



HOW TO DISTINGUISH THE DIFFERENCES BETWEEN GUN VIOLENCE PROTECTIVE ORDERS AND DOMESTIC VIOLENCE PROTECTIVE ORDERS

Domestic violence advocates should work with survivors to help them determine which type of protection order, if any, is appropriate for them.

When an abusive partner has access to firearms, this chart will help distinguish the differences in processes and relief available between the Gun Violence Protection Orders and Domestic Violence Protection Orders.

TERMS, DEFINITIONS, and STATUTES

- **Petitioner:** The person filing for the protective order.
- **Respondent:** The individual whom the petitioner is filing against.
- **OSC:** Order to show cause hearing
- **TRO:** Temporary restraining order
- **DVPO:** Domestic violence protective order. See the full statute at [HRS §586](#) and [§134-7](#).
- **GVPO:** Gun Violence Protective Order. See the full statute at [HRS §134-61 -72](#).

What are the similarities between GVPOs and DVPOs?

- There is no cost or fee to file these orders.
- The orders are filed and issued in the family court in the circuit which the petitioner resides.

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What are the differences between GVPOs and DVPOs?

WHAT DOES THIS ORDER PROHIBIT THE RESPONDENT FROM DOING?

GVPO

The respondent cannot own, purchase, possess, receive, or control any firearm or ammunition.

DVPO

The respondent cannot do any of the following acts to the petitioner:

- Contact, threaten, or physical abuse;
- Enter or visit the petitioner's residence;
- Contact, threaten, or physically abuse others residing with the petitioner;
- Take, conceal, remove, threaten, physically abuse, or otherwise dispose of any animal belonging to the petitioner's household.

WHO CAN FILE THIS ORDER?

GVPO

Law enforcement, family or household members (*including* roommates or live-in partners), medical professionals, educators, and colleagues of the respondent.

DVPO

Family or household members (*except* adult roommates) of the respondent, including current and former intimate partners.

WHAT DOES A PETITIONER NEED TO PROVIDE TO THE COURT WHEN THEY FILE THE ORDER?

GVPO

- How the respondent poses a danger of harming themselves and/or others if they control firearms or ammunition.
- The number, types, and locations of firearms and/or ammunition.
- Whether there is an existing protective order, lawsuits, complaints, or other legal actions against the respondent.
- Any health records or medical information (which will be sealed by the courts).

DVPO

- Past act(s) of abuse or threat(s) of abuse that may be imminent; or that
- Extreme psychological abuse or malicious property damage is imminent.

HOW IS THE NOTICE OF HEARING SERVED ON THE RESPONDENT?

GVPO

This is only served by local county law enforcement.

DVPO

Check with your court circuit for specific procedures.

HOW ARE FIREARMS AND AMMUNITION REMOVED FROM THE RESPONDENT?

GVPO

A judge will allow the respondent to surrender the items to local county law enforcement. A search warrant may be issued by a judge if they are not voluntarily surrendered.

DVPO

The respondent must surrender all items to local county law enforcement. If the respondent does not surrender, they may be charged with a misdemeanor.

IF THE ORDER IS GRANTED, HOW LONG IS THE ORDER IN EFFECT?

GVPO

1 year, maximum.

DVPO

TROs may remain in effect for up to 180 days. At an OSC hearing, a judge may grant a protection order for several years.

CAN THE ORDER BE RENEWED?

GVPO

Yes, the order can be renewed within three (3) months before the expiration date.

DVPO

Yes, petitioners may request a renewal at any time prior to the expiration date.

CAN THE ORDER BE TERMINATED?

GVPO

Yes, respondents can submit a written request to terminate the order.

DVPO

Yes, petitioners and respondents can file a request to terminate the order.

CAN FIREARMS AND AMMUNITION BE RETURNED TO THE RESPONDENT?

GVPO

Yes, it may be returned only after a criminal history background check is conducted.

DVPO

Yes, it may be returned if the respondent can prove to a judge that there is "good cause" for keeping the firearms.

What is the petition process?

GVPO

1. The petitioner files for the GVPO at their local family court which will be reviewed by a judge. The petitioner may also request that the GVPO be issued without notice to the respondent.
2. If granted, an OSC hearing will be scheduled within the next 14 days. The respondent will be served by local county law enforcement.
3. At the OSC hearing, a judge determines if the GVPO will be extended for a maximum of one (1) year.

DVPO

1. The petitioner files for a TRO at their local family court which will be reviewed by a judge.
2. If granted, an OSC hearing will be scheduled within the next 15 days. If the respondent was not served before the original OSC date, the court may continue the hearing at a later date, but no later than 90 days from the original filing date.
3. At the OSC hearing, a judge determines if the TRO should be dissolved, expire after 180 days, or extended to a DVPO and expire on another date orally recorded by the court.