

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	CASE NUMBER FC-D No.
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 	This document is prepared by: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff
	Name
 	Address
 	City, State, Zip Code
 	Telephone Number

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STATE OF HAWAI'I)
))
CITY AND COUNTY OF HONOLULU)

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 a
filed copy of the *Complaint* and *Summons* on _____
(Month/Day/Year)
by a person authorized to serve legal documents.

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COURT USE ONLY



In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8308, or via email at adarequest@court.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

Please call The Family Court Service Center at 954-8290, if you have any questions about forms or procedures.

3b. **Certified or Registered Mail:** A filed copy of the *Complaint* and *Summons* were 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.

(Month/Day/Year)

3c. **Appearance and Waiver:** Defendant acknowledged receipt of a filed copy of the *Complaint* and *Summons* and signed an Appearance and Waiver on _____.

(Month/Day/Year)

Plaintiff recognizes Defendant's signature on the *Appearance and Waiver*.

3d. **Publication:** The *Affidavit of Publication* was filed on _____.

(Month/Day/Year)

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 _____.

(Month/Day/Year)

5. **Jurisdiction:** (Check all that apply)

- 5a. Plaintiff had been domiciled or physically present on the Island of O'ahu 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*.
- 5d. Plaintiff's resident State does not recognize same sex marriage.

6. Defendant resides in _____,

(City)

_____ (State)

7. The parties were married on _____ in _____

(Month/Day/Year)

(City)

(State)

8. The parties last lived together in _____,

(City)

_____ (State)

on _____

(Month/Day/Year)

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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 _____
(Month/Day/Year)

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 _____
Plaintiff recognizes Defendant’s signature on said documents. (Month/Day/Year)

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. Plaintiff wishes to resume the use of his/her birth surname former married name and be known as:

14. Defendant wishes to resume the use of his/her 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.

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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. Plaintiff is not pregnant.
- 18b. Plaintiff is pregnant and her expected date of delivery is _____.
(Month/Day/Year)
- Defendant is is not the father of said child.
- 18c. Defendant is not pregnant.
- 18d. Defendant is pregnant and her expected date of delivery is _____.
(Month/Day/Year)
- Plaintiff is is not the father of said child.

19. Child(ren):

- 19a. Plaintiff and Defendant have no children together.
- 19b. The parties have _____ child(ren) together. The full names and birthdates are listed below from the oldest to the youngest child (including adult child(ren)).

<u>Name</u>	<u>Date of Birth (Month/Day/Year)</u>

- 19e. There is/are child(ren) conceived during this marriage who were fathered by someone other than my spouse. The child(ren)'s name(s) and birthdate are listed below:

<u>Name</u>	<u>Date of Birth</u> <small>(Month/Day/Year)</small>	<u>Judgment of Paternity entered?</u>	
		<u>Yes</u>	<u>No</u>

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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 the minor child(ren) 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 child(ren) of the Plaintiff and Defendant together.

20b. Prior court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date (Month/Day/Year) Filed: _____

Date (Month/Day/Year) Concluded: _____

Type of Case: _____

20c. Other pending court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date (Month/Day/Year) Filed: _____

Date (Month/Day/Year) Concluded: _____

Type of Case: _____

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

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23. Kids First:

23a. I attended the Kids First Program on _____
 (Month/Day/Year)

23b. I was excused by Judge _____ from attending the Kids First 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.

DATE	PLAINTIFF'S SIGNATURE (MUST BE SIGNED BEFORE A NOTARY PUBLIC)
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Document Title: Affidavit of Plaintiff (for Uncontested Divorce) Document Date: _____ No. of Pages: _____
 was subscribed and sworn to before me in the First Circuit, State of Hawai'i by _____

Notary Public's Signature: _____ Date: _____
 First Circuit, State of Hawai'i

Print Notary Public's Name: _____

My commission expires: _____

(Place Notary Seal Here)