

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	CASE ID/NUMBER
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**COMPLAINT FOR DIVORCE;
AUTOMATIC RESTRAINING ORDER;
AND SUMMONS TO ANSWER
COMPLAINT**

(Full Name)	v.	PLAINTIFF,
(Full Name)		DEFENDANT.

COURT USE ONLY

This document is prepared by:
 Self-Represented Plaintiff
 Attorney for Plaintiff

 Name (and if applicable, Attorney No.)

 Address

 City, State, Zip Code

 Telephone Number

 E-Mail Address

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

1. Jurisdiction (Please check all that apply)

a. I am domiciled on Hawai'i Island, State of Hawaii, at the time of the filing this Complaint. (HRS § 580-1(a)/Act 69 of the 2021 Legislative Session.)

b. I am residing on a military or federal base, installation, or reservation within the State of Hawaii or am in the State of Hawaii under military orders. HRS §580-1(a).

c. The marriage was solemnized under Hawai'i Revised Statutes and Chapter 572 and both parties are domiciled in a jurisdiction that does not recognize the marriage.

2. a. **Marriage:** The parties (Plaintiff and Defendant) are lawfully married to each other.

Date of marriage: _____ .

3. Child(ren):

a. The parties have no children together.

b. The parties have ____ (how many) child(ren) under age 18 together.

c. The parties have ____ (how many) child(ren) age 18 or older together, who are dependent on them for support.

d. The parties have ____ (how many) child(ren) age 18 or older together, who are not dependent on them for support.

e. Plaintiff has ____ (how many) child(ren) born during the marriage or civil union for whom Defendant is not the biological parent.

f. Defendant has ____ (how many) child(ren) born during the marriage or civil union for whom Plaintiff is not the biological parent.

g. Plaintiff is pregnant and Defendant is not the biological parent.

h. Defendant is pregnant and Plaintiff is not the biological parent.

4. Custody and Visitation:

a. Legal custody of the minor child(ren) should be awarded to:

Me, Plaintiff. My spouse/partner, Defendant. Both parties jointly.

b. Physical custody of the minor child(ren) should be awarded to:

Me, Plaintiff. My spouse/partner, 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 to the Child Support Guidelines.

5. Division of Assets: All assets of the Defendant and I own should be divided in a just and equitable way.

6. Division of Debts: All debts the Defendant and I owe should be divided in a just and equitable way.

7. Spousal Support (Alimony):

a. I am entitled to an order that the Defendant pay spousal support (alimony) to me.

b. Defendant is is not entitled to an order that I pay spousal support (alimony) to him/her.

8. Grounds: Pursuant to HRS section 580-1, I allege that the ground(s) for divorce is/are as follows:

a. The marriage is irretrievably broken.

b. The parties have lived separate and apart under a decree of separation from bed and board, entered by a court of competent jurisdiction, the term of separation has expired and no reconciliation has been effected.

c. The parties have lived separate and apart for a period of two years or more under a decree of separate maintenance entered by a court of competent jurisdiction and no reconciliation has been effected.

d. The parties have lived separate and apart for a continuous period of two years or more immediately preceding the application, there is no likelihood that cohabitation will be resumed, and in the particular circumstances of the case, it would not be harsh and oppressive to the Defendant or contrary to public interest to grant a divorce on this ground of the Complaint of the Plaintiff.

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	COMPLAINT FOR DIVORCE	CASE ID/NUMBER <hr/>
<p>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.</p> <p>I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.</p>		
DATE	PLAINTIFF'S SIGNATURE	



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation: Call the ADA Coordinator at (808)961-7629, Fax (808)961-7577, or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.

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AUTOMATIC RESTRAINING ORDER

(Full Name)	v.	PLAINTIFF.
(Full Name)		DEFENDANT.

COURT USE ONLY
This document is prepared by:
<input type="checkbox"/> Self-Represented Plaintiff
<input type="checkbox"/> Attorney for Plaintiff
_____ Name (and if applicable, Attorney No.)
_____ Address
_____ City, State, Zip Code
_____ Telephone Number
_____ E-Mail Address

AUTOMATIC RESTRAINING ORDER

Pursuant to sections 580-10.5 and 571-53 of the Hawai'i Revised Statutes (HRS), IT IS HEREBY ORDERED that:

- (1) Each party to a Complaint for annulment, divorce, or separation, shall automatically be subject to a restraining order that **shall be effective on the Plaintiff upon the filing of the Complaint and Summons or any other acceptance of service by the Defendant;**
- (2) Neither party shall sell, transfer, encumber, conceal, assign, remove, or in any way

dispose of any property, real or personal, belonging to or acquired by either party, except as:

- (a) Required for reasonable living expenses;
 - (b) Occurring in the ordinary and usual course of business;
 - (c) Required or payment of reasonable attorney's fees and costs in connect with the action;
 - (d) Occurring pursuant to a written agreement of both parties; or
 - (e) Required by order of the court;
- (3) Neither party shall incur any further debts that would burden the credit of the other party, including, but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards provided that this paragraph shall not apply to reasonable amount of debt necessary for living and business expenses, including child educational expenses and reasonable litigation fees and costs for the pending action;
- (4) Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension, or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by order of the court;
- (5) Neither party shall directly or indirectly cause the other party or a minor child to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect; and
- (6) Neither party shall remove a minor child of the parties from the island of that child's current residence nor remove a minor child of the parties from the school that child is currently attending.

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	AUTOMATIC RESTRAINING ORDER	CASE ID/NUMBER
<p>(7) This Automatic Restraining Order shall remain in effect during the pendency of the action, unless it is modified by agreement of the parties, or by further order of the court.</p> <p>(8) The language of the Automatic Restraining Order shall be consistent with HRS section 580-10.5; if not, the <i>Complaint for Divorce, Automatic Restraining Order; and Summons to Answer Complaint</i> shall be reviewed, corrected, or replaced and signed by the Court before being resubmitted for filing by the Clerk of the Court. An Automatic Restraining Order that is inconsistent with HRS section 580-10.5 may result in sanctions.</p>		
DATE <input type="checkbox"/> Hilo, <input type="checkbox"/> Kona, Hawaii	SIGNATURE OF THE CLERK OF THE COURT PRINT CLERK'S NAME:	



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**SUMMONS
TO ANSWER COMPLAINT**

(Full Name)	PLAINTIFF,
v.	
(Full Name)	DEFENDANT.

COURT USE ONLY

This document is prepared by:
 Self-Represented Plaintiff
 Attorney for Plaintiff

Name (and if applicable, Attorney No.)

Address

City, State, Zip Code

Telephone Number

E-Mail Address

TO THE DEFENDANT:

You are hereby summoned and required to file and serve upon the Plaintiff's attorney, or upon the Plaintiff if the Plaintiff is not represented by an attorney, a written answer to the attached Complaint for Divorce 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:

Hilo Division, Hale Kaulike, 777 Kilauea Avenue, Hilo, Hawai'i	or	Kona Division, Keahuolu Courthouse, 74-5451 Kamakaeha Avenue, Kailua-Kona, Hawai'i 96740
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<p>A copy of your Answer should be served upon the Plaintiff's attorney, or if the Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the <i>Complaint for Divorce</i>. If you fail to file your written <i>Answer</i> within the 20-day time limit, further action may be taken in this case, including judgment for the relief demanded in the <i>Complaint for Divorce</i>, without further notice to you.</p> <p>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 COURT PERMITS IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.</p>		
DATE [] Hilo, [] Kona, Hawaii	CLERK OF THE COURT PRINT CLERK'S NAME:	



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