

**INSTRUCTIONS**  
**UNCONTESTED DIVORCE PACKET WITHOUT CHILDREN**  
**(for the Island of Kaua‘i)**

**WHO CAN FILE FOR DIVORCE?**

In order to file a divorce action in the Family Court of the Fifth Circuit (on Kaua‘i), you must meet certain limited residency requirements. You must have been domiciled or physically present on Kaua‘i continuously for at least 3 months prior to the filing of the Complaint for Divorce **and** either you or your spouse must have been domiciled or physically present in the State of Hawai‘i continuously for at least 6 months prior to the filing of the Complaint for Divorce. The islands are divided into separate circuits. You must meet these limited residency requirements and file your Complaint for Divorce in the correct circuit.

- First Circuit = O‘ahu
- Second Circuit = Maui, Lāna‘i and Moloka‘i
- Third Circuit = Hawai‘i (Hilo and Kona Divisions)
- Fifth Circuit = Kaua‘i, Ni‘ihau

**BEFORE YOU START.**

**Read through this entire instruction packet before you start to fill in the documents.** This packet includes instructions, information and forms needed to obtain an uncontested divorce. The Uncontested Divorce (with children) Document Checklist contains information on how many copies of each document you need to submit and who signs the document. The checklist also helps you see what documents you have completed and which documents you still have to do.

The Divorce Decree in this packet contains provisions that covers most divorce situations. There may be other terms or provisions necessary for your case. You are strongly urged to talk to an attorney to discuss your legal rights and duties.

Most uncontested divorces are done by affidavit, with a Judge reviewing the documents you submit. This means that neither you nor your spouse appear at a Court hearing if your documents are properly completed and all the necessary steps have been followed. Therefore it is very important that you understand which documents are needed and what you must do before the Court will grant your divorce. If the Court has any questions or concerns, you and your spouse may be required to appear at a hearing or submit more documents.

It is important for you to realize that a divorce takes time. You will not be able to complete all your divorce documents in one day. Be sure to read each document thoroughly and and make sure you understand what the documents says. **Do not sign any document you do not agree with or you do not understand.**

**IF YOU NEED ASSISTANCE**

**The clerks of the Court are not allowed to give legal advice or assist you in the completion of the divorce documents.**

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require reasonable accommodations for a disability, please contact the ADA Coordinator at the Family Court Office at Phone no. 482-2314, FAX 482-2509, or TTY 482-2533.

**Legal Assistance**

If possible, you should seek the assistance of an attorney. Even if you cannot afford to have an attorney to represent you for the whole divorce, you should try at least to talk to an attorney to discuss your legal rights and duties.

You can check the Yellow Pages of the telephone book for names of attorneys or you may contact the following organization for possible assistance.

**HAWAI‘I STATE BAR ASSOCIATION**

Lawyer Referral Service

Telephone: 240-0872

Website: [www.hawaiilawyerreferral.com](http://www.hawaiilawyerreferral.com)

or [www.hsba.org](http://www.hsba.org)

The following organization offer assistance or self-help clinics to persons who fall within certain income brackets:

**LEGAL AID SOCIETY OF HAWAI‘I**

Kaua‘i Office

Intake Hotline Telephone: 245-7580, Monday through Friday, 9:00 AM to 11:30 AM

and 1:00 PM to 3:30 PM

If there have been incidents of Domestic Abuse, you may want to call the following organizations to obtain assistance:

**YWCA Kaua‘i**

Telephone: 245-8404

**REFERENCE MATERIALS TO GUIDE YOU**

The Following materials located at the Kaua'i Judiciary Complex Law Library, 3970 Kā'ana St., Līhu'e, may assist you.

**HAWAI'I DIVORCE MANUAL (2005)**

**HAWAI'I REVISED STATUTES**

**HAWAI'I FAMILY COURT RULES**

**ON THE INTERNET**

**Judiciary Web Page - [www.courts.state.hi.us](http://www.courts.state.hi.us)**

**FILING FEES (Cash or Money Order/Cashier's Check payable to:  
CHIEF CLERK, FIFTH CIRCUIT)**

**DIVORCE (FC-D)**

Initial Filing Fee:	\$100.00
Surcharge:	+ 65.00
Computer System Surcharge:	<u>+ 50.00</u>

**TOTAL WITHOUT CHILDREN \$215.00**

Parent Education Surcharge:	<u>+ 50.00</u>
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(If either party has children  
from this marriage or any prior  
relationship)

**TOTAL WITH CHILDREN \$265.00**

Motions:	No Fee
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If you feel you cannot afford the filing fees, you may wish to contact the Legal Society of Hawai'i (Intake Hotline Telephone: 245-7580).

**FILE-STAMPING OR FILING YOUR DOCUMENTS:**

You will need to get almost all of your documents “filed,” or “file-stamped,” at the court house. Look at the Uncontested Divorce (with children) Documents Checklist for a summary of how many copies of each document you will need to submit to Court. Documents are file-stamped by the Court at the following location and during the following times.

**LEGAL DOCUMENT SECTION**

3970 Kā‘ana Street, Suite 207

Līhu‘e, Kaua‘i, Hawai‘i 96766

Hours: 8:00 a.m. to 4:00 p.m.

Monday through Friday, excluding State/County holidays.

**PLACING YOUR CASE ON THE COURT CALENDAR:**

When you have completed all of your divorce documents, filed the necessary documents and serve your spouse with the correct documents, you will be ready to have your case placed on the court calendar for judge’s review. Refer to the Uncontested Divorce (without children) Documents Checklist for a summary of which documents are required.

**AFTER THE JUDGE REVIEWS YOUR DOCUMENTS:**

Once your case is set on the uncontested divorce calendar, your documents will be reviewed by the Court staff and the Judge. If the Judge grants your divorce and signs your Divorce Decree, the clerk will contact you to pick-up your file-stamped certified copies of your Divorce Decree.

The clerk will contact you if your divorce is “DENIED” or is not fully granted. You must follow the Judge’s instructions before your divorce can be completed.

<http://www.hsba.org>

## Document Checklist For Uncontested Divorce (without children)

This is just a checklist. “You” are the Plaintiff, and “Spouse” is the Defendant.

### A. FIRST: File these at the Legal Documents Branch of the Circuit Court:

Take these documents to the Legal Documents Branch of the Fifth Circuit Court (3970 Kā‘ana Street, Līhu‘e). A documents clerk will file-stamp each document, keep the original for the Court’s file, and return the copies to you.

NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/> COMPLAINT FOR DIVORCE	Original + 3 copies	You	Filing this at the Legal Documents section of the Court starts the divorce process. The Documents clerk will assign a Case Number. Fill in this number on the other documents that you will file later.
<input type="checkbox"/> SUMMONS TO ANSWER COMPLAINT	Original + 3 copies	(Clerk will sign)	Staple a copy behind each copy of the <i>Complaint for Divorce</i> before you take them to be filed.
<input type="checkbox"/> MATRIMONIAL ACTION INFORMATION	Original + 1 copy	You	
<input type="checkbox"/> INITIAL PRE-TRIAL ORDER	Original + 2 copy		This Document need to be signed by the Judge and file-stamped before you can start serving your spouse.

If your spouse will not sign an *Appearance and Waiver*, you must properly serve the *Complaint for Divorce*, *Summons to Answer Complaint* on your spouse and file one of the following:

<input type="checkbox"/> PROOF OF SERVICE	Original + 1 copy		<p>This document must be completed by the person who delivers the <i>Complaint for Divorce</i>, <i>Summons to Answer Complaint</i>, and <i>Initial Pre-trial Order</i> to your spouse. It cannot be file-stamped by the Documents clerk until the person who served the document completes filing it out.</p> <p><i>*Documents can be served by personal services (a list of personal servers are located on the bulletin board located at the court house). or by any responsible person who is over 18 years old, and is not related to the Plaintiff or the Defendant.</i></p>
<b>OR</b>			
<input type="checkbox"/> MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL	Original + 2 copies	You (signed before a notary public)	If your spouse lives off-island, you can send the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> , and <i>Initial Pre-trial Order</i> by certified, registered mail, return receipt requested. This form asked the Court’s permission for you to do so. You must sign this document before a notary public, and submit it to the Legal Documents.
<b>OR</b>			
<input type="checkbox"/> MOTION FOR SERVICE BY PUBLICATION; AFFIDAVIT; OF PLAINTIFF; ORDER FOR SERVICE BY PUBLICATION (AND MAILING OF NOTICE)	Original + 2 copies	You (signed before a notary public)	If you are unable to locate your spouse for service, you will need to publish a Notice of Hearing in the newspaper. This form asks the Court’s permission to do so. You must complete the form and sign the Affidavit before a notary public and submit it to Legal Documents. You will be responsible to take a <u>filed</u> copy of the document to the advertising agency for publication.

**B. NEXT: Fill in the Case Number and file at the Legal Documents Branch:**

NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/> INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 2 copies	You	These documents must be dated 60 days current of the date you place your case on the calendar.
<input type="checkbox"/> ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	Original + 2 copies	You (and Spouse if both parties)	You and your spouse may prepare and sign a joint Asset and Debt Statement.
<input type="checkbox"/> INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 2 copies	Spouse	If your spouse did not complete these forms, you must tell this to the Court in you <i>Affidavit of plaintiff</i> , paragraph 10c.
<input type="checkbox"/> ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 2 copies	Spouse	
<input type="checkbox"/> APPEARANCE AND WAIVER  OR <input type="checkbox"/> PROOF OF SERVICE  OR <input type="checkbox"/> STATEMENT OF MAILING	Original + 1 copy  Original + 1 copy  Original + 1 copy	Spouse  Process server  You	Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce, Summons to Answer Complaint, and Initial Pre-trial Order</i> <b>before</b> your spouse can sign this document.  To be completed by server before you can have it file-stamped.  If you served your spouse by mail, complete this document when you receive the return receipt.

**C. LAST: Fill in the Case Number and file at the Legal Documents Branch section:**

NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/> AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 1 copy	You (Signed before a notary Public)	This document is a sworn statement that you must sign before a notary public. It requires that you provide various information and dates. Do <b>not</b> complete this document until the other documents have been completed.
<input type="checkbox"/> DIVORCE DECREE (WITHOUT CHILDREN)	Original + 3 copies	You <u>and</u> Spouse	Your spouse's signature is required if you are getting a divorce by agreement (and your spouse has signed an <i>Appearance and Waiver</i> ).
<input type="checkbox"/> CERTIFICATE OF MAILING	Original + 1 copy	You	Proof to Court that Defendant was served copy of Divorce Decree.

Your divorce becomes final when the Divorce Decree is signed by the Judge and file-stamped. The clerk will contact you when the Decree is file-stamp or if it needs to be corrected.

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>COMPLAINT FOR DIVORCE</b>	CASE NUMBER  FC-D NO.
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_____ VS.  _____	This document is prepared by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff  Name  Address  City, State, Zip  Phone
PLAINTIFF, (Full Name)	
DEFENDANT. (Full Name)	

**I, the Plaintiff, in support of this Complaint for Divorce, allege:**

**1. Jurisdiction:**  
I and/or my spouse, the Defendant, have lived or have been physically present in the State of Hawai'i for a continuous period of at least six (6) months and I have lived and/or been physically present on the Island of Kaua'i for a continuous period of at least three (3) months immediately preceding this application.

**2. Marriage:**  
The parties (plaintiff and spouse) are lawfully married to each other.

**3. Children:**

- a.  The parties have no children together.
- b.  The parties have \_\_\_\_ (enter number) child(ren) under 18 together.
- c.  The parties have \_\_\_\_ (enter number) child(ren) 18 or older together, who are dependent on them for support.
- d.  The parties have \_\_\_\_ (enter number) child(ren) 18 or older together, who are not dependent on them for support.
- e.  Wife has \_\_\_\_ (enter number) child(ren) born during the marriage, not fathered by Husband.
- f.  Wife is pregnant.

**4. Custody and Visitation:**

- a. Legal custody of the minor child(ren) should be awarded to:  
 Me, Plaintiff         My spouse, Defendant         Both parties jointly
- b. Physical custody of the minor child(ren) should be awarded to:  
 Me, Plaintiff         My spouse, Defendant         Both parties jointly
- c. The parent not awarded physical custody should have:  
 Reasonable visitation     Supervised visitation     \_\_\_\_\_
- d. Child support should be awarded in accordance with the child support guidelines.

**5. Division of Assets:**  
All assets my spouse and I own should be divided in a just and equitable way.

**6. Division of Debts:**  
All debts my spouse and I owe should be divided in a just and equitable way.

**7. Spousal Support (Alimony):**

- a.  I am entitled to an order that my spouse pay spousal support (alimony) to me.
- b.  My spouse  is  is not entitled to an order that I pay spousal support (alimony) to him/her.

**8. Grounds:**  
Pursuant to HRS Section 580-41, I allege that the grounds for divorce are as follows (check one only):

- a.  The marriage is irretrievably broken.
- b.  The parties have lived separate and apart for a period of two (2) or more years under a decree of separation from bed and board or under a decree of separate maintenance.
- c.  The parties have lived separate and apart for a continuous period of two (2) or more years immediately preceding the application, there is no reasonable likelihood that cohabitation will be resumed, and it would not be harsh and oppressive to Defendant, or contrary to the public interest, to grant a divorce on this ground on the complaint of Plaintiff.

**It is requested of the Court:**  
That a decree be entered granting a divorce from the bonds of matrimony and granting the relief requested above, all as alleged and as may be appropriate and in accordance with the evidence and the law, and other relief as the Court deems proper in this case.

**I declare, under penalty of perjury, that the statements made herein are true and correct to the best of my knowledge, information and belief.**

DATE	PLAINTIFF'S SIGNATURE
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<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>SUMMONS          TO ANSWER COMPLAINT</b>	CASE NUMBER  FC-D NO.
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<hr/> <div style="text-align: right;">PLAINTIFF, (Full Name)</div> <p style="text-align: center;">VS.</p> <hr/> <div style="text-align: right;">DEFENDANT, (Full Name)</div>	This document is prepared by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Atty. for Plaintiff  Name  Address  City, State, Zip  Phone
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**TO THE DEFENDANT**

You are hereby summoned and required to serve a written answer to the attached Complaint within 20 days after service of this Summons upon you, exclusive of the date of service.

Your written answer must be filed with the Chief Clerk of this Circuit at the following location or address.

A copy of your answer should also be served upon the Plaintiff's attorney, or in the event Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the Complaint.

CIRCUIT COURT OF THE FIFTH CIRCUIT  
 KAUA'I JUDICIARY COMPLEX  
 3970 KĀ'ANA STREET, SUITE 207  
 LĪHU'E, HAWAI'I 96766

If you fail to file your written answer within the 20-day time limit, further action may be taken in this case, including judgment for the relief demanded in the Complaint, without further notice to you.

**THIS SUMMONS 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 DISTRICT OR CIRCUIT COURTS PERMITS, IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.**

**FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF A DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.**

DATE	CLERK OF COURT
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<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>MATRIMONIAL ACTION</b> <b>INFORMATION</b>			CASE NUMBER  FC-D NO.		
PLAINTIFF	PREPARED: <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> ATTORNEY FOR PLAINTIFF <input type="checkbox"/> ATTORNEY FOR DEFENDANT			DATE FILED		
DEFENDANT						
NATURE OF CASE <input type="checkbox"/> DIVORCE <input type="checkbox"/> SEPARATION <input type="checkbox"/> ANNULMENT <input type="checkbox"/> OTHER						
ITEM	WIFE			HUSBAND		
FULL NAME						
BIRTH OR MAIDEN NAME						
ADDRESS STREET, APT. NO.						
TOWN, STATE, ZIP COUNTY						
PHONE	HOME	WORK			HOME	WORK
SOCIAL SECURITY NUMBER (LAST FOUR DIGITS ONLY)	XXX-XX- _____			XXX-XX- _____		
DATE OF BIRTH						
PLACE OF BIRTH (State or Country)						
RACE						
HIGHEST GRADE COMPLETED						
HAWAI'I RESIDENT SINCE						
CIRCUIT RESIDENT SINCE						
PRIMARY EMPLOYER (Name and Address)						
JOB TITLE						
WORK SCHEDULE						
LENGTH OF SERVICE						
GROSS MONTHLY INCOME (All Sources)	Primary	Secondary	Welfare	Primary	Secondary	Welfare
DATE OF THIS MARRIAGE	DATE			COUNTY / STATE		
DATE OF SEPARATION <input type="checkbox"/> NOT SEPARATED	DATE			COUNTY / STATE		

<b>MATRIMONIAL ACTION INFORMATION (Continued)</b>						CASE NUMBER
						FC-D NO.
	FROM MONTH/YEAR	TO MONTH/YEAR	TERMINATED BY			STATE
			DIVORCE	ANNULMENT	DEATH	
WIFE'S PRIOR MARRIAGES						
HUSBAND'S PRIOR MARRIAGES						
<b>CHILDREN: ALL CHILDREN OF EITHER PARTY FROM YOUNGEST TO OLDEST</b>						
CHILD'S FULL NAME	M/F	BIRTHDATE	LEGAL PARENT (HUSBAND, WIFE OR OTHER)	PRESENT CUSTODY (HUSBAND, WIFE OR OTHER)	SCHOOL AND GRADE	
<b>INFORMATION REQUIRED FOR CUSTODY</b>						
CHILD(REN)'S PRESENT ADDRESS:						
PLACES WHERE AND PERSONS WITH WHOM THE CHILDREN HAVE LIVED WITHIN THE LAST FIVE YEARS AND DATES						
ADDRESS	CARETAKERS			FROM MONTH/YEAR	TO MONTH/YEAR	
WIFE <input type="checkbox"/> IS <input type="checkbox"/> IS NOT PREGNANT. EXPECTED DELIVERY DATE:						
THE UNDERSIGNED SOLEMNLY AND SINCERELY DECLARES, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE, INFORMATION AND BELIEF.						
DATE	SIGNATURE					

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>APPEARANCE AND WAIVER</b>	CASE NUMBER  FC-D NO.
_____ PLAINTIFF, (Full Name)	This document is prepared by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Atty. for Plaintiff <input type="checkbox"/> Atty. for Defendant	
VS.	Name  Address  City, State, Zip  Phone	
_____ DEFENDANT. (Full Name)		
<p>I, the Defendant, acknowledge receipt of a <u>filed</u> copy of the Complaint and Summons in the above-entitled action, submit myself to the Court's jurisdiction, and have agreed with the Plaintiff on the matters set forth in</p> <p><input type="checkbox"/> a signed agreement incident to divorce.</p> <p><input type="checkbox"/> a form of Decree which I have approved by signature.</p> <p>I consent to a hearing of the complaint by a judge at any time without further notice and without my presence so long as the Decree issued incorporates the provisions I have approved. If such Decree is not entered by the Court, I request to be notified.</p> <p>I understand that I am not required to sign this paper and that by doing so I am permitting the Court without opposition from me to proceed with the above-entitled matter at this time unless there is reason for the Court to alter our agreement.</p> <p><input type="checkbox"/> I am not in the military service of the United States.</p> <p><input type="checkbox"/> I am in the military service of the United States, but I do not request a stay of proceedings herein, and I do waive any rights I may have under the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Sec. 521, et. seq.</p>		
DATE	DEFENDANT'S SIGNATURE	

<b>STATE OF HAWAII</b> FAMILY COURT FIFTH CIRCUIT	<b>PROOF OF SERVICE</b>	CASE NUMBER  FC-D NO.
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<p style="text-align: center;">_____</p> <p style="text-align: right;">PLAINTIFF, (Full Name)</p> <p style="text-align: center;">VS.</p> <p style="text-align: center;">_____</p> <p style="text-align: right;">DEFENDANT, (Full Name)</p>	<p>This document is prepared by</p> <p> <input type="checkbox"/> Plaintiff      <input type="checkbox"/> Attorney for Plaintiff  <input type="checkbox"/> Defendant      <input type="checkbox"/> Attorney for Defendant         </p> <p>Name _____</p> <p>Address _____</p> <p>City, State, Zip _____</p> <p>Phone _____</p>
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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**

Complaint and Summons   
  Initial Pre-trial Order   
  Notice to Attend Kids First

Motion and Affidavit for Temporary Relief; Order to Show Cause for Temporary Relief

Motion and Affidavit for Order to Show Cause for Relief After Order or Decree; Order to Show Cause for Relief After Order or Decree

\_\_\_\_\_

**PLEASE EXPEDITE RETURN OF SERVICE TO FAMILY COURT**

DATE	POLICE OFFICER'S SIGNATURE	BADGE ID NUMBER	
DATE	OTHER SERVING OFFICER'S SIGNATURE	NAME OF SERVING OFFICER	

**UNSERVED DOCUMENTS:** I certify that, despite due and diligent search, I was unable to locate the person to be served, and therefore the attached documents are being returned as unserved.

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>MOTION FOR SERVICE BY MAIL          AND AFFIDAVIT;          ORDER FOR SERVICE BY MAIL</b>	CASE NUMBER  FC-D NO.
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<p style="text-align: center;">_____          PLAINTIFF,          (Full Name)</p> <p style="text-align: center;">VS.</p> <p style="text-align: center;">_____          DEFENDANT,          (Full Name)</p>	This document is prepared by: <input type="checkbox"/> Movant <input type="checkbox"/> Attorney for Movant  Name  Address  City, State, Zip  Phone
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**MOTION FOR SERVICE BY MAIL AND AFFIDAVIT**

The undersigned party to this action moves, pursuant to HRS 580-3(c) and Hawai'i Family Court Rule 4(e)(2), for an order authorizing service by registered or certified mail. In support of this motion the undersigned states that to his/her best information and belief the adverse party is outside the State and receives mail at the following address:

MOVANT'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE:	<b>NOTARY PUBLIC'S SIGNATURE</b>  STATE OF HAWAI'I, FIFTH JUDICIAL CIRCUIT	<b>MY COMMISSION EXPIRES:</b>
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**ORDER FOR SERVICE BY MAIL**

It appears that service by mail is appropriate and reasonable. IT IS HEREBY ORDERED that service herein may be made by forwarding certified copies of the

Complaint     Summons     Initial Pre-Trial Order     Notice to Attend Kids First Program  
 Motion and Affidavit for Temporary Relief; Order to Show Cause for Temporary Relief  
 Motion and Affidavit for Order to Show Cause and Relief After order or Decree; Order to Show Cause for Relief After Order or Decree  
 Income and Expense Statement; Asset and Debt Statement  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

and of this Order to the  Plaintiff  Defendant by registered or certified mail with return receipt requested and a direction to deliver to addressee only and that actual receipt by the  Plaintiff  Defendant of the above document(s) sent in accordance with this Order shall be equivalent to personal service by an authorized process server as of the date of receipt.

DATE	JUDGE OF THE ABOVE-ENTITLED COURT
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<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>STATEMENT OF MAILING</b> <b>EXHIBIT "1" AND "2"</b>	CASE NUMBER  FC-D NO.
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<p style="text-align: center;">_____</p> <p style="text-align: right;">PLAINTIFF, (Full Name)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____</p> <p style="text-align: right;">DEFENDANT. (Full Name)</p>	<p>This document is prepared by:</p> <p><input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff</p> <p>Name _____</p> <p>Address _____</p> <p>City, State, Zip Code _____</p> <p>Phone _____</p>
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**I REPRESENT THAT I** caused one certified copy each of the Complaint for Divorce; Summons to Answer Complaint; and Motion for Service by Mail and Affidavit; Order for Service by Mail; and \_\_\_\_\_ , to be mailed by certified or registered mail, return receipt requested, restricted delivery to :

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**Defendant**

At the time of mailing, the receipt attached hereto as Exhibit "1" was postmarked and dated. Thereafter, the return receipt attached as Exhibit "2" was received.

DATE	PLAINTIFF'S SIGNATURE	
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<p><b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT</p>	<p><b>STATEMENT OF MAILING</b> <b>EXHIBIT "1" AND "2"</b> (continued)</p>	<p>CASE NUMBER  FC-D NO.</p>
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**EXHIBIT 1**

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**EXHIBIT 2**

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<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>CERTIFICATE OF MAILING</b>	CASE NUMBER  FC-D NO.
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<p style="text-align: center;">_____</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: right; width: 45%;">             PLAINTIFF, (Full Name)           </div> <div style="text-align: left; width: 45%;">             DEFENDANT, (Full Name)           </div> </div>	<p>This document is prepared by:</p> <p><input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff</p> <p>Name _____</p> <p>Address _____</p> <p>City, State, Zip Code _____</p> <p>Phone _____</p>
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Comes now \_\_\_\_\_,

herein and hereby certifies that on \_\_\_\_\_ he/she caused to be mailed or delivered to \_\_\_\_\_

at his or her last known address. \_\_\_\_\_ certified copy/copies of the \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This certification is made pursuant to Rule 97 of the Hawai'i Family Court Rules.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature





<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>INCOME AND EXPENSE STATEMENT</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	CASE NUMBER  FC- NO.
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<p>_____ PLAINTIFF, (Full Name)</p> <p style="text-align: center;">VS.</p> <p>_____ DEFENDANT, (Full Name)</p>	This document is prepared by: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Atty. for Plaintiff <input type="checkbox"/> Atty. for Defendant  Name _____  Address _____  City, State, Zip _____  Phone _____
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Occupation: \_\_\_\_\_  
JOB TITLE

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Length of service: \_\_\_\_\_ month/year.

Income Tax Withholding based on: \_\_\_\_\_ dependents.

**INCOME**

Gross income. Paid:  monthly,  2 times per month,  every 2 weeks,  weekly  or other \_\_\_\_\_

Gross per pay period ..... \$ \_\_\_\_\_ Per month ..... \$ \_\_\_\_\_

Payroll deductions per pay period:

Fed. income tax .....	\$ _____
State income tax .....	\$ _____
FICA (Social Security) .....	\$ _____
Union dues .....	\$ _____

a) Net per pay period ..... \$ \_\_\_\_\_ Per month ..... \$ \_\_\_\_\_

Other:

Retirement/401K .....	\$ _____
Credit Union .....	\$ _____
Direct Deposit .....	\$ _____
Income Assignments .....	\$ _____
Support Payments .....	\$ _____
Medical Insurance .....	\$ _____

b) Take home per pay period ..... \$ \_\_\_\_\_ Per month ..... \$ \_\_\_\_\_

Other regular monthly income, (rental income, 2nd job, interest, child support, welfare, food stamps, and any other source.)

Gross monthly receipt .....	\$ _____
Taxes paid IRS and State on above .....	\$ _____

c) Total other income net ..... \$ \_\_\_\_\_

Total Monthly Income (Add per month income from lines a and c above) \$ \_\_\_\_\_

**EXPENSES**

Do not list expenses which are paid by payroll deduction.

Housing, expenses per month:

rent, mortgage, agreement of sale ..... \$ \_\_\_\_\_  
insurance if not included above ..... \$ \_\_\_\_\_  
Real Property taxes (if paid separately) ..... \$ \_\_\_\_\_  
Utilities, gas, water, elec., telephone etc. .... \$ \_\_\_\_\_

Transportation, expenses per month:

Car payment, lease, rental ..... \$ \_\_\_\_\_  
Insurance on vehicle ..... \$ \_\_\_\_\_  
Maintenance (repairs) ..... \$ \_\_\_\_\_  
Operating (gas, oil & tires) ..... \$ \_\_\_\_\_

Total Housing and Transportation expenses ..... \$ \_\_\_\_\_

Debt service (all monthly payments, eg. credit cards, charges, finance company, personal loans) ..... \$ \_\_\_\_\_

Personal Expenses per month:

	Self	Children No.( _ )
Food .....	\$ _____	\$ _____
Clothing .....	\$ _____	\$ _____
Medical and Dental .....	\$ _____	\$ _____
Laundry & Cleaning .....	\$ _____	\$ _____
Personal articles .....	\$ _____	\$ _____
Recreation (movies etc) .....	\$ _____	\$ _____
School (include food) .....	\$ _____	\$ _____
Household .....	\$ _____	\$ _____
Bus (on monthly basis) .....	\$ _____	\$ _____
Other ( _____ ) .....	\$ _____	\$ _____
Payment to others for dependent care .....	\$ _____	\$ _____

Sub Totals ..... \$ \_\_\_\_\_ \$ \_\_\_\_\_

Total Personal expenses ..... \$ \_\_\_\_\_

Grand Total expenses: Housing, Trans., Debt & personal ..... \$ \_\_\_\_\_

Savings, <Deficiency>: Income minus Expenses ..... \$ \_\_\_\_\_

**Explain in detail where savings are invested, or if there is a <deficiency>, who provides the funds to maintain the level of spending indicated in this income and expense statement.** (Use separate sheet if more space is needed.)

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**CERTIFICATION**

I hereby declare under the penalty of perjury that I have supplied the information used in this Income and Expense Statement and have reviewed this statement and I certify that the information is accurate, complete and correct.

DATE

PLAINTIFF'S  DEFENDANT'S SIGNATURE

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>ASSET AND DEBT STATEMENT</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Both Parties	CASE NUMBER  FC- NO.
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<p style="text-align: center;">_____          PLAINTIFF,          (Full Name)</p> <p style="text-align: center;">VS.</p> <p style="text-align: center;">_____          DEFENDANT,          (Full Name)</p>	This document is prepared by: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Atty. for Plaintiff <input type="checkbox"/> Atty. for Defendant  Name  Address  City, State, Zip  Phone
--	--

1. **Cash** (on hand or held by others for me) \$ \_\_\_\_\_

2. **CREDIT UNION ACCOUNTS:**

<u>Name</u>	<u>Title (H,W,J)*</u>	<u>Credit Balance</u>	<u>Debt Balance</u>

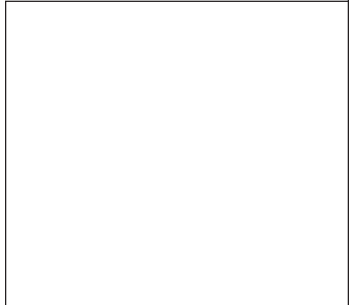
3. **BANK AND SAVINGS ACCOUNTS:** (Include Trustee Accounts)

<u>Company &amp; Branch</u>	<u>Type of Account</u>	<u>Title (H,W,J)</u>	<u>Current Balance</u>

4. **SECURITIES:** (Stocks, Bonds, Mutual Funds, Certificates of Deposit, etc.)

<u>Company</u>	<u>Title (H,W,J)</u>	<u>Date of Acquisition</u>	<u>Cost</u>	<u>Market Value</u>	<u>Debt Owed Against</u>

\* H = Husband  
 W = Wife  
 J = Joint



5. **VEHICLES:** (Autos, Trucks, Motorcycles, Trailers, Campers, Boats, etc.)

<u>Year</u>	<u>Make</u>	<u>Title (H,W,J)</u>	<u>Current Market Value</u>	<u>Debt Owed Against</u>

6. **REAL PROPERTY:**

<u>Address</u>	<u>Fee or Lease</u>	<u>Title (H,W,J)</u>	<u>Date of Acquisition</u>	<u>Cost</u>	<u>Current Gross Value</u>	<u>Total Debt Owed</u>

7. **LIFE INSURANCE:**

<u>Company</u>	<u>Person Insured</u>	<u>Face Amount</u>	<u>Beneficiary</u>	<u>Title (H,W,J)</u>	<u>Cash Value</u>	<u>Debt Owed Against</u>

8. **RETIREMENT; PENSION; PROFIT SHARING ACCOUNTS:**

<u>Employer or Company</u>	<u>Title (H,W,J)</u>	<u>Type of Plan</u>	<u>Years in Plan</u>	<u>Total Value</u>

9. **ALL OTHER MAJOR ASSETS:** (Furniture, Household Effects, Art, Stamps, Coins, Tools, Equipment, Jewelry, Accounts Receivable, Investment Assets, Business Assets, Cemetery Plots or Niches, Tax Refunds Due, etc.)

<u>General Description</u>	<u>Title (H,W,J)</u>	<u>Estimated Gross Value</u>	<u>Debt Owed Against</u>

<b>STATE OF HAWAI'I</b> <b>FAMILY COURT</b> <b>FIFTH CIRCUIT</b>	<b>ADMINISTRATIVE JUDGE'S</b> <b>MEMORANDUM</b>	FC- NO.
3970 Kā'ana Street, Līhu'e, Hawai'i 96766-1282 TEL (808) 482-2330		
Randal G.B. Valenciano CHIEF JUDGE		Calvin K. Murashige FAMILY COURT JUDGE
<p><b>DATE:</b> July 21, 1999 (Updated July 2007)</p> <p><b>TO:</b> Fifth Circuit Judges, Attorneys, and Pro Se Litigants</p> <p><b>FROM:</b> The Honorable Randal G.B. Valenciano, Chief Judge</p> <p style="text-align: center;"><b>PROOF OF UNCONTESTED DIVORCE THROUGH AFFIDAVIT</b></p> <p>Pursuant to Sections 580-5, H.R.S., the Family Court of the Fifth Circuit authorizes parties to an uncontested divorce to prove the case through an affidavit rather than by court appearance. Exact legal proof of every point is required in the affidavits.</p> <p>EFFECTIVE SEPTEMBER 1, 1999 the following process will be used in affidavit only cases.</p> <ol style="list-style-type: none"> <li>1. The Affidavit of Plaintiff must be filed with the documents clerk before the case is set.</li> <li>2. The Affidavit of Plaintiff must contain legal proof of every point required (see the sample affidavit attached). Utilize the attached sample as a guide and only include paragraphs in the affidavit which apply to your case. Be sure to include any other information in the affidavit which is necessary or would be helpful to the judge.</li> </ol> <p>Such matters as circumstances justifying a variance from either child support guidelines or matters affecting the partnership model for division of property must be stated or you risk rejection of the proposed decree.</p> <ol style="list-style-type: none"> <li>3. If not previously filed, the following documents must be filed with the Affidavit: <ol style="list-style-type: none"> <li>a. One or more of the following documents as proof of service: <ol style="list-style-type: none"> <li>(1) <b>Appearance and Waiver.</b> The Appearance and Waiver must be filed in all non-default uncontested cases. It must be both hand-dated and signed by the Defendant after the complaint has been filed. Family Court Rule 8(g) requires that the Appearance and Waiver "shall be filed within a reasonable time before the date of hearing." If the Appearance and Waiver is not current within six months of the time of setting, the Plaintiff must submit a Notice of Hearing to the Defendant and file the Notice of Hearing with the Family Court clerk at the time the case is set.</li> <li>(2) <u>Proof of Service, Statement of Mailing or Affidavit of Publication:</u> <ol style="list-style-type: none"> <li>(a) Upon Defendant. If no Appearance and Waiver is filed, Proof of Service of the Complaint by personal service, Statement of Mailing with a return receipt signed by Defendant, or Affidavit of Publication must be provided if proceeding either by default or by agreement.</li> </ol> </li> </ol> </li> </ol> </li> </ol>		



<b>STATE OF HAWAI'I</b> <b>FAMILY COURT</b> <b>FIFTH CIRCUIT</b>	<b>ADMINISTRATIVE JUDGE'S</b> <b>MEMORANDUM</b>	FC- NO.
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3970 Kā'ana Street, Līhu'e, Hawai'i 96766-1282 TEL (808) 482-2330

(b) Upon Corporation Counsel. Proof of Service of the Complaint upon Family Support Division of Corporation Counsel must be filed if any party has a child who is a recipient of Aid to Families with Dependent Children (AFDC).

b. Income and Expense Statement and Asset and Debt Statements of Plaintiff and Defendant: Current financial statements must be filed by Plaintiff and Defendant if possible, as stated below. Each party must hand-date and sign in black ink each of his/her statements.

(1) Plaintiff. Plaintiff's filed Income and Expense Statement and Asset and Debt Statement must reflect financial information that is current within 60 days of the setting date (not the hearing date) of the case. Plaintiff's statements should reflect all known assets held in the joint or sole names of the parties.

(2) Defendant. Plaintiff must submit to the counter clerk either: (a) Defendant's filed Income and Expense Statement and Asset and Debt Statement current within 60 days of the setting of the case, or (b) A letter addressed to the Presiding Judge explaining why current financial statements are not available.

c. Child Support Guidelines Worksheet (if applicable): Plaintiff must submit a filed copy of the child support guidelines worksheet in all cases where the parties have minor and/or dependent children. The worksheet must be signed by Plaintiff and Plaintiff's attorney and Defendant and Defendant's attorney if possible.

d. Kids First Information Sheet (if applicable): Plaintiff must submit a Kids First Information Sheet in all cases where the parties have minor children between the ages of 6 and 17, reflecting that both parties and applicable children have attended the Kids First Program.

e. Agreement Incident to Divorce (if applicable): All agreements must be filed, hand dated and signed by both parties in black ink. The agreement should be signed before a notary or signature of counsel should appear on the agreement.

f. Paternity Judgment (if applicable): If any minor children born during the marriage are not fathered by the husband, the case must be placed on the contested divorce calendar unless the paternity of the natural father has already been adjudicated in a paternity action. See Hawaii Divorce Manual, 5th ed., Section 7 for appropriate procedures.

g. Proposed Decree: A signed original decree and copies must be provided to the Family Court counter clerk.

Signatures: Stipulated decrees shall be signed by both parties and their attorneys. Each party must also hand-write the date in black ink next to his/her signature. If the decree incorporates an Agreement Incident to Divorce, only opposing counsel needs to sign the degree "approved as to form."

<b>STATE OF HAWAI'I</b> <b>FAMILY COURT</b> <b>FIFTH CIRCUIT</b>	<b>ADMINISTRATIVE JUDGE'S</b> <b>MEMORANDUM</b>	FC- NO.
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3970 Kā'ana Street, Līhu'e, Hawai'i 96766-1282 TEL (808) 482-2330

- h. Order for Income Assignment (if applicable): Plaintiff shall submit an original of the Order for Income Assignment (OIA) and copies to the Family Court counter clerk together with the decree. If no OIA is submitted because the obligator has no periodic income, or the parties have elected direct payments to the custodial parent, and the defendants of the obligor parent are not receiving public assistance benefits, this should be explained in the Affidavit of Plaintiff. The Degree should nevertheless order that child support will be paid by OIA as soon as the obligor receives periodic income, and should further require the obligor to notify the Child Support Enforcement Agency in writing of the name and address of the employer or other payor as soon as he receives such income.
- i. Order Granting Motion: If Plaintiff is proceeding by default, a filed copy of the Order Granting Motion for Default must be submitted in all affidavit cases at the time the case is set. Otherwise, a hearing on a motion for default should be scheduled at the time of the uncontested divorce and the Notice of Motion will reflect the same date and time as the uncontested divorce.
- 4. In the affidavit only cases, the case file including all documents will be reviewed by the assigned judge on or about the date of the hearing. The judge, after a hearing without appearances, will note the disposition on the court's calendar as follows: a) granted; b) decree to be resubmitted (with corrections); or c) court hearing with appearances required

Original and Copies of the rejected decrees will be returned to the attorneys via attorney's jacket or to Plaintiff via mail along with Notification of Case Status/Deficiency notice. Corrections to be completed before resubmitting documents back to the Legal Documents Branch.



<b>STATE OF HAWAII</b> FAMILY COURT FIFTH CIRCUIT	<b>AFFIDAVIT OF PLAINTIFF</b> <b>(FOR UNCONTESTED DIVORCE)</b>	CASE NUMBER  FC-D NO.
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<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: right; margin-bottom: 10px;">       PLAINTIFF,        (Your Full Name)     </div> <div style="text-align: center; margin-bottom: 10px;">       VS.     </div> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: right;">       DEFENDANT.        (Your Spouse's Full Name)     </div>	This document is prepared by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff  Name  Address  City, State, Zip  Phone
---	--

STATE OF HAWAII )  
 ) SS.  
 COUNTY OF KAUA'I )

Plaintiff in the above-entitled action, being first duly sworn on oath, deposes and says that:

1. Plaintiff's full name and address is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. **Legal Representation:**

2a.  Plaintiff is representing him/herself.

2b.  Plaintiff is represented by the attorney named above.

3. **Service of process on Defendant was made by:**

3a.  Personal Service: A Proof of Service or Affidavit of Service has been filed showing that the Defendant was personally served with the Complaint and Summons on \_\_\_\_\_ by a person authorized to serve of legal documents. (Mo/Day/Yr)

3b.  Certified or Registered Mail: The Complaint and Summons was served upon Defendant by certified or registered mail. A Statement of Mailing or Affidavit of Mailing and an original return receipt signed by the Defendant on \_\_\_\_\_ have been filed. Plaintiff recognizes Defendant's signature on the return receipt. (Mo/Day/Yr)

3c.  Appearance and Waiver: Defendant acknowledged receipt of a filed copy of the Complaint and Summons and signed an Appearance and Waiver on \_\_\_\_\_. Plaintiff recognizes Defendant's signature on the Appearance and Waiver. (Mo/Day/Yr)

3d.  Publication: The Affidavit of Publication was filed on \_\_\_\_\_. (Mo/Day/Yr)

4.  **Default.**

4a.  More than twenty (20) days have passed since the service of the Complaint and Summons on the Defendant. No responsive pleading has been filed. Neither Plaintiff nor Plaintiff's attorney has received any communication from Defendant or Defendant's attorney concerning this case since the Complaint was served.

4b.  An order granting the Motion for Entry of Default was filed on \_\_\_\_\_.

(Mo/Day/Yr)

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>AFFIDAVIT OF PLAINTIFF</b> <b>(FOR UNCONTESTED DIVORCE)</b> <b>PAGE TWO</b>	CASE NUMBER  FC-D NO.
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5. **Jurisdiction:** (Check all that apply)

- 5a.  Plaintiff had been domiciled or physically present on the Island of Kaua'i for a continuous period of at least 3 months prior to the filing of the Complaint for Divorce.
- 5b.  Plaintiff had been domiciled or physically present in the State of Hawai'i for a continuous period of at least 6 months prior to the filing of the Complaint for Divorce.
- 5c.  Defendant had been domiciled or physically present in the State of Hawai'i for a continuous period of at least 6 months prior to the filing of the Complaint for Divorce.

6. Defendant resides in (city, state) \_\_\_\_\_, \_\_\_\_\_ .  
(City) (State)

7. The parties were married on \_\_\_\_\_ .  
(Mo/Day/Yr)

8. The parties last lived together in (city, state) \_\_\_\_\_, \_\_\_\_\_ on \_\_\_\_\_ .  
(City) (State) (Mo/Day/Yr)

9. Plaintiff believes that the marriage is irretrievably broken because:

\_\_\_\_\_

\_\_\_\_\_

10. **Financial statements:**

10a.  Plaintiff signed Income and Expense and Asset and Debt Statements on \_\_\_\_\_ .  
(Mo/Day/Yr)  
 To the best of Plaintiff's knowledge there have been no substantial changes in Plaintiff's financial circumstances since that date.

10b.  Defendant signed Income and Expense and Asset and Debt Statements on \_\_\_\_\_ .  
(Mo/Day/Yr)  
 Plaintiff recognizes Defendant's signature on said documents.

10c.  Defendant's Income and Expense Statement and Asset and Debt Statement are not filed because:

\_\_\_\_\_

\_\_\_\_\_

11. Plaintiff has carefully reviewed the proposed decree and agrees to the alimony, division of property and other provisions as provided in the proposed decree.

12. Plaintiff signed the proposed decree.  Plaintiff recognizes Defendant's signature on the decree.

13. Wife wishes to resume the use of her  birth surname  former married name and be known as:

\_\_\_\_\_

14. Husband wishes to resume the use of his  birth surname  former married name and be known as:

\_\_\_\_\_

15. **Language Comprehension:**

15a.  Plaintiff fully understands the English language.

15b.  Although Plaintiff does not fully comprehend written English, this document has been explained to him/her by \_\_\_\_\_ and based on that explanation Plaintiff understands this document.

16. Plaintiff requests that the court grant this divorce and enter the decree without his/her appearance in court.
17. Plaintiff has read this document and signs it voluntarily and without coercion and duress and not because he/she was told to sign it.

**18. Pregnancy:**

- 18a.  Wife is not pregnant.
- 18b.  Wife is pregnant and her expected date of delivery is \_\_\_\_\_. Husband  is  is not the father of said child.  
(Mo/Day/Yr)

**19. Child(ren):**

- 19a.  Plaintiff and Defendant have no children together.
- 19b.  The parties have \_\_\_\_\_ children together. The complete name and birthdate of each are listed as follows from the oldest to the youngest child (including adult child(ren)):

<u>Name</u>	<u>Date of Birth</u>
_____	<small>(Mo/Day/Yr)</small>
_____	<small>(Mo/Day/Yr)</small>
_____	<small>(Mo/Day/Yr)</small>
_____	<small>(Mo/Day/Yr)</small>
_____	<small>(Mo/Day/Yr)</small>
_____	<small>(Mo/Day/Yr)</small>

- 19c.  There is/are child(ren) conceived during the marriage fathered by someone other than husband. Their name(s) and date of birth is/are listed as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Judgment of Paternity entered</u>
_____	<small>(Mo/Day/Yr)</small>	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	<small>(Mo/Day/Yr)</small>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**20. Prior or Pending Custody Proceedings:**

- 20a.  I have not participated in any capacity in any law suit or proceeding in any state concerning custody of any of the minor children of the Plaintiff and Defendant together. I have no information of any pending custody proceeding or of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights concerning any minor children of the Plaintiff and Defendant together.

- 20b.  Prior court case involving the subject children:
- Case Name: \_\_\_\_\_
- Case Number: \_\_\_\_\_
- Location of Court: \_\_\_\_\_
- Date Filed: (Mo/Day/Yr) \_\_\_\_\_
- Date Concluded: (Mo/Day/Yr) \_\_\_\_\_
- Type of Case: \_\_\_\_\_

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>AFFIDAVIT OF PLAINTIFF</b> <b>(FOR UNCONTESTED DIVORCE)</b> <b>PAGE FOUR</b>	CASE NUMBER  FC-D NO.
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20c.  Other court case involving the subject children which is still pending:  
 Case Name: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Location of Court: \_\_\_\_\_  
 Date Filed: (Mo/Day/Yr) \_\_\_\_\_  
 Date Concluded: (Mo/Day/Yr) \_\_\_\_\_  
 Type of Case: \_\_\_\_\_

21.  Plaintiff agrees to the custody arrangement and child support amounts as provided in the proposed divorce decree.

**22. Child Support:**

22a.  Plaintiff believes that the information provided in the completed Child Support Guidelines Worksheet is accurate, to the best of the Plaintiff's knowledge and proposed child support is consistent with the Child Support Guidelines Worksheet.

22b.  Proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**23. Kids First:**

23a.  I attended the Kids First II Program (Wednesday Night) on \_\_\_\_\_ (Mo/Day/Yr).

23b.  I was excused by Judge \_\_\_\_\_ from attending the Kids First II Program.

24.  **Other:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plaintiff declares that he/she understands that his/her signature under oath before a notary public is his/her solemn statement that he/she read this Affidavit and knows and understands the contents and that these statements are true, correct and complete to the best of his/her knowledge and belief.

PLAINTIFF'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE:  IN _____, Hawai'i	NOTARY PUBLIC'S SIGNATURE  STATE OF HAWAI'I	MY COMMISSION EXPIRES:
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<b>STATE OF HAWAI‘I</b> FAMILY COURT FIFTH CIRCUIT	<b>ADMINISTRATIVE JUDGE’S</b> <b>MEMORANDUM</b>	FC- NO.
--	--	---------

3970 Kā‘ana Street, Līhu‘e, Hawai‘i 96766-1282 TEL (808) 482-2330

Randal G.B. Valenciano CHIEF JUDGE	Calvin K. Murashige FAMILY COURT JUDGE
---------------------------------------	---

**DATE:** December 21, 2001 (Updated July 2007)

**TO:** All Attorneys  
 Pro Se Litigants

**RE:** Initial Pre-Trial Orders and Case Status Reports

Effective January 2, 2002, all complaints for divorce shall include an “Initial Pre-trial Order” for the judge’s signature. After it has been signed by the judge, the Initial Pre-trial Order is to be served upon the opposing party along with the complaint. It is anticipated that the Initial Pre-trial Order will eliminate the need for the filing of motions and affidavits for temporary relief, thus, helping to expedite the case.

The “Case Status Report” is self-explanatory and is intended to help identify which issues, if any, are still in dispute. As set forth in the Initial Pre-trial Order, the Case Status Report is to be filed by the plaintiff within 90 days of the filing of the Complaint for Divorce.

Samples of the “Initial Pre-Trial Order” and “Case Status Report” are attached and may be copied.

<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>INITIAL PRE-TRIAL ORDER</b>	CASE NUMBER  FC-D NO.
--	--------------------------------	-----------------------------

_____ PLAINTIFF, (Full Name)  vs.  _____ DEFENDANT, (Full Name)	This document is prepared by: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff  Name  Address  City, State, Zip Code  Phone
---	--

A complaint for Divorce was filed on \_\_\_\_\_, and appears to the Court that it would be in the best interest of all parties that the following conditions be established during the pendency of this matter.

**THEREFORE, IT IS HEREBY ORDERED** that:

1. Both parties are prohibited from interfering with the established routine and activities of the child(ren), if any, of this marriage. Neither party shall remove child(ren) from Kaua'i or deny the other party normal custody involvement with the child(ren). However, any existing restraining orders, including those granted pursuant to HRS Section 580-10 and Chapter 586 or any other lawful court order must be followed;
2. If child(ren) are involved, both parties are prohibited from discussing the pending divorce action and any related subjects and from making direct or indirect disparaging statements to the child(ren) (including through third parties) about the other party;
3. Both parties are prohibited from transferring, encumbering, wasting or otherwise disposing of any property in their control, unless it is necessary to pay for ordinary business expenses and the usual living expenses after all of their current sources of income have been depleted. This prohibition means you are not to withdraw funds for any bank, credit union, retirement and/or stock accounts, change beneficiaries or give away and/or sell anything of value to a third party, or to hide, throw away, or damage anything of value without prior court approval;
4. Both parties are prohibited from canceling or reducing any benefit or insurance that protects the other party or the child(ren), including all life, health, automotive, liability, disability, or homeowners' insurance;
5. Within thirty (30) days after the Complaint of Divorce is served on the Defendant, **both** parties must file with the Court an accurate, and complete "Asset and Debt Statement" and an "Income and Expense Statement". And, **both** parties **must** each sign their respective Statements;
6. Within ninety (90) days after the date that the Complaint for Divorce was filed, the Plaintiff must complete and sign a "Case of Status Report" and file it with the Court. A **filed** copy must be sent to the Defendant; **and**,
7. Within seven (7) days after the Defendant has received a filed copy of the Plaintiff's "Case of Status Report", the Defendant may also complete and file a "Case of Status Report" with the court.

This Order Shall remain in effect until further order of the Court or upon the filing of a motion by either party to modify any of the foregoing orders.

DATED: Līhu'e, Hawai'i, \_\_\_\_\_

\_\_\_\_\_  
 Judge of the above-entitled Court

<p style="text-align: center;">_____</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____</p>	<p>This document is prepared by:</p> <p> <input type="checkbox"/> Plaintiff      <input type="checkbox"/> Attorney for Plaintiff  <input type="checkbox"/> Defendant    <input type="checkbox"/> Attorney for Defendant         </p> <p>Name _____</p> <p>Address _____</p> <p>City, State, Zip Code _____</p> <p>Phone _____</p>
<p style="text-align: right;">PLAINTIFF, (Full Name)</p>	
<p style="text-align: right;">DEFENDANT, (Full Name)</p>	

1. a) The Complaint for Divorce was served on the Defendant on \_\_\_\_\_

**OR**

b) The Complaint for Divorce has NOT been served because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. a) My "Assets and Debt Statement" and "Income and Expense Statement" **were filed** on \_\_\_\_\_

**OR**

My "Assets and Debt Statement" and "Income and Expense Statement" **have not been filed** because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Issues regarding the child(ren), if any including custody, visitation, and support are  
 resolved     NOT resolved

4. Division of all assets and all debts is  
 resolved     NOT resolved

5. This case is not ready for settlement or for trial because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF HAWAI'I  
FAMILY COURT  
FIFTH CIRCUIT

**CASE STATUS REPORT**

Plaintiff's     Defendant's

CASE NUMBER

FC-D NO.

6. The next step for this case is:

Mediation

by: \_\_\_\_\_

Discovery

by: \_\_\_\_\_

Uncontested Divorce

by: \_\_\_\_\_

Motion to Set

by: \_\_\_\_\_

Case Conference

by: \_\_\_\_\_

The answers on this Report are true and accurate to the best of my belief and knowledge.

DATED: \_\_\_\_\_

\_\_\_\_\_  
 Plaintiff     Defendant

\_\_\_\_\_  
 Attorney for \_\_\_\_\_



<b>STATE OF HAWAI'I</b> FAMILY COURT FIFTH CIRCUIT	<b>DIVORCE DECREE</b> <b>Without Children</b>	CASE NUMBER  FC-D NO.
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<p style="text-align: center;">_____</p> <p style="text-align: right;">PLAINTIFF (Full Name)</p> <p style="text-align: center;">VS.</p> <p style="text-align: center;">_____</p> <p style="text-align: right;">DEFENDANT (Full Name)</p>	<p>This document is prepared by:</p> <p> <input type="checkbox"/> Plaintiff      <input type="checkbox"/> Attorney for Plaintiff  <input type="checkbox"/> Defendant      <input type="checkbox"/> Attorney for Defendant         </p> <p>Name _____</p> <p>Address _____</p> <p>City, State, Zip Code _____</p> <p>Phone _____</p>
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PRESIDING JUDGE _____	DATE OF HEARING _____
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A hearing was held before the Presiding Judge or affidavit was submitted and the Court waived hearing on this matter. After full consideration of the evidence, the Court finds the material allegations of the Complaint for Divorce to be true. Plaintiff is entitled to a divorce from the bonds of matrimony. The Court has jurisdiction to enter this Divorce Decree, Plaintiff is referred to as  Husband  Wife, and Defendant is referred to as  Husband  Wife.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

**1. Decree:** A decree of divorce is granted to  Husband  Wife. The bonds of matrimony between Husband and Wife are hereby dissolved. The parties are restored to the status of single persons. Either party is permitted to marry after the effective date of this Divorce decree.

**2. Effective Date:** This Divorce decree is effective after it is signed and filed by the Court.

**3. Alimony:**

3A. Neither party shall be required to pay alimony to the other party.

3B Beginning with the first payment on the \_\_\_\_\_ day of \_\_\_\_\_ (mo/yr)

Husband  Wife shall pay to  Husband  Wife alimony of \$ \_\_\_\_\_ per month, to be paid

in one amount of \$ \_\_\_\_\_ by the \_\_\_\_\_ day of each month.

in two equal installments of \$ \_\_\_\_\_ by the \_\_\_\_\_ and \_\_\_\_\_ day of each month.

Alimony shall continue for \_\_\_\_\_ months and terminate with the payment due \_\_\_\_\_ (mo/day/yr).

Alimony shall terminate upon the death of either Husband or Wife.

Alimony  shall  shall not terminate upon the recipient's remarriage.

The foregoing shall be subject to the further order of the Family Court.

**4. Bank Savings, Checking, Credit Union Accounts and Securities**

(Stocks, Bonds, Mutual Funds, etc.):

- 4A. There are none.
- 4B. Each is awarded those titles in their name alone.
- 4C. Husband is awarded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4D. Wife is awarded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Vehicles (Autos, Trucks, Motorcycles, Trailers, Campers, Boats, etc.):**

- 5A. There are none.
- 5B. Each is awarded those titles in their name alone.
- 5C. Husband is awarded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5D. Wife is awarded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Necessary transfer documents shall be signed no later than ten days following the filing of this Divorce Decree. If either party fails to do so, then the Director of Finance of the County of Kaua'i is authorized and directed to transfer the ownership of vehicle(s) if requested to do so.

**6. Real Property:**

- 6A. Neither party owns any interest in any kind of real property.
- 6B. The real property shall be divided as follows.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Life Insurance:**

- 7A. There are none.
- 7B. Each party is awarded the life insurance policy(ies) now held by his/her life, together with any cash value therein and subject of any debt thereon.
- 7C. The life insurance shall be divided as follows.

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**8. Retirement Accounts:**

- 8A. There are none.
- 8B. Each party shall keep their own.
- 8C. The retirement accounts/benefits of the parties shall be divided as follows.

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**9. All Other Assets** (Personal Belongings, Furniture, Household Effects, Art, Stamps, Coins, Tools, Equipment, Jewelry, Accounts Receivable, Investment Assets, Business Assets, Cemetery Plots, or Niches, Tax Refunds Due, etc.):

- 9A. Each party is awarded the personal belongings and the household effects in their possession.
- 9B. Husband is awarded: \_\_\_\_\_

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- 9C. Wife is awarded: \_\_\_\_\_

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**10. All Outstanding Debts:**

- 10A. Each party shall assume and pay his or her own debts and shall indemnify and hold harmless the other party for any claims made against the non-responsible party except as follows.
- 10B. There are no joint debts.
- 10C. Husband shall pay: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 10D. Wife shall pay: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11. Name Change:**

- 11A. Wife shall resume the use of her  birth surname  former married name and shall be known thereafter as: \_\_\_\_\_ (first, middle, last name).
- 11B. Husband shall resume the use of his  birth surname  former married name and shall be known thereafter as: \_\_\_\_\_ (first, middle, last name).

**12. Other:**

Date	Judge
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**APPROVED AS TO FORM AND CONTENT:**

X _____ Signature of Plaintiff  _____ Print Name Address: _____  _____ SS#: XXX-XX- _____ Date Plaintiff Signed Decree: _____	X _____ Signature of Defendant  _____ Print Name Address: _____  _____ SS#: XXX-XX- _____ Date Defendant Signed Decree: _____
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**APPROVED AS TO FORM:**

X _____ Signature of Attorney for Plaintiff  _____ Print Name	X _____ Signature of Attorney for Defendant  _____ Print Name
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