



### Access to Orders for Protection

In Hawaii, minors can obtain Orders for Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. Hawaii also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A family/household member, among others, may petition for an OP on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Hawaii law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP if the respondent has damaged the petitioner's property; or physically abused, threatened to physically abuse or, if petitioner is a minor, sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize sexual abuse of adults, stalking, and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order for Protection is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services\*
- STI testing and treatment\*
- Prenatal care\*
- Adoption

\*Applies only to a minor 14 or older. Also, physicians may inform a minor's parents.

### School Response to Dating Violence

Hawaii law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Hawaii's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access OPs.
- Allow all minors to access all sensitive services, including medical care for a child, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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## State Law Report Card



### References

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<sup>1</sup> HAW. REV. STAT. § 586-3(b)(1)-(2) (2009).

<sup>2</sup> *Id.* §§ 586-1; 586-4(b)).

<sup>3</sup> *Id.* §§ 586-3(b); 586-1.

<sup>4</sup> *Id.* §§ 586-3(c); 586-1.

<sup>5</sup> *Id.* §§ 586-4(a); 586-4(e); 586-5(b); 586-5.5(a).

<sup>6</sup> *Id.* § 586-9.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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