

# HAWAII CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Hawaii, there are 3 types of civil protection orders:

- Orders for Protection due to Domestic Abuse** are available for individuals seeking protection from a family or household member (HRS §§ 586-1 – 586-13).
- Injunctions Against Harassment** are available for individuals seeking protection from harassment by a non-family or household member (HRS § 604-10.5).
- Gun Violence Protection Orders** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (HRS § §134-61–134-72).



# ORDERS FOR PROTECTION DUE TO DOMESTIC ABUSE (FAMILY COURT)

<p><b>Who can apply?</b></p>	<p>An individual experiencing <b>domestic abuse</b> by a family or household member can petition the court, or an individual can apply on behalf of a family or household member who is a minor, incapacitated, or physically unable to travel.  <i>HRS §§ 586-3(b, c), 586-4(c).</i></p> <p><b>Domestic abuse</b> is defined as:</p> <ul style="list-style-type: none"> <li>• Physical harm, assault, or bodily injury, or threat thereof;</li> <li>• Extreme psychological abuse;</li> <li>• Coercive control;</li> <li>• Malicious property damage; or</li> <li>• Any sexual offenses committed by an adult family or household member against a minor.</li> </ul> <p><i>HRS § 586-1.</i></p>
<p><b>Can minors apply?</b></p>	<p>No. The statute provides that an adult family or household member must apply on the <b>minor's</b> behalf.  <i>HRS § 586-3(b)(1).</i></p> <p>A <b>minor</b> is:                  An unemancipated individual who has not attained eighteen years of age  <i>HRS § 560:5-102.</i></p>
<p><b>Who can be restrained?</b></p>	<p>A <b>family or household member</b>.</p> <p>A <b>family or household member</b> means:</p> <ul style="list-style-type: none"> <li>• Current or former spouses or reciprocal beneficiaries;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## ORDERS FOR PROTECTION DUE TO DOMESTIC ABUSE (FAMILY COURT)

<p><b>Who can be restrained?</b></p>	<ul style="list-style-type: none"> <li>• Persons who have a child in common;</li> <li>• Parents and children;</li> <li>• Persons related by consanguinity (blood relatives);</li> <li>• Persons who currently or previously lived together unless doing so was merely a financial convenience; or</li> <li>• Persons who have or have had a <b>dating relationship</b>.</li> </ul> <p><i>HRS § 586-1.</i></p> <p><b>Dating relationship</b> means: A romantic, courtship, or engagement relationship typically including intimate or sexual conduct. <i>HRS § 586-1.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>As part of a temporary ex parte order, the court can:</p> <ul style="list-style-type: none"> <li>• Restrain the respondent from harassing the petitioner;</li> <li>• Restrain the respondent from contacting, threatening, and physically harming the petitioner; or</li> <li>• Prohibit the respondent from entering the petitioner’s home or workplace.</li> </ul> <p>In a final protective order, the court can order any of the above and:</p> <ul style="list-style-type: none"> <li>• Establish temporary visitation or custody of minor children;</li> <li>• Order one or both parties to participate in domestic violence intervention services.</li> </ul> <p><i>HRS § 586-5.5(a).</i></p>
<p><b>How long does the order last?</b></p>	<p>An ex parte temporary restraining order can last up to 180 days, or until a protective order is issued by the court, if the order is issued earlier than 180 days after the temporary restraining order is effective.</p> <p><i>HRS § 586-5(a).</i></p>

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## ORDERS FOR PROTECTION DUE TO DOMESTIC ABUSE (FAMILY COURT)

<p><b>How long does the order last?</b></p>	<p>A protective order lasts for a “further fixed reasonable period.”  <i>HRS § 586-5.5(a).</i></p> <p>If the protective order restrains the respondent from contacting, threatening, or physically abusing a minor, the protective order may be issued for a period until after the minor turns eighteen years old.  <i>HRS § 586-5.5(a).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>An ex parte temporary restraining order cannot be renewed. Rather, the court will set a hearing date to consider whether it should issue a protective order.  <i>HRS § 586-5(a).</i></p> <p>The petitioner can apply for the protective order to be extended for a “further fixed reasonable period.” Once the petitioner submits an application for extension, the court will conduct a hearing on the issue of the extension.  <i>HRS § 586-5.5(b).</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>An ex parte temporary restraining order may be granted without notice to the respondent.  <i>HRS § 586-4(a).</i></p> <p>Both the petitioner and respondent must attend the hearing on the protective order. But the court will permit the petitioner to attend the hearing remotely if their petition contains at least one allegation of domestic abuse; when there are no allegations of domestic abuse in the petition, petitioners may be permitted to attend remotely at the court’s discretion.  <i>HRS § 586-5(b).</i></p>



# INJUNCTIONS AGAINST HARASSMENT (DISTRICT COURT)

<p><b>Who can apply?</b></p>	<p>An individual who has been harassed or received threats of <b>harassment</b> that make the harassment likely to occur.  <i>HRS § 604-10.5(d).</i></p> <p><b>Harassment</b> is defined as:</p> <ul style="list-style-type: none"> <li>• Physical harm, bodily injury, assault, or threat thereof;</li> <li>• An intentional or knowing course of conduct that alarms, disturbs, or consistently bothers the individual and serves no purpose and would cause a reasonable person to suffer emotional distress.</li> </ul> <p><i>HRS § 604-10.5(a).</i></p>
<p><b>Can minors apply?</b></p>	<p>A parent must file on the minor’s behalf. If a minor has no parent or guardian to file on their behalf, they can submit a petition and should explain these circumstances. If the minor is married, they can file the petition on their own behalf.</p>
<p><b>Who can be restrained?</b></p>	<p>Any adult can be a respondent. But a petitioner cannot seek a harassment order against a family or household member.  <i>HRS § 604-10.5(d).</i></p> <p>When the harasser is a minor, the court requires the petition name the harasser's parent or guardian. For more information, see How to Apply.</p>
<p><b>What types of relief may a court order?</b></p>	<p>As part of a temporary ex parte order, the court can:</p> <ul style="list-style-type: none"> <li>• Restrain the respondent from harassing the petitioner;</li> <li>• Restrain the respondent from contacting, threatening, and physically harming the petitioner; or</li> <li>• Prohibit the respondent from entering the petitioner’s home or workplace.</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## INJUNCTIONS AGAINST HARASSMENT (DISTRICT COURT)

<p><b>What types of relief may a court order?</b></p>	<p>As part of a final protective order, the court can issue any of the above, effective for up to 3 years. <i>HRS § 604-10.5(g).</i></p>
<p><b>How long does the order last?</b></p>	<p>An ex parte temporary restraining order can last up to 90 days. If the temporary restraining order prohibits the respondent from harassing a minor, the order can persist past the minor’s 18th birthday.</p> <p>An injunction can last up to 3 years. But, if the petitioner submits another petition against the harasser, the court may impose another injunction against the harasser, bringing the total period of restraint above 3 years. If the injunction prohibits the respondent from harassing a minor, the order can persist past the minor’s 18th birthday. <i>HRS § 604-10.5(g).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>An ex parte temporary restraining order cannot be renewed. Rather, the court will set a hearing date to consider whether it should issue a protective order. <i>HRS § 586-5(a).</i></p> <p>The petitioner can apply for the protective order to be extended for a “further fixed reasonable period.” Once the petitioner submits an application for extension, the court will conduct a hearing on the issue of the extension. <i>HRS § 586-5.5(b).</i></p>

## INJUNCTIONS AGAINST HARASSMENT (DISTRICT COURT)

**Is a hearing with the respondent required?**

An ex parte temporary restraining order may be granted without notice to the respondent.

*HRS § 586-4(a).*

Both the petitioner and respondent must attend the hearing on the protective order. But the court will permit the petitioner to attend the hearing remotely if their petition contains at least one allegation of domestic abuse; when there are no allegations of domestic abuse in the petition, petitioners may be permitted to attend remotely at the court's discretion.

*HRS § 586-5(b).*

# GUN VIOLENCE PROTECTIVE ORDER

<p><b>Who can apply?</b></p>	<p>A <b>family or household member</b>, law enforcement officer, medical professional, educator, or colleague who believes an individual poses a serious danger to themselves or others due to their access to firearms or ammunition. <i>HRS § 134-61; HRS § 134-63(b).</i></p> <p>A <b>family or household member</b> means:</p> <ul style="list-style-type: none"> <li>• Current or former spouses or reciprocal beneficiaries;</li> <li>• Persons who have a child in common;</li> <li>• Parents and children;</li> <li>• Persons related by consanguinity (blood relatives);</li> <li>• Persons who currently or previously lived together, including adult roommates; or</li> <li>• Persons who have or have had a dating relationship.</li> </ul> <p><i>HRS § 134-61</i></p>
<p><b>Can minors apply?</b></p>	<p>The statute does not explicitly state whether a minor can be the petitioner, but a petitioner can be the respondent's child. <i>HRS § 134-61.</i></p>
<p><b>Who can be restrained?</b></p>	<p>Any adult with one of the specified relationships to petitioner who poses a serious risk of danger to themselves or others due to their access to firearms.</p>
<p><b>What types of relief may a court order?</b></p>	<p>A temporary ex parte gun violence protective order will state that the respondent cannot own, purchase, possess, or otherwise control firearms or ammunition while the order is in place. <i>HRS § 134-64(g).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



## GUN VIOLENCE PROTECTIVE ORDER

<p><b>What types of relief may a court order?</b></p>	<p>An ex parte order lasts until a hearing. If a final order is granted, it prevents respondent from owning, purchasing, possessing, or otherwise controlling firearms or ammunition for 1 year. <i>HRS § 134-65(d).</i></p>
<p><b>How long does the order last?</b></p>	<p>An ex parte gun violence protection order lasts for up to 14 days (the maximum time permitted by statute until the hearing on a 1 year order must be held). <i>HRS § 134-64(i).</i></p> <p>The 1 year gun violence protection order lasts for 1 year, unless the court terminates it sooner based on the respondent’s written request. If the respondent makes such a request, the court will notify the petitioner and conduct a hearing to determine whether the order should be terminated. <i>HRS § 134-66.</i></p>
<p><b>Can the order be renewed?</b></p>	<p>The 1 year gun violence protection can be renewed for an additional year. The renewal must be requested, in writing, within 3 months prior to the expiration of the order. To renew the order, the court must—after considering evidence from the petitioner and the respondent— find by a preponderance of the evidence that the respondent continues to pose a significant danger of causing bodily injury to the respondent's self or another person by owning, purchasing, possessing, receiving, or having in the respondent's custody or control any firearm or ammunition. <i>HRS § 134-66(b).</i></p>

## GUN VIOLENCE PROTECTIVE ORDER

### Is a hearing with the respondent required?

A petitioner can request that the court issue the ex parte gun violence protective order without notice to the respondent, and before a hearing.

*HRS § 134-64(a).*

A hearing is required before the order will issue a 1 year gun violence protective order. The respondent will be given notice of the hearing, but the hearing may still move forward if the respondent does not appear.

*HRS § 134-65; HRS § 134-65(d), (e).*

## HOW TO APPLY

Petitioner files petition where the petitioner or respondent resides or where the conduct occurred.

Forms can be found here: [https://www.courts.state.hi.us/self-help/courts/forms/court\\_forms](https://www.courts.state.hi.us/self-help/courts/forms/court_forms)

**SCAN ME!**



**For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!**

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