

ACT 235

H.B. NO. 364

A Bill for an Act Relating to Protective Orders.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that domestic violence is a serious problem in Hawaii today. The majority of injuries suffered by women are caused by their spouses or partners. On Oahu, arrests for domestic violence have increased from 128 in 1986 to 1,400 in 1988. Correspondingly, the number of restraining orders issued by the family court on Oahu increased from 164 in 1980 to 918 in 1988. Most women who have restraining orders continue to be harassed or threatened by their abusers for several years. The current six month duration of protective orders is insufficient to protect women from the danger they often continue to face from their abusers. The purpose of this Act is to extend the protective order duration from six months to three years in order to increase and ensure the protective order's effectiveness.

SECTION 2. Section 586-5.5, Hawaii Revised Statutes, is amended to read as follows:

“§586-5.5 Protective order. If after hearing all relevant evidence, the court finds that the respondent has failed to show cause why the order should not be continued and that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, the court may order that a protective order be issued for such further period as the court deems appropriate, not to exceed [one hundred-eighty days] three years from the date the protective order is granted. [However, if the court has ordered a party to participate in treatment or counseling services, the court may extend the term of the protective order for an additional one hundred-eighty days to enforce the order for treatment or counseling.] However, the court may terminate the protective order at anytime with the mutual consent of the parties.

The protective order may include all orders stated in the temporary restraining order and may provide such further relief as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation with regard to minor children of the parties and orders to either or both parties to participate in treatment or counseling services. If the court finds that the party meets the requirements under section 334-59(a)(2), the court may further order that the party be taken to the nearest facility for emergency examination and treatment.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 12, 1991.)