

PETITION FOR AN ORDER FOR PROTECTION (continued)
(court cases continuation sheet)
Attach this page after page two of the petition

CASE NUMBER

FC-DA No.

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

Respondent abused me 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.

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

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

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briefly describe this incident: _____

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

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

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 consent, with an intent to thereby cause emotional distress.

INSTRUCTIONS FOR SERVICE

Petitioner

vs

Respondent

Serve on: _____ Birthdate: _____

Nationality: _____ Age: _____

Ht: _____ Wt: _____ Hair: _____ Eyes: _____

Tatoos/Scars: _____

Auto: _____

Work place & Address: _____

Work schedule: _____

Residence address and/or directions: _____

Other places respondent frequently can be found and when: _____

INFORMATION FOR SERVICE AND RECORD PURPOSES

The Order issued by this Court requires you to supply the following current information for the court record:

Your Correct Legal Name:

Your Social Security Number:

Your Date of Birth:

Your Phone Number:

Your Mailing Address:

Your Residence Address:

(If you do not have a fixed place of residency at this time, provide the name and address of someone that can get in touch with you. If your residence has no street address, supply directions so that someone can locate your residence if necessary)

I certify that the information provided above is accurate.

Dated: _____ Signature _____

TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT

(reserved for Court use only)

Based upon the attached Petition for Ex Parte Temporary Restraining Order and Declaration of Petitioner(s) and pursuant to Hawai'i Revised Statutes §604-10.5, the Court finds there is probable cause to believe:

- Recent or past acts of harassment by Respondent(s) have occurred.
Threats of harassment by Respondent(s) make it probable that acts of harassment may be imminent against Petitioner(s).

It appears to the Court that a Temporary Restraining Order should be granted and is necessary to prevent acts of harassment. Accordingly, IT IS ORDERED that Respondent(s) shall appear before the Judge in the above-entitled proceeding at the date, time and place indicated in the Notice of Hearing below.

TO THE RESPONDENT:

YOU AND ANYONE ACTING ON YOUR BEHALF ARE ORDERED AS FOLLOWS:

- Do not contact, threaten, or physically harass Petitioner(s) and any person(s) residing at Petitioner(s) residence
Do not telephone Petitioner(s)
Do not enter or visit Petitioner(s)' residence, including yard and garage, and place of employment
Pursuant to HAWAI'I REVISED STATUTES §134-7, you shall not possess or control any firearm(s) and/or ammunition for the duration of this Temporary Restraining Order.
You shall immediately turn over for safekeeping all firearms and/or ammunition in your possession and control to the Hawai'i County Police Department

This Order becomes effective upon its signing and filing and shall remain in effect for fifteen (15) days, unless extended or terminated by the Court.

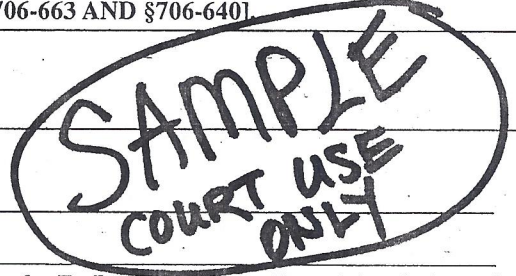
ANY KNOWING OR INTENTIONAL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT IS A MISDEMEANOR PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR UP TO A \$2,000 FINE. A SENTENCE OF 48 HOURS JAIL FOR A SECOND CONVICTION AND 30 DAYS JAIL FOR ANY SUBSEQUENT CONVICTION(S) IS MANDATORY. [HAWAI'I REVISED STATUTES §604-10.5, §706-663 AND §706-640]

Date:

Judge of the above-entitled Court

NOTICE OF HEARING

TO



NOTICE IS GIVEN that the Petitioner(s) above named has/have filed the foregoing Petition for Ex Parte Temporary Restraining Order and for Injunction Against Harassment.

YOU ARE COMMANDED to appear before the Presiding Judge of the above-entitled Court, the District Court of the above Circuit.

at DISTRICT COURT OF THE THIRD CIRCUIT KONA DIVISION 79-1020 HAUKAPILA STREET KEALAKEKUA, HI 96750, 20 at o'clock M.

Prior to the scheduled hearing date, you or your attorney may file a written response explaining, justifying, or denying the alleged or acts of harassment. At the hearing, the parties shall be prepared to testify, call and examine witnesses, present any documents, and give legal or factual reasons why the Injunction should or should not be granted. IF YOU OR YOUR ATTORNEY FAIL TO ATTEND AT THE TIME AND PLACE DESIGNATED, AN ORDER GRANTING PETITION FOR INJUNCTION AGAINST HARASSMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.

The Court shall receive all evidence that is relevant at the hearing, and may make independent inquiry. If the Court finds by clear and convincing evidence that harassment by Respondent(s) in the form of physical harm, bodily injury, assault, of the threat of imminent physical harm, bodily injury to Petitioner(s) exists, it may enjoin for no more than three years further harassment by Respondent(s). If the court finds by clear and convincing evidence that harassment by Respondent(s) in the form of an intentional or knowing course of conduct directed at Petitioner(s) that seriously alarms or disturbs consistently or continually bothers Petitioner(s) and that serves no legitimate purpose exists, and such course of conduct would cause a reasonable person to suffer emotional distress, the court shall enjoin for no more than three years, further harassment by Respondent(s).

This Order shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the above-entitled Court permits, in writing on this Order, personal delivery during those hours.

Date:

Clerk of the above-entitled Court



In accordance with the Americans with Disabilities Act, and other applicable State and Federal laws, if you require an accommodation for your disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. (808) 961-7424, FAX (808) 961-7411, or TTY (808) 961-7422 at least (10) working days before your proceeding, hearing, or appointment date. For all Civil related matters, please call or visit the District Court at: Hilo Division, 777 Kilauea Avenue, Hilo, Ph. (808) 961-7515 • Kohala Division, 67-5187 Kamamalu Street, Kamuela, Ph. (808) 443-2030 • Kona Division, 79-1020 Haukapila Street, Kealakekua, Ph. (808) 322-8700.

STATE OF HAWAII
FAMILY COURT
THIRD CIRCUIT

PROOF OF SERVICE

CASE NUMBER
FC-DA NO.

HEARING DATE: _____

I served a certified copy of each document identified below by delivering to the following person(s):

PERSON(S) SERVED

DATE

TIME

PLACE

DOCUMENTS SERVED

EX PARTE PETITION
FOR A TEMPORARY
RESTRAINING ORDER;
STATEMENT OF PETITIONER;
TEMPORARY RESTRAINING
ORDER FOR PROTECTION;
NOTICE OF HEARING

AMENDED NOTICE OF HEARING

NOTICE TO APPEAR; MOTION FOR
MODIFICATION OF ORDER filed

DATE

POLICE OFFICER'S SIGNATURE

BADGE/I.D. NUMBER