

Document Checklist For Uncontested Civil Union Divorce (With Children)

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 the “Defendant” is your partner.

A. FIRST: File these at the Legal Documents Branch

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.

| | NAME OF DOCUMENT | How Many | Signed by | Comments |
|--------------------------|--|---|-------------------------|---|
| <input type="checkbox"/> | COMPLAINT FOR CIVIL UNION 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 CIVIL UNION DIVORCE | Original + 3 copies | (Court clerk will sign) | Staple a copy behind each copy of the <i>Complaint for Civil Union Divorce</i> before you take them to be filed. |
| <input type="checkbox"/> | CIVIL UNION DIVORCE 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, you must take it to Judiciary Services at Window 5 on the first floor at the Ronald T.Y. Moon Kapolei Courthouse. They will assign a date for you and your partner to attend the Kids First Program. |
| <input type="checkbox"/> | <p>If the Defendant will not sign an <i>Appearance and Waiver</i>, you must properly serve the <i>Complaint for Civil Union Divorce</i>, <i>Summons to Answer Complaint for Civil Divorce</i> and <i>Notice to Attend Kids First</i> on the Defendant and file one of the following:</p> <p>PROOF OF SERVICE</p> <p style="text-align: center;">OR</p> <p>MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER FOR SERVICE BY MAIL</p> | <p>Original + 2 copies</p> <p>Original + 2 copies</p> | <p></p> <p>You</p> | <p>This document must be completed by the person who delivers the <i>Complaint for Civil Union Divorce</i>, <i>Summons to Answer Complaint</i>, and <i>Notice to Attend Kids First</i> to the Defendant. It cannot be file-stamped by the Court clerk until the person who served the document completes filling it out.</p> <p>If the Defendant lives off-island, you can send the <i>Complaint for Civil Union Divorce</i>, <i>Summons to Answer Complaint</i>, and <i>Notice to Attend Kids First</i> by certified, registered mail, return receipt requested. This form asks for the Court’s permission for you to do so. You must sign this document and submit it to Judicial Services at Window 5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse.</p> |

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. |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES) | Original + 3 copies | You (and Defendant if for Both Parties) | You and your partner may prepare and sign a joint Asset and Debt Statement. |
| <input type="checkbox"/> | INCOME AND EXPENSE STATEMENT OF DEFENDANT | Original + 3 copies | Defendant | If the Defendant 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 | Defendant | |
| <input type="checkbox"/> | CHILD SUPPORT GUIDELINES WORKSHEET | Original + 3 copies | You and Defendant | The Defendant must sign this unless you are seeking a divorce by default. See page 11 of the Instructions 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 | Defendant | The Defendant must receive a file-stamped copy of the <i>Complaint for Civil Union Divorce</i> , <i>Summons to Answer Complaint for Civil Union Divorce</i> , and <i>Notice to Attend Kids First</i> , and sign a completed <i>Civil Union Divorce Decree</i> before the Defendant can sign this document. |
| <input type="checkbox"/> | PROOF OF SERVICE OR | Original + 3 copies | Process server | If the <i>Complaint for Civil Union Divorce</i> , <i>Summons to Answer Complaint for Civil Union Divorce</i> , and <i>Notice to Attend Kids First</i> were delivered to the Defendant 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</i> ; <i>Order for Service by Mail</i> , <i>Complaint for Civil Union Divorce</i> and <i>Summons to Answer Complaint for Civil Union Divorce</i> on the Defendant 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 CIVIL UNION 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 upstairs to the 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 *Civil Union Divorce Decree* in the mail in the envelope you provide.

| NAME OF DOCUMENT | | How Many | Signed by | Comments |
|--------------------------|---|---|--|---|
| <input type="checkbox"/> | CIVIL UNION DIVORCE DECREE (With Children) | Original + 3 (or up to) 5 copies | You and Defendant | The Defendant's signature is required if you are getting a divorce by agreement (and the Defendant has signed an <i>Appearance and Waiver</i>). The Defendant's signature is not required if you are getting a divorce by default |
| <input type="checkbox"/> | AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED CIVIL UNION 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 Defendant if for Both Parties) | |
| <input type="checkbox"/> | APPEARANCE AND WAIVER OR | 1 file-stamped copy | Defendant | 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 | Defendant | If available. |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT OF DEFENDANT | 1 file-stamped copy | Defendant | If available. |
| <input type="checkbox"/> | CHILD SUPPORT GUIDELINES WORKSHEET | 1 file-stamped copy | You and Defendant | Your partner'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 CHILD SUPPORT | 1 file-stamped copy | Payor of child support | In certain situations, child support payments can be made directly to the custodial parent. If so, use this affidavit. |
| <input type="checkbox"/> | CERTIFICATE OF ABSOLUTE CIVIL UNION DIVORCE OR ANNULMENT | Typed original | | You must submit a typed original of this document, not a photocopy. |
| <input type="checkbox"/> | STAMPED ENVELOPE, ADDRESSED TO YOURSELF AND | 1 | | The Court will use these envelopes to mail you and the Defendant file-stamped, certified copies of your <i>Civil Union 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 THE DEFENDANT | 1 | | |

Your divorce becomes final when the judge signs and files the *Civil Union Divorce Decree*. The Court will mail file-stamped copies to you and the Defendant in the stamped and addressed envelopes you provide. If you haven't received the *Civil Union Divorce Decree* back within 10 working days after the review date, you must go to Window 5, located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse. They will tell you why the judge could not grant the divorce, and what you need to do.

Child Support Payments Checklist:

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

| | NAME OF DOCUMENT | How Many | Signed by | Comments |
|--------------------------|---|----------------------------|-----------|--|
| <input type="checkbox"/> | CIVIL UNION 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 Civil Union Divorce Decree 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 Civil Union 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-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 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.