
A BILL FOR AN ACT

RELATING TO TEMPORARY RESTRAINING ORDERS.

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

1 SECTION 1. The legislature finds that, since the onset of
2 the coronavirus disease 2019 pandemic, there has been an
3 increase in gender-based violence against women in Hawai'i,
4 particularly through intimate partner violence. Further, the
5 Domestic Violence Action Center's Helpline reported a forty-six
6 per cent increase in calls to report cases of domestic and
7 intimate partner violence from late March to early October 2022.
8 The legislature notes that, though temporary restraining order
9 (TRO) petitions are initially acted upon by a family court judge
10 without a court hearing, a mandatory hearing is held within
11 fifteen days of a TRO being granted in order to determine
12 whether the TRO should remain in effect.

13 The legislature further finds that the adversarial nature
14 of the legal system requires petitioners who have received TROs
15 to face their alleged abusers in court during these hearings.
16 The legislature also finds that, notwithstanding the safety
17 protocols that the judiciary takes to protect parties during in



1 person TRO hearings, the physical presence of the parties within
2 the same room may allow for respondents to intimidate
3 petitioners through words or body language. Further, a 2020
4 study by the University of Arizona found that eighty-one per
5 cent of legal advocates indicated that many, most, or all of
6 their clients identified the behaviors of the alleged abuser or
7 abusers' associates in court as a source of re-traumatization.
8 The legislature also notes that survivors of domestic and
9 intimate partner violence often lack access to transportation,
10 child care, and paid time off, which can make mandatory in
11 person hearings especially burdensome for petitioners.

12 Accordingly, the purpose of this Act is to allow
13 petitioners to attend TRO hearings remotely when domestic
14 violence or intimate partner violence is alleged or the
15 petitioner has been diagnosed with post-traumatic stress
16 disorder.

17 SECTION 2. Section 586-5, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) On the earliest date that the business of the court
20 will permit, but ~~[nø]~~ not later than fifteen days from the date
21 the temporary restraining order is granted, the court, after



1 giving due notice to all parties, shall hold a hearing on the
2 application requiring cause to be shown why the order should not
3 continue. In the event that service has not been effected, the
4 court may set a new date for the hearing; provided that the date
5 shall not exceed ninety days from the date the temporary
6 restraining order was granted. All parties shall [~~be present~~
7 ~~at~~] attend the hearing and may be represented by counsel. The
8 court shall allow the petitioner to attend the hearing remotely
9 if the petitioner's allegations include at least one allegation
10 of domestic violence or intimate partner violence or if the
11 petitioner has been diagnosed with post-traumatic stress
12 disorder.

13 The protective order may include all orders stated in the
14 temporary restraining order and may provide further relief, as
15 the court deems necessary to prevent domestic abuse or a
16 recurrence of abuse, including orders establishing temporary
17 visitation with regard to minor children of the parties and
18 orders to either or both parties to participate in domestic
19 violence intervention."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 352

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Linda Schizone
JAN 19 2023



H.B. NO. 352

Report Title:

Temporary Restraining Orders; Domestic Violence; Partner Violence; Post-Traumatic Stress Disorder; Remote Attendance

Description:

Allows petitioners to attend TRO hearings remotely when domestic violence or intimate partner violence is alleged or the petitioner has been diagnosed with post-traumatic stress disorder.

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