

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

Plaintiff, Pro Se Attorney for Plaintiff

**IN THE FAMILY COURT OF THE SECOND CIRCUIT
STATE OF HAWAII**

) FC-D NO. _____

)

) **AFFIDAVIT OF PLAINTIFF**

) (Uncontested Divorce)

)

Plaintiff,

vs.

)

)

)

)

)

)

Defendant.

AFFIDAVIT OF PLAINTIFF

STATE OF HAWAII)

) **SS.**

COUNTY OF MAUI)

_____, 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. Plaintiff is representing him/herself

represented by: (attorney's name and address)

3. Service of process on Defendant was effected by:

- Personal Service
- Certified or Registered Mail
- Publication

4. This action may be heard in Family Court as an uncontested matter upon proof of service of the Complaint or Cross-Complaint and Summons.

Return of Service Acknowledgement of Service was filed on _____ showing that Defendant was personally served by any person authorized to effect service of legal process with the Complaint and Summons on _____ in _____, State of _____, and more than 20 days have passed.

Certified or Registered Mail. A Statement of Mailing and the original receipt of the certified or registered mail issued at the time of mailing and a return receipt signed by the addressee which is attached to the statement of mailing was filed on _____. Plaintiff recognizes Defendant's signature on the return receipt.

Appearance and Waiver. Defendant acknowledged receipt of a filed copy of the Complaint and Summons and signed an Appearance and Waiver on _____. Plaintiff recognizes Defendant's signature on the Appearance and Waiver.

Publication. The Affidavit of Publication was filed on _____.

Default. No responsive pleading has been filed.

AND No contact or communication about this case was received by Plaintiff or Plaintiff's attorney from Defendant or Defendant's attorney after the filing of the complaint and the Court should summarily enter judgment by default based on the file and records.

Contact of communication about this case was received by Plaintiff or Plaintiff's attorney from Defendant or Defendant's attorney and Plaintiff has filed a Motion for Default which includes a statement under penalty of perjury regarding the substance of the contact or communication.

5. Plaintiff has resided in the County of Maui for at least three (3) months and in the State of Hawai'i for at least six (6) months immediately prior to the filing of the Divorce Complaint.

6. Defendant resides in _____.

7. The parties were married in _____.
(Place)

8. The parties separated on (if applicable) _____.
(Date)

9. Child(ren):

A. There is/are _____ child(ren) born to the parties and the child(ren)'s initials and year(s) of birth is/are listed as follows from oldest to youngest child, including adult child(ren):

CHILD(REN)'S INITIALS

YOB

B. There [] is/are [] is not/are not other child(ren) conceived or born to the Plaintiff/Defendant during the marriage fathered by another person/other persons.

If there is/are other child(ren) fathered by another party, [] the initial and year(s) of birth of said child(ren) is/are as follows:

CHILD(REN)'S INITIALS

YOB

[] A judgment of paternity [] has/have [] has not/have not been entered.

- C. (1) Neither party is pregnant.
- (2) A party is pregnant and the other party acknowledges that he is the father and his name shall be placed on the birth certificate.
- (3) A party is pregnant and the husband party is not the father.
- D. Plaintiff believes that the information provided in the completed Child Support Guidelines worksheet is accurate, to the best of Plaintiff's knowledge.
- E. Plaintiff agrees to the custody arrangement and child support amounts as provided in the proposed divorce decree.
- F. Proposed child support is consistent with the Child Support Guidelines.
- Proposed child support is not consistent with the Child Support Guidelines because:

10. Plaintiff believes that the marriage is irretrievably broken.

11. Financial Statement:

- A. The Income and Expense and Asset and Debt Statements, signed by Plaintiff on _____ accurately reflect Plaintiff's income and expenses and assets and debts as the date signed, to the best of Plaintiff's knowledge and there have been no substantial changes in Plaintiff's financial circumstances since that date.
- B. Plaintiff recognizes Defendant's signature on Defendant's Income and Expense and Asset and Debt Statements, signed by Defendant on _____.

12. Plaintiff has carefully reviewed the proposed decree and agrees to the alimony, division of property and other provisions as provided in the proposed decree.
- There are no substantial deviations from the marital partnership principles regarding property division.
- The reason for substantial deviations from the marital partnership principles is as follows:
13. Plaintiff signed the proposed decree and recognizes Defendant's signature on the decree.
14. Plaintiff Defendant wishes to
 resume her maiden former surname and wishes to be known as:

- wishes to retain her present surname.
15. Plaintiff fully understands the English language.
 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 request that the court grant this divorce and enter the decree without his/her appearance in court.
17. Plaintiff has read this document (*after my attorney typed it*) and signs voluntarily and without coercion and duress (*and not because he/she was told to sign it*).

18. 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 Plaintiff's knowledge and belief.

Further Affiant sayeth naught.

Signature of Plaintiff

Subscribed and sworn to me before on
this ____ day of _____, 20____.

Notary Public, State of Hawai`i

My commission expires: _____