) belonging to the household in need of protection, if any: _____

If the Subject(s) has/have been declared incapacitated and/or is/are the subject of a guardianship ordered by a court, please complete the following case information:

Case name: _____ Case number: _____

Location of court: _____ Type of case: _____

4. The Subject of this Petition has 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/children together.

COURT USE ONLY

5. The Respondent has abused the Subject 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.

The following children were in the home, were close by, or were present when the above incident occurred:

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

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.

The following children were in the home, were close by, or were present when the above incident occurred:

C. OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

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;
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6. 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/have access to a weapon (*describe*): _____

7. Firearms (*check all that apply and fill in the blanks*):

A. The 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. The 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 subdivisions thereof, or the United States, and may be required to be armed while on duty.

8. Other court cases:

The Subject and/or family and household members 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: _____
- Juvenile: _____ C.P.S.: _____
- Child Support: _____ Criminal: _____
- Others: _____

- 9. The address I live in is owned rented by: _____

- 10. 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, 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 child(ren) at school. School's name and address:

 - G. taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal(s) previously identified in Section I, #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 (*child(ren)*'s names): _____
 - supervised visitation with (*child(ren)*'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:

5. The Protective Order should last for at least ____ month(s) or ____ year(s).

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: Kapolei, Hawai'i, _____.

Petitioner's Signature

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LEGAL DEFINITIONS

"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 586-4(b) 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 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 HRS 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.

"Family or household member" 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 or have had a dating relationship.

"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 accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court Office by telephone at 954-8200, fax 954-8308, or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

Please call the Family Court TRO Unit at 538-5959 if you have any questions or are in need of an interpreter.