

UNCONTESTED DIVORCE (W/ CHILDREN) DOCUMENT CHECKLIST

This is just a checklist. For instruction 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 “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 Second Circuit Court (Hoapili Hale, 2145 Main Street, Wailuku) Room 106. A Court clerk will file-stamp each document, keep the original for the Court’s file, and return the copies to you.

	Name of Document	Copies	Signed by	Comments
☐	COMPLAINT FOR DIVORCE	orig + 3	You	Filing this starts the divorce process. The Court Clerk will assign a case number. Fill in this number on the other documents that you will file later.
☐	SUMMONS TO ANSWER COMPLAINT	orig + 3	Court Clerk	Staple a copy behind each copy of the <i>Complaint for Divorce</i> before you take them to be filed
☐	MATRIMONIAL ACTION INFORMATION	orig + 1	You	
☐	KIDS FIRST INFORMATION SHEET	orig + 1 orig + 1		Staple both pink copies behind each copy of the <i>Complaint for Divorce</i> along with the <i>Summons</i> before you take them to be filed. (Note: One pink form pertains to you and the other to your spouse)
☐	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	orig + 1	You	Must be dated 60 days current of the date your case is placed on the calendar.
☐	ASSET AND DEBT STATEMENT OF PLAINTIFF	orig + 1	You	Must be dated 60 days current of the date your case is placed on the calendar.

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

	Name of Document	Copies	Signed by	Comments
☐	PROOF OF SERVICE	orig + 1		This Document must be completed by the person who delivers the <i>Complaint for Divorce</i> and <i>Summons to Answer Complaint</i> to your spouse. It cannot be file-stamped by the Court clerk until the person who served the documents completes filling it out.
☐	OR MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL	orig + 2	You	If your spouse lives out-of-state, you can send the <i>Complaint for Divorce</i> and <i>Summons to Answer Complaint</i> by certified, registered mail, return receipt requested. This form asks the Court’s permission for you to do so. You must sign this document before a notary public.

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

	Name of Document	Copies	Signed by	Comments
☐	Income and Expense Statement of Defendant	orig + 1	Spouse	If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing Uncontested Divorce</i>
☐	Asset and Debt Statement of Defendant	orig + 1	Spouse	If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing Uncontested Divorce</i>
☐	Appearance and Waiver or	orig + 1	Spouse	This document must be signed before a notary public. Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce</i> and <i>Summons to Answer Complaint</i> and signed a completed <i>Divorce Decree</i> before your spouse can sign this document
☐	Proof of Service or	orig + 1	Process Server	If the <i>Complaint for Divorce</i> and <i>Summons to Answer Complaint</i> were delivered to your spouse by someone (for instance, a sheriff), the person who delivered the document must fill this out and sign it before you can have it file-stamped
☐	Statement of Mailing	orig + 1	You	If you served the <i>Motion for Service by Mail and Affidavit; Order for Service by Mail, Complaint for Divorce</i> , and <i>Summons to Answer Complaint</i> on your spouse by mail, complete this document when you receive the return receipt.

C. LAST: Fill out the following *after* (1) your spouse has signed the *Appearance and Waiver*, or (2) 20 days have passed since your spouse was served without an answer:

	Name of Document	Copies	Signed by	Comments
☐	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	orig + 1	You	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.
☐	REQUEST FOR NON-HEARING UNCONTESTED DIVORCE	orig + 1	You	This document requests that your divorce be granted without a court hearing
☐	CHILD SUPPORT GUIDELINES WORKSHEET	orig + 1	You and Spouse	This document determines the amount of child support to be paid by the non-custodial parent to the custodial parent.
☐	ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT	orig + 4	Judge	This document directs the obligor's (person paying child support) employer to pay to Child Support Enforcement Agency the amount of child support owed.
☐	DECREE GRANTING DIVORCE AND AWARDING CHILD CUSTODY	orig + 3 (or up to 5)	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

It takes approximately two weeks for the judge to review and sign your documents. Your divorce becomes final when the judge signs and files the *Divorce Decree*. See Instructions on how to receive your certified copy.