


Documents Checklist For Uncontested Divorce (with children)

This is just a checklist. For instructions on how to fill out and file the documents, please refer to the **INSTRUCTIONS** that accompany this checklist. In this checklist, “You” are the Plaintiff, and the “Defendant” is your spouse.

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

Take these documents to the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway or the first floor of Ka’ahumanu Hale, 777 Punchbowl Street. A Court clerk will file-stamp each document, keep the original for the Court’s file, and return the copies to you. Applicable filing fees are due at this time.

NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/> COMPLAINT FOR DIVORCE	Original + 3 copies	You	Filing this at the Legal Documents Branch of the Court starts the divorce process. The Court clerk will assign a Case Number. Fill in this number on the other documents that you that you will file later.
<input type="checkbox"/> SUMMONS TO ANSWER COMPLAINT FOR DIVORCE	Original + 3 copies	(Court 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"/> NOTICE TO ATTEND KIDS FIRST	Original + 2 copies	(Court clerk will sign)	After the Court clerk fills in the case number, the Court clerk will assign a date for you and your spouse to attend the Kids First Program.
<p>If your spouse will not sign an <i>Appearance and Waiver</i>, you must properly serve the <i>Complaint for Divorce</i>, <i>Summons to Answer Complaint for Divorce</i> and <i>Notice to Attend Kids First</i> on him/her and file one of the following:</p>			
<input type="checkbox"/> PROOF OF SERVICE	Original + 2 copies		<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>Notice to Attend Kids First</i> to your spouse. It cannot be file-stamped by the Court clerk until the person who served the document completes filling it out.</p>
OR			
<input type="checkbox"/> MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER FOR SERVICE BY MAIL	Original + 2 copies	You	<p>If your spouse lives off-island, you can send the <i>Complaint for Divorce</i>, <i>Summons to Answer Complaint</i>, and <i>Notice to Attend Kids First</i> by certified, registered mail or return receipt requested, restricted delivery. This form asks for the Court’s permission for you to do so. You must complete this document and submit it to Judicial Services at Window # 5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse.</p>

 In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Office of the Chief Administrator at PHONE NO. 954-8200, FAX 954-8308, or TTY 539-4853 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.

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 + 3 copies	You	These documents must be dated 60 days current of the date you place your case on the calendar. You and your spouse may prepare and sign a joint <i>Asset and Debt Statement</i> .
<input type="checkbox"/> ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	Original + 3 copies	You (and Spouse if for Both Parties)	
<input type="checkbox"/> INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	If your spouse did not complete these forms, you must tell this to the Court in your <i>Affidavit of Plaintiff</i> , paragraph 10c.
<input type="checkbox"/> ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	
<input type="checkbox"/> CHILD SUPPORT GUIDELINES WORKSHEET	Original + 3 copies	You and Spouse	Your spouse must sign this unless you are seeking a divorce by default. See page 11 of the <i>Instructions</i> for an explanation of the default process
<input type="checkbox"/> SUPPLEMENTAL AFFIDAVIT RE DIRECT PAYMENT OF CHILD SUPPORT (OPTIONAL)	Original + 3 copies	Payor of child support	Use this document only if you elect to have child support payments sent directly to the recipient and if the payor of child support can meet the required conditions. This document must be signed before a notary public.
<input type="checkbox"/> APPEARANCE AND WAIVER WORKSHEET OR	Original + 3 copies	Spouse	Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint for Divorce</i> , and <i>Notice to Attend Kids First</i> , and sign a completed <i>Divorce Decree</i> before your spouse can sign this document.
<input type="checkbox"/> PROOF OF SERVICE OR	Original + 3 copies	Process server	If the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint for Divorce</i> , and <i>Notice to Attend Kids First</i> were delivered to your spouse by someone (for instance, a sheriff), that person who delivered the documents must fill this out and sign it before you can have it file-stamped.
<input type="checkbox"/> STATEMENT OF MAILING	Original + 3 copies	You	If you served the <i>Motion for Service by Mail and Declaration; Order for Service by Mail, Complaint for Divorce</i> and <i>Summons to Answer Complaint for Divorce</i> on 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 + 3 copies	You (Sign 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 not complete this document until the other documents have been completed.

Take these documents to Judicial Services at Window # 5: Window # 5 is located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse. They will set the date on which a Judge will review the documents. If the Judge grants your divorce, you will receive your *Divorce Decree* in the mail in the envelope you provide.

NAME OF DOCUMENT		How Many	Signed by	Comments
<input type="checkbox"/>	DIVORCE DECREE (With Children)	Original + 3 (or up to 5) copies	You and 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>). Your spouse's signature is not required if you are getting a divorce by default.
<input type="checkbox"/>	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	1 file- stamped copy	You	
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	1 file- stamped copy	You	These documents must be dated 60 days current of the date on which you place your case on the calendar.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	1 file- stamped copy	You (and Spouse if for Both Parties)	
<input type="checkbox"/>	APPEARANCE AND WAIVER OR	1 file- stamped copy	Spouse	Use this if you are getting a divorce by agreement.
<input type="checkbox"/>	PROOF OF SERVICE OR		Process server	Use this or the <i>Statement of Mailing</i> if you are getting a divorce by default.
<input type="checkbox"/>	STATEMENT OF MAILING		You	Use this or the <i>Proof of Service</i> if you are getting a divorce by default.
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF DEFENDANT	1 file- stamped copy	Spouse	If available.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF DEFENDANT	1 file- stamped copy	Spouse	If available.
<input type="checkbox"/>	CHILD SUPPORT GUIDELINES WORKSHEET	1 file- stamped copy	You and Spouse	Your spouse's signature is not required if you are seeking a divorce by default. See page 11 of the Instructions for an explanation of the default process.
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING OR	Original + 5 copies	(Judge will sign)	Unless certain conditions are met, child support payments must be paid through the Child Support Enforcement Agency by way of an <i>Order for Income Withholding</i> .
<input type="checkbox"/>	SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT OF CHILD SUPPORT		1 file- stamped copy	Payor of child support
<input type="checkbox"/>	STAMPED ENVELOPE, ADDRESSED TO YOURSELF AND	1		The Court will use these envelopes to mail you and your spouse file-stamped, certified copies of your <i>Divorce Decree</i> . Make sure submit envelopes that are large enough and have enough postage for this purpose.
<input type="checkbox"/>	STAMPED ENVELOPE, ADDRESSED TO YOUR SPOUSE	1		

Your divorce becomes final when the *Divorce Decree* is signed by the Judge and filed by the Court. Certified copies of the *Divorce Decree* will be mailed to you and your spouse in the envelopes which you provided. You can track the status of your case on the Judiciary's web page (www.courts.state.hi.us) using the Ho'ohiki Program. It takes between 4 to 6 weeks for the final decree to be mailed. If your divorce is denied, the Court will mail your instructions on what needs to be done before the Court will grant your divorce.

Child Support Payments Checklist:

Do the following when you receive your file-stamped *Divorce Decree* from the Court.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	DIVORCE DECREE (with children)	1 <u>certified</u> copy	JUDGE	Even if child support payments will be made directly to the recipient, you must mail (certified mail, return receipt requested) a certified copy of your <i>Divorce Decree</i> to: Child Support Enforcement Agency P.O. Box 1860 Honolulu, HI 96805-1860

Unless certain conditions are met, child support payments must be paid through the Child Support Enforcement Agency (CSEA). If child support payments are through the CSEA, do the following when you receive your file-stamped *Divorce Decree* from the Court:

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING	1 <u>certified</u> copy	JUDGE	Mail (certified mail, return receipt requested) to: Child Support Enforcement Agency P.O. Box 1860 Honolulu, HI 96805-1860
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING	1 <u>certified</u> copy	JUDGE	Mail (certified mail, return receipt requested) to the employer of the child support payor. Save the white Receipt for Certified Mail that the postal clerk gives you.

When you receive the green Domestic Return Receipt (signed by the employer) for the *Order For Income Withholding*, attach it and the white *Receipt for Certified Mail* to the Statement of Mailing.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	STATEMENT OF MAILING; EXHIBITS 1 AND 2	Original + 2 copies	You	First take the original and copies to the Legal Documents Branch to have it file-stamped.
<input type="checkbox"/>	STATEMENT OF MAILING; EXHIBITS 1 AND 2	1 <u>file-</u> <u>stamped</u> copy		Then mail one of the copies to: Child Support Enforcement Agency P.O. Box 1860 Honolulu, HI 96805-1860

We highly recommend that you keep your *Divorce Decree* and copy of all documents you file, along with correspondence with the Child Support Enforcement Agency (including receipts, etc.), together in a safe place. These are important documents and should be treated as such.