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|--|--|------------------------------|
| STATE OF HAWAII<br>FAMILY COURT<br>FIRST CIRCUIT | <b>AFFIDAVIT OF PLAINTIFF<br/>         (FOR UNCONTESTED CIVIL UNION DIVORCE)</b> | CASE NUMBER<br><br>FC-CU No. |
|--|--|------------------------------|

|     |   |                               |                                    |   |
|-----|---|-------------------------------|------------------------------------|---|
| vs. | PLAINTIFF,<br>(Your Full Name)          | This document is prepared by: | <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Attorney for Plaintiff |
|     | DEFENDANT<br>(Your Partner's Full Name) | Name                          |                                    |   |
|     |   | Address                       |                                    |   |
|     |   | City, State, Zip              |                                    |   |
|     |   | Phone                         |                                    |   |

STATE OF HAWAII )  
 CITY AND COUNTY OF HONOLULU ) SS.

Plaintiff in the above-entitled action, being first duly sworn on oath, deposes and says that:

1. Plaintiff's full name and address is:

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2. Legal Representation:

- 2a.  Plaintiff is representing himself/herself.  
 2b.  Plaintiff is represented by the attorney named above.

3. Service of process on Defendant was made by:

- 3a.  Personal Service: A *Proof of Service* or *Affidavit of Service* has been filed showing that the Defendant was personally served with the *Complaint* and *Summons* on \_\_\_\_\_ by a person authorized to serve legal documents. (Month/Day/Year)
- 3b.  Certified or Registered Mail: The *Complaint* and *Summons* was served upon Defendant by certified or registered mail. A *Statement of Mailing* or *Affidavit of Mailing* and an original return receipt signed by the Defendant on \_\_\_\_\_ have been filed. Plaintiff recognizes Defendant's signature on the return receipt. (Month/Day/Year)
- 3c.  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*. (Month/Day/Year)
- 3d.  Publication: The *Affidavit of Publication* was filed on \_\_\_\_\_. (Month/Day/Year)

4.  Default

- 4a.  More than twenty (20) days have passed since the service of the *Complaint* and *Summons* on the Defendant. No responsive pleading has been filed. Neither Plaintiff nor Plaintiff's attorney has received any communication from Defendant or Defendant's attorney concerning this case since the *Complaint* was served.
- 4b.  An order granting the *Motion for Entry of Default* was filed on \_\_\_\_\_. (Month/Day/Year)

FOR COURT USE ONLY



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 954-8212, or TTY 539-4853 at least ten (10) working days prior to your hearing or appointment date.

Please call Ho'okele, the Self-Help Desk, at 954-8290, if you have any questions about how to fill out this form.

5. Jurisdiction: (Check all that apply)
- 5a.  Plaintiff was domiciled or physically present on the island of O’ahu for a continuous period of at least 3 months prior to the filing of the Complaint for Civil Union Divorce.
- 5b.  Plaintiff was domiciled or physically present in the State of Hawai’i for a continuous period of at least 6 months prior to the filing of the Complaint for Civil Union Divorce.
- 5c.  Defendant was domiciled or physically present in the State of Hawai’i for a continuous period of at least 6 months prior to the filing of the Complaint for Civil Union Divorce.
6. Defendant resides in (city, state) \_\_\_\_\_, \_\_\_\_\_.
- (City) (State)
7. The parties entered into a valid civil union on \_\_\_\_\_.
- (Month/Day/Year)
8. The parties last lived together in (city, state) \_\_\_\_\_, \_\_\_\_\_ on \_\_\_\_\_.
- (City) (State)  
(Month/Day/Year)
9. Plaintiff believes that the marriage is irretrievably broken because: \_\_\_\_\_
- 
10. Financial statements:
- 10a. Plaintiff signed Income and Expense and Asset and Debt Statements on \_\_\_\_\_ (Mo./Day/Yr.)  
To the best of Plaintiff’s knowledge there have been no substantial changes in Plaintiff’s financial since that date.
- 10b.  Defendant signed Income & Expense and Asset & Debt Statements on \_\_\_\_\_ (Mo./Day/Yr.)  
Plaintiff recognizes Defendant’s signature on said documents.
- 10c.  Defendant’s Income & Expense and Asset & Debt Statements are not filed because: \_\_\_\_\_
- 
11. Plaintiff has carefully reviewed the proposed decree and agrees to the alimony, division of property and other provisions as provided in the proposed decree.
12. Plaintiff signed the proposed decree.  Plaintiff recognizes Defendant’s signature on the decree.
13.  Plaintiff wishes to resume the use of his/her  birth  former married name and be known as:  
\_\_\_\_\_
14.  Defendant wishes to resume the use of his/her  birth  former married name and be known as:  
\_\_\_\_\_
15. Language Comprehension:
- 15a.  Plaintiff fully understands the English language.
- 15b.  Although Plaintiff does not fully comprehend written English, this document was explained to him/her by \_\_\_\_\_ and based on that explanation Plaintiff understands this document.
16. Plaintiff requests that the court grant this civil union divorce and enter the decree without his/her appearance in court.
17. Plaintiff has read this document and signs it voluntarily and without coercion and duress and not because he/she was told to sign it.

18. Pregnancy:

- 18a.  Plaintiff  Defendant is not pregnant.
- 18b.  Plaintiff is pregnant and her expected date of delivery is \_\_\_\_\_ and  
Defendant  is  is not the father of said child. (Month/Day/Year)
- 18c.  Defendant is pregnant and her expected date of delivery is \_\_\_\_\_ and  
Plaintiff  is  is not the father of said child. (Month/Day/Year)

19. Child(ren):

- 19a.  Plaintiff and Defendant have no children together.
- 19b.  Plaintiff has not adopted Defendant's child(ren).
- 19c.  Defendant has not adopted Plaintiff's child(ren).
- 19d.  The parties have \_\_\_\_\_ children together. The complete name and birthdate of each are listed as follows from the oldest to the youngest child (including adult child(ren)):

| <u>Name</u> | <u>Date of Birth</u> |
|-------------|----------------------|
| _____       | (Mo./Day/Yr.)        |

- 19e.  There is/are child(ren) conceived during this civil union fathered by someone other than my name(s) and date of birth is/are listed as follows:

| <u>Name</u> | <u>Date of Birth</u> | <u>Judgment of Paternity entered</u>                     |
|-------------|----------------------|--|
| _____       | (Mo./Day/Yr.)        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| _____       | (Mo./Day/Yr.)        | <input type="checkbox"/> Yes <input type="checkbox"/> No |

20. Prior or Pending Custody Proceedings:

- 20a.  I have not participated in any capacity in any law suit or proceeding in any state concerning custody of any of the minor children of the Plaintiff and Defendant together. I have no information of any pending custody proceeding or of any person not a party to his proceeding who has physical custody or claims to have custody or visitation rights concerning any minor children of the Plaintiff and Defendant together.

- 20b.  Prior court case involving the subject child(ren):

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Location of Court: \_\_\_\_\_

Date Filed: (Mo./Day/Yr.) \_\_\_\_\_

Date Concluded: (Mo./Day/Yr.) \_\_\_\_\_

Type of Case: \_\_\_\_\_

- 20c.  Other court case involving the subject child(ren): which is still pending:

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Location of Court: \_\_\_\_\_

Date Filed: (Mo./Day/Yr.) \_\_\_\_\_

Date Concluded: (Mo./Day/Yr.) \_\_\_\_\_

Type of Case: \_\_\_\_\_

21.  Plaintiff agrees to the custody arrangement and child support amounts as provided in the proposed civil divorce decree.

22. Child Support:

22a.  Plaintiff believes that the information provided in the completed Child Support Guidelines Worksheet is accurate to the best of the Plaintiff's knowledge and proposed child support is consistent with the Child Support Guidelines Worksheet.

22b.  Proposed child support varies from the Child Support Guidelines Worksheet because of the exceptional circumstances: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. Kids First:

23a.  I attended the Kids First Program on \_\_\_\_\_ (Mo./Day/Yr.).

23b.  I was excused by Judge \_\_\_\_\_ from attending the Kids First Program.

24.  Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 know and understands the contents and that these statements are true, correct and complete to the best of his/her knowledge and belief.

DATE

PLAINTIFF'S SIGNATURE

Document Title: Affidavit of Plaintiff for Uncontested Civil Union Document Date: \_\_\_\_\_ No. of Pages: \_\_\_\_\_

was subscribed and sworn to before me in the First Circuit, State of Hawai'i, by \_\_\_\_\_

Notary Public's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
First Circuit, State of Hawai'i

Print Notary Public's Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

L.S. (Seal)