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# A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in households with  
2 abuse between parents, children who witness the abuse are also  
3 victims despite not being physically harmed. These children  
4 have a higher risk for long-term physical and mental health  
5 problems. They have a greater risk of experiencing anxiety and  
6 depression, and exhibiting violence in a future relationship.  
7 These children are also more likely to externalize behaviors  
8 such as fighting, bullying, lying, or cheating. They are also  
9 more disobedient at home and at school, and are more likely to  
10 have social competence problems, such as poor school performance  
11 and difficulty in relationships with others. Furthermore,  
12 children who witness domestic violence are more likely to  
13 resolve conflict by using violence.

14           The purpose of this Act is to clarify that minors who  
15 reside in the same household as the victim of domestic abuse  
16 will not be compelled by the court to demonstrate that they are



1 a victim of domestic abuse to be named a protected party in an  
2 order of protection or a temporary restraining order.

3 SECTION 2. Section 586-1, Hawaii Revised Statutes, is  
4 amended by amending the definition of "domestic abuse" to read  
5 as follows:

6 "Domestic abuse" means:

7 (1) Physical harm, bodily injury, assault, or the threat  
8 of imminent physical harm, bodily injury, or assault,  
9 extreme psychological abuse, coercive control, or  
10 malicious property damage between family or household  
11 members; [~~or~~]

12 (2) Any act which would constitute an offense under  
13 section 709-906, or under part V or VI of chapter 707  
14 committed against a minor family or household member  
15 by an adult family or household member[-]; or

16 (3) Any of the acts under paragraphs (1) or (2) committed  
17 in a household where a minor resides."

18 SECTION 3. Section 586-3, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) A petition for relief shall be in writing upon forms  
21 provided by the court and shall allege, under penalty of



1 perjury, that: a past act or acts of abuse may have occurred;  
 2 threats of abuse make it probable that acts of abuse may be  
 3 imminent; or extreme psychological abuse or malicious property  
 4 damage is imminent; and be accompanied by an affidavit made  
 5 under oath or a statement made under penalty of perjury stating  
 6 the specific facts and circumstances from which relief is  
 7 sought. The court shall not require a minor to demonstrate that  
 8 the minor was the victim of the domestic abuse if the petition  
 9 alleges that the minor resided in the same household as the  
 10 victim of the domestic abuse."

11 SECTION 4. Section 586-4, Hawaii Revised Statutes, is  
 12 amended by amending subsection (a) to read as follows:

13 "(a) Upon petition to a family court judge, an ex parte  
 14 temporary restraining order may be granted without notice to  
 15 restrain either or both parties from contacting, threatening, or  
 16 physically abusing each other, notwithstanding that a complaint  
 17 for annulment, divorce, or separation has not been filed. The  
 18 order may be granted to any person who, at the time the order is  
 19 granted, is a family or household member as defined in section  
 20 586-1 or who filed a petition on behalf of a family or household  
 21 member[-], including a minor who was not the victim of the



1 domestic abuse but resided in the same household as the victim  
2 of the domestic abuse. The order shall enjoin the respondent or  
3 person to be restrained from performing any combination of the  
4 following acts:

- 5 (1) Contacting, threatening, or physically abusing the  
6 protected party;
- 7 (2) Contacting, threatening, or physically abusing any  
8 person residing at the protected party's residence; or
- 9 (3) Entering or visiting the protected party's residence.

10 The ex parte temporary restraining order may also enjoin or  
11 restrain both of the parties from taking, concealing, removing,  
12 threatening, physically abusing, or otherwise disposing of any  
13 animal identified to the court as belonging to a household,  
14 until further order of the court."

15 SECTION 5. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Domestic Abuse; Order for Protection; Minors; Family Court;  
Judiciary

**Description:**

Clarifies that a minor who resides in the same household as the victim of domestic abuse can be included on the victim's petition for an order of protection or temporary restraining order. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

