

INSTRUCTIONS
UNCONTESTED CIVIL UNION DIVORCE WITH MINOR CHILDREN PACKET
(For the Island of O‘ahu)

WHO CAN FILE FOR DIVORCE?

In order to file a civil union divorce action in the Family Court of the First Circuit (on O‘ahu), you must meet certain limited residency requirements. You must have been domiciled or physically present on O‘ahu continuously for at least 3 months prior to the filing of the *Complaint for Civil Union Divorce* and either you or your partner must have been domiciled or physically present in the State of Hawai‘i continuously for at least 6 months prior to the filing of the *Complaint for Civil Union Divorce*. The islands are divided into separate circuits. You must meet these limited residency requirements and file your *Complaint for Civil Union Divorce* in the correct circuit.

In same sex marriage cases, you may file your divorce action on O‘ahu if your resident state does not recognize same sex marriage.

- First Circuit = O‘ahu
- Second Circuit = Mau‘i, Lāna‘i, and Moloka‘i
- Third Circuit = Hawai‘i (Hilo and Kona Divisions)
- Fifth Circuit = Kaua‘i

Contact the Family Court in your circuit to obtain documents to file your civil union divorce or visit the Judiciary’s website at www.courts.state.hi.us.

BEFORE YOU START

Read through this entire instruction packet before you start to fill in the documents. This packet includes instructions, information, and forms needed to obtain an uncontested civil union divorce. The instructions tell you which documents need to be completed, when the documents need to be file-stamped by the Court, and what you need to do to place your civil union divorce case on the Court Calendar. The *Uncontested Civil Union Divorce (with Minor and/or Dependent Children) Document Checklist* contains information on how many copies of each document you need to submit and who signs the document. The *Checklist* also helps you see what documents you have completed and which documents you still have to do.

The *Civil Union Divorce Decree (with Minor and/or Dependent Children)* in this packet contains provisions that cover most civil union divorce situations. There may be other terms or provisions necessary for your case. You are strongly urged to talk to an attorney to discuss your legal rights and duties.

Most uncontested divorces are done by affidavit, with a Judge reviewing the documents you submit. This means that neither you nor your partner appear at a Court hearing if your documents are properly completed and all the necessary steps have been



In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8308, or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

Please call the Family Court Service Center at 954-8290 if you have any questions about forms or procedures.

followed. Therefore it is very important that you understand which documents are needed and what you must do before the Court will grant your divorce. If the Court has any questions or concerns, you and your partner may be required to appear at a hearing or submit more documents.

It is important for you to realize that **a divorce takes time**. Most of you will not be able to complete all your divorce documents in one day. Be sure to read each document thoroughly and make sure you understand what the document says. **Do not sign any document you do not agree with or you do not understand.**

IF YOU NEED ASSISTANCE

The clerks of the Court are not allowed to give legal advice or assist you in the completion of the divorce documents. In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court Office by telephone at 954-8200, fax 954-8308 or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your scheduled hearing or appointment date.

Legal Assistance

If possible, you should seek the assistance of an attorney. Even if you cannot afford to have an attorney to represent you for the whole divorce, you should try at least to talk to an attorney to discuss your legal rights and duties. You can check the Yellow Pages of the telephone book for names of attorneys or you may call the following organization for possible assistance:

HAWAI'I STATE BAR ASSOCIATION

Lawyer Referral and Information Service
Telephone: 537-9140

The following organizations offer assistance or self-help clinics to persons who fall within certain income brackets:

LEGAL AID SOCIETY OF HAWAI'I

Honolulu Office
Telephone: 536-4302

AFFORDABLE LAWYERS

(A Project of the Legal Aid Society of Hawai'i)
Telephone: 527-8027

VOLUNTEER LEGAL SERVICES HAWAI'I

Telephone: 528-7046

If there have been incidents of Domestic Abuse, you may want to call the following organization to obtain assistance:

DOMESTIC VIOLENCE ACTION CENTER

(formerly known as the Domestic Violence Clearinghouse)

Telephone: 531-3771

HAWAI'I STATE COALITION AGAINST DOMESTIC VIOLENCE

Telephone: 832-9316

Mediation Services

If you and your partner need mediation services you may refer to the Yellow Pages under mediation/counseling or you may call:

THE MEDIATION CENTER OF THE PACIFIC, INC.

Telephone: 521-6767

The Mediation Center of the Pacific works to help people solve their problems out of court. Trained volunteer mediators sit down with the disputing parties to work out a fair solution, agreeable to all parties. Mediation is available for a nominal administrative fee per party per session.

Custody, Visitation, or Parenting Issues

Information regarding custody/visitation/parenting issues may be obtained when you attend the Judiciary's Kids First Program. The program is held every Wednesday evening (except holidays). Registration is at 5:00 p.m. and the class runs from 5:30 p.m. until 7:30 p.m. Parents are given resource materials, including the names of experienced family law mediators and psychologists.

The classes alternate between the Ronald T.Y. Moon Kapolei Courthouse (4675 Kapolei Parkway, Kapolei) and the Ka'ahumanu Hale, Circuit Court Building (777 Punchbowl Street, Honolulu). You will be assigned a Kids First date when you file your Divorce, Civil Union Divorce, or Paternity case. You must be pre-registered.

If you have any questions, please call (808) 954-8280 or check out their web page at www.KidsFirstHawaii.com.

REFERENCE MATERIALS TO GUIDE YOU

The following materials located at the Supreme Court Law Library, 417 South King Street, Honolulu, Hawai'i (behind the King Kamehameha Statue) may assist you:

HAWAI'I DIVORCE MANUAL (2005); HAWAI'I DIVORCE MANUAL, 2006 Supplement; HAWAI'I DIVORCE MANUAL, 2007 Supplement; HAWAI'I DIVORCE MANUAL, 2008 Supplement; HAWAI'I DIVORCE MANUAL, 2009 Supplement (Hawai'i State Bar Association), HAWAI'I DIVORCE MANUAL, 2010

(Hawai'i State Bar Association).
HAWAI'I REVISED STATUTES
HAWAI'I FAMILY COURT RULES
HAWAI'I COURT RECORDS RULES

ON THE INTERNET

JUDICIARY WEB PAGE (www.courts.state.hi.us)

FILING FEES REQUIRED TO OPEN YOUR DIVORCE CASE

(Cash or Personal Check, Money Order/Cashier's Check Payable to: CHIEF CLERK, First Circuit)

Initial Filing Fee:	\$ 100.00	Motions: No filing fee required.
Surcharge:	+ 65.00	
Computer System Surcharge:	+ 50.00	
TOTAL WITHOUT CHILDREN	\$ 215.00	
Parent Education Surcharge: (if either party has children from this civil union or any other relationship)	+ 50.00	
TOTAL WITH CHILDREN	\$ 265.00	Effective January 1, 2014

If you feel you cannot afford the filing fees, you may want to contact the Legal Aid Society of Hawai'i (ph: 536-4302) or Volunteer Legal Services Hawai'i (ph: 528-7046) to help you request that the filing fee be waived by the Court. You may also obtain a fee waiver request from the Family Court Service Centers located on the first floor at the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i.

FILE-STAMPING OR FILING YOUR DOCUMENTS:

You will need to get almost all of your documents "filed," or "file-stamped," at the court house. Look at the *Uncontested Civil Union Divorce (With Minor and/or Dependent Children) Documents Checklist* for a summary of how many copies, in addition to the original, of each document you will need to submit to Court. Documents are file-stamped by the Court at the following locations and during the following times:

LEGAL DOCUMENTS SECTION

Ronald T. Y. Moon Kapolei Courthouse OR Ka'ahumanu Hale
4675 Kapolei Parkway, First Floor 777 Punchbowl Street, First Floor
Kapolei, Hawai'i 96707 Honolulu, Hawai'i 96813

Hours: 8:00 a.m. to 4:15 p.m., Monday through Friday, except State Holidays

PLACING YOUR CASE ON THE COURT CALENDAR:

When you have completed and filed all necessary divorce documents reflected in the checklist, your case will be ready to set on the Uncontested Civil Union Divorce by Affidavit (UCUDA) calendar. Refer to the *Uncontested Civil Union Divorce (with Minor and/or Dependent Children) Documents Checklist* for a summary of which documents are required.

If you do not have an attorney, it is suggested that your documents be reviewed at the Family Court Service Center located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i. The service center staff will review your documents for completeness and make sure that all necessary documents have been submitted.

Drop off your UCUDA packet of necessary documents noted on the *Documents Checklist* to the Judicial Services Office at Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i 96707. Packets may be dropped off between 8:00 a.m. and 4:15 p.m., Monday through Friday, except State Holidays.

AFTER THE JUDGE REVIEWS YOUR DOCUMENTS

Once your case is set on the uncontested Civil Union Divorce by Affidavit calendar, your documents will be reviewed by the Judge. If the Judge grants your civil union divorce and signs your *Civil Union Divorce Decree*, you should receive certified copies of the *Civil Union Divorce Decree* and *Order/Notice to Withhold Income for Child Support*, if applicable, in the mail within four (4) to six (6) weeks after the judge reviews your documents. If you do not receive the documents, it is your responsibility to check the status of your case on the Judiciary's website at www.courts.state.hi.us. The status of your case cannot be given out over the telephone. If the disposition calendar says that your divorce was "GRANTED," the certified copies of the *Civil Union Divorce Decree* and *Order/Notice to Withhold Income for Child Support* will be mailed to you in the envelopes provided. If your divorce is "DENIED", a copy of the court's disposition calendar will be mailed to you in the envelope you provided. You must follow the Judge's instructions noted on the disposition calendar before your divorce can be finalized.

STEPS TO OBTAIN AN UNCONTESTED CIVIL UNION DIVORCE
(With Minor and/or Dependent Children)

STEP 1: **OPENING YOUR DIVORCE CASE** (If you are the one who is filing for divorce, you are the “**PLAINTIFF**” and your partner is the “**DEFENDANT.**”)

To open or start your divorce case, you must take certain documents to the court house for filing. You will need the following documents to open or start your divorce case:

1. **COMPLAINT FOR CIVIL UNION DIVORCE (“Complaint”);**
2. **SUMMONS TO ANSWER COMPLAINT (“Summons”);**
3. **CIVIL UNION DIVORCE ACTION INFORMATION (“CUDA Info”); and**
4. **NOTICE TO ATTEND KIDS FIRST**

(If either partner has minor child(ren) from other relationships this form must be completed. You can request to be excused from attending this program by filling out the request form available at the Family Court Service Center or the Kids First website at www.kidsfirsthawaii.com. Failure to attend the Kids First Program may result in denial of your civil union divorce until you comply with this requirement.

If your partner does not live on O’ahu, you must also submit the following document to obtain the Court’s approval before serving your spouse by certified or registered mail.

5. **MOTION AND DECLARATION FOR SERVICE BY MAIL; ORDER FOR SERVICE BY MAIL** (**Note:** Drop this document along with the *Complaint*, *Summons*, *CUDA Info*, and *Notice to Attend Kids First* at the Judicial Services at Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse to obtain the Court’s approval.)

After completion, take the originals and copies of the above documents along with required court filing fees to the Legal Documents Section (Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, First Floor, Kapolei, Hawai’i or Ka’ahumanu Hale, 777 Punchbowl Street, First Floor, Honolulu, Hawai’i) to be filed-stamped by the Court. The Court will assign you a case number which you need to write on the rest of your documents.

STEP 2: **NOTICE TO ATTEND KIDS FIRST:** Attendance at this program is **mandatory**. If you were not excused by a Judge from attending this program, your divorce may be denied until you attend the program.

After you file the *Complaint for Civil Union Divorce*; *Summons to Answer Civil Union Complaint*, you will be assigned a date to attend the Kids First Program. This is the date when you, your partner, and any of your children (between the ages of six and seventeen years old) must attend the program. If for any reason you or your partner cannot attend this program as scheduled or if you have a temporary restraining order in effect against your partner, you must call the number on the back of the notice and obtain another date.

If you have an questions, please log on to www.kidsfirsthawaii.com, the Kids First website, or call the Kids First Program at 954-8280 or leave a message at 954-8281.

STEP 3: GETTING THE DOCUMENTS TO YOUR SPOUSE: “SERVICE” OF THE COMPLAINT AND SUMMONS AND FILE-STAMPING THE SERVICE DOCUMENT

“Service” means getting a file-stamped copy of the *Complaint*, *Summons* and *Notice to Attend Kids First* to your partner (the Defendant) in the correct way. You must provide the court with proof that your partner was personally served with a **file-stamped** copy of the *Complaint for Civil Union Divorce*, *Summons to Answer Complaint* before the Court can consider granting your divorce. (**Note:** If your partner does not file with the Court a written answer or response to the *Complaint for Civil Union Divorce* and does not contact you in any way within 20 days after receipt of the *Complaint*, see the Uncontested Civil Union Divorce by Default Section below.)

Proof that your partner was properly served can be shown by file-stamping one or more of the following:

- 1. APPEARANCE AND WAIVER:** If you and your partner (the Defendant) have **agreed to** and **signed** the *Civil Union Divorce Decree*, your partner must sign an *Appearance and Waiver*. By signing the *Appearance and Waiver*, your partner is stating that he or she has received a file-stamped copy of the *Complaint* and *Summons* and that he or she agrees that the Court may grant the civil union divorce without his or her presence in Court. (**Note:** The *Appearance and Waiver* cannot be signed and dated before the *Complaint* is file-stamped by the Court. If it is signed and dated before the *Complaint* was file-stamped, the Court will require that your partner sign another *Appearance and Waiver* which has been signed and dated after the *Complaint* was file-stamped.)
- 2. PROOF OF SERVICE:** If your partner lives on O’ahu, the *Complaint* and *Summons* and *Notice to Attend Kids First* must be **personally served** on your partner unless he or she is agreeing to sign the *Civil Union Divorce Decree* and *Appearance and Waiver*. It cannot be mailed, unless your partner is willing to sign the *Civil Union Divorce Decree* and *Appearance and Waiver* forms. The *Complaint* and *Summons* and *Notice to Attend Kids First* can be served by a private process server (Note: A list of private process servers may be obtained at the Family Court Service Center in Kapolei or Honolulu) or by any responsible person who is over 18 years old other than yourself. After service is complete, the person who served the *Complaint* and *Summons* and *Notice to Attend Kids First* on your partner must complete the *Proof of Service*. Information regarding the date and time your partner was served and the place where your partner was served must be filled in. The person who served the *Complaint* and *Summons* and *Notice to Attend Kids First* must also sign the *Proof of Service*. (**Note:** If after service of the *Complaint* and *Summons*, you and your partner have agreed to and signed the *Civil Union Divorce Decree*, your partner must also sign an *Appearance and Waiver*.)

3. **STATEMENT OF MAILING; EXHIBITS 1 and 2:** If your partner does not live on O‘ahu, you may serve your partner by **certified or registered mail, restricted delivery**. You must complete the *Motion and Declaration for Service by Mail, Order for Service by Mail* and obtain the Court’s approval before serving your partner by mail. The Receipt for Certified Mail and Domestic Return Receipt or the Receipt for Registered Mail and Return Receipt must be attached to the *Statement of Mailing Exhibits 1 and 2*. The Return Receipt must be signed by your partner and show the date that your partner received the document. (**Note:** If after service of the *Complaint*, you and your partner have agreed to and signed the *Civil Union Divorce Decree*, then your partner must also sign an *Appearance and Waiver*.)

STEP 4: FILE STAMP ALL THE FOLLOWING DOCUMENTS

1. **INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
2. **ASSET AND DEBT STATEMENT OF PLAINTIFF (YOU) or BOTH PARTIES:** Must be signed and dated by you and reflect current assets and debts. If the *Asset and Debt Statement* is for both you and your partner, both you and your partner must sign and date this form.
3. **INCOME AND EXPENSE STATEMENT OF DEFENDANT (YOUR PARTNER):** Must be signed and dated by your partner. If you are unable to obtain the *Income and Expense Statement* from your partner, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Civil Union Divorce)* form.
4. **ASSET AND DEBT STATEMENT OF DEFENDANT (YOUR PARTNER):** Must be signed and dated by your partner. If you are unable to obtain the *Asset and Debt Statement* from your partner, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Divorce)* form. (NOTE: If you and your partner completed an *Asset and Debt Statement for Both Parties* there is no need to prepare a separate *Asset and Debt Statement* for the Defendant.)
5. **CHILD SUPPORT GUIDELINES WORKSHEET:** Must be completed based on each partner’s gross income (i.e., before taxes and deductions), and it also must be signed and dated by you and your partner. Read the guidelines instructions carefully to determine which guidelines worksheet applies to your case.

Child support is determined by the *Child Support Guidelines* unless there are exceptional circumstances. Some examples of exceptional circumstances are listed in the instructions to the *Child Support Guidelines*. The *Child Support Guidelines* instruction packet includes a Table of Incomes which must be used to determine the amount of child support. If you need assistance in completing the child support guidelines, you may qualify for services from the Legal Aid Society of Hawai‘i or the Volunteer Legal Services Hawai‘i or if you are in the military contact your base legal office. A complete instruction packet may be obtained from the Family Court

Service Centers located on the first floors of the Ronald T.Y. Moon Kapolei Courthouse and at the Ka'ahumanu Hale. The staff at the Service Centers are also able to assist you with calculating the child support amount. You may also go to the Judiciary's website (www.state.courts.hi.us) under Self Help, Court Forms, Family Court to calculate the child support on your own.

6. **AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED CIVIL UNION DIVORCE):** You must have attended or have been excused from attending the Kids First Program and all your documents, including the *Civil Union Divorce Decree* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your civil union divorce. After completion, this document needs to be signed by you in front of a notary public.
7. **SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT:** This document is to be used if both partners agree that child support will be paid directly to a party and not through the Child Support Enforcement Agency. Certain conditions must be met before the Court will grant this request. This document must be signed before a notary public by the parent who is paying child support. This document cannot be used if you are proceeding by default.

STEP 5: OTHER REQUIRED DOCUMENTS

1. **CIVIL UNION DIVORCE DECREE (WITH CHILDREN):** Fill in each section of the *Civil Union Divorce Decree* after you and your partner have come to an agreement as to what will be contained in your *Civil Union Divorce Decree*. You and your partner must sign and date the last page of the *Civil Union Divorce Decree* and fill in your and your partner's Social Security Numbers, addresses, and the names and addresses of employers. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Civil Union Divorce Decree*.
2. **ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT:** This document will order that child support be taken directly out of the non-custodial parent's pay checks and sent to the Child Support Enforcement Agency. This document is not file-stamped until it has been approved and signed by the Judge. This document is not required if child support will be paid directly to the other party and a *Supplemental Affidavit Re: Direct Payment Child Support* has been filed.
3. **TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9-1/2" x 4-1/4" in size):** One envelope should be addressed to you and one addressed to your partner. After the *Civil Union Divorce Decree (With Minor and/or Dependent Children)* and the *Income Withholding Order/Notice for Support*, if applicable, is file-stamped by the Court, copies will be mailed to you and your partner. Provide enough postage to cover mailing these documents to you and your partner.

STEP 6: PLACE YOUR CASE ON THE CALENDAR (See Page 5 above.)

STEP 7: MAILING COPIES TO CHILD SUPPORT ENFORCEMENT AGENCY

1. Mail, by certified mail, return receipt requested, one (1) certified copy of the *Civil Union Divorce Decree (with Minor and/or Dependent Children)* and if applicable, one (1) certified copy of the *Order/Notice to Withhold Income for Child Support* to the Child Support Enforcement Agency (CSEA), P.O. Box 1860, Honolulu, Hawai'i 96805-1860.

(NOTE: A certified copy of the *Civil Union Divorce Decree (with Minor and/or Dependent Children)* must be sent to the Child Support Enforcement Agency even if child support payments are to be made directly to the other party.)

STEP 8: IF CHILD SUPPORT PAYMENTS ARE TO BE PAID THROUGH THE CHILD SUPPORT ENFORCEMENT AGENCY YOU MUST DO THE FOLLOWING:

1. **MAIL A COPY OF THE ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT TO EMPLOYER.** Mail, by certified mail, returned receipt requested, one (1) certified copy of the *Order/Notice to Withhold Income for Child Support* to the employer of the parent who is ordered to pay child support.
2. **STATEMENT OF MAILING; EXHIBITS 1 & 2 (Re: Order for Income Withholding):** Complete a *Statement of Mailing; Exhibits 1 and 2* (Re: Order for Income Withholding) which serves as proof that a certified copy of the *Order/Notice to Withhold Income for Child Support* was mailed to the employer. Exhibit 1 is the white and green Receipt for Certified Mail received at the time of mailing and Exhibit 2 is the green card-Domestic Return receipt signed by the employer. Submit the original and two (2) copies of this *Statement of Mailing; Exhibits 1 & 2 (Re: Order for Income Withholding)* to the Legal Documents Branch for file-stamping.
3. **MAILING A COPY OF STATEMENT OF MAILING; EXHIBITS 1 AND 2 (Re: Order for Income Withholding) TO CHILD SUPPORT ENFORCEMENT AGENCY:** Mail one (1) file-stamped copy of the *Statement of Mailing; Exhibits 1 and 2 (Re: Order for Income Withholding)* to the Child Support Enforcement Agency.

UNCONTESTED CIVIL UNION DIVORCE BY DEFAULT

You can proceed with your civil union divorce by default if your partner has not filed a written answer or response with the Court and has not contacted you within 20 days after receipt of the *Complaint*. Default may be granted when a Defendant does not come forward in any way to defend himself or herself against the divorce. To get your civil union divorce by default, the following steps must be followed after the *Proof of Service* or the *Statement of Mailing; Exhibits 1 and 2* has been file-stamped by the Court:

STEP 1: ADDITIONAL DOCUMENTS YOU NEED TO COMPLETE AND FILE-STAMP

- 1. INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
- 2. ASSET AND DEBT STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current assets and debts.
- 3. CHILD SUPPORT GUIDELINES WORKSHEET (YOU):** Must be completed based on each partner's gross income (i.e., before taxes and deductions), and it also must be signed and dated by you. Read the guidelines instructions carefully to determine which guidelines worksheet applies to your case.

Child support is determined by the *Child Support Guidelines* unless there are exceptional circumstances. Some examples of exceptional circumstances are listed in the instructions to the child support guidelines. The child support guidelines instruction packet includes a Table of Incomes which must be used to determine the amount of child support. If you need assistance in completing the child support guidelines, you may qualify for services from the Legal Aid Society of Hawai'i or Volunteer Legal Services Hawai'i or you if you are in the military contact your base legal office. A complete Instruction Packet may be obtained from the Family Court Service Centers located on the first floors of the Ronald T.Y. Moon Kapolei Courthouse and of the Ka'ahumanu Hale. The staff at the service centers are also able to assist you with calculating the child support amount. You may also go to the Judiciary's website (www.state.courts.hi.us) under Self Help/ Court Forms/ Family Court to calculate the child support on your own.

- 4. AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE):** You must have attended or have been excused from attending the Kids First Program, and all your documents, including the *Civil Union Divorce Decree (With Minor and/or Dependent Children)* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your civil union divorce. After completion, this document needs to be signed by you in front of a notary public.

STEP 2: OTHER REQUIRED DOCUMENTS

- 1. CIVIL UNION DIVORCE DECREE (WITH CHILDREN):** Fill in each section of the *Civil Union Divorce Decree*. You must sign and date the last page of the *Civil Union Divorce Decree*. You must also fill in information of your and your partner's Social Security Numbers, addresses, and employers' name and address. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Civil Union Divorce Decree*.
- 2. ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT:** This document will order that child support be taken directly out of the non-custodial parent's pay checks and sent to the Child Support Enforcement Agency. This document is not file-stamped until it has been approved and signed by the Judge. Child support cannot be paid directly to the custodial parent if your are proceeding by default.
- 3. TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9" x 12" in size):** One envelope should be addressed to you and one addressed to your partner. After the *Civil Union Divorce Decree (With Minor and/or Dependent Children)* and the *Order/Notice to Withhold Income for Child Support*, if applicable, is file-stamped by the Court, copies will be mailed to you and your partner. Provide enough postage to cover mailing these documents to you and your partner.

STEP 3: PLACE YOUR CASE ON THE CALENDAR See page 5 above.

STEP 4: MAILING COPIES TO CHILD SUPPORT ENFORCEMENT AGENCY

- 1.** Mail, by certified mail, return receipt requested, one (1) certified copy of the *Civil Union Divorce Decree (with Minor and/or Dependent children)* and if applicable, one (1) certified copy of the *Order/Notice to Withhold Income for Child Support* to the Child Support Enforcement Agency, P. O. Box 1860, Honolulu, Hawai'i 96805-1860. (**NOTE:** A certified copy of the *Civil Union Divorce Decree (with Minor and/or Dependent Children)* must be sent to the Child Support Enforcement Agency even if child support payments are to be made directly to the other party.)

STEP 5: IF CHILD SUPPORT PAYMENTS ARE TO BE PAID THROUGH THE CHILD SUPPORT ENFORCEMENT AGENCY YOU MUST DO THE FOLLOWING:

- 1. MAIL A COPY OF THE ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT TO EMPLOYER.** Mail, by certified mail, returned receipt requested, one (1) certified copy of the *Order/Notice to Withhold Income for Child Support* to the employer of the parent who is ordered to pay child support.
- 2. STATEMENT OF MAILING; EXHIBITS 1 & 2 (Re: Order for Income Withholding):** Complete a *Statement of Mailing; Exhibits 1 and 2* (Re: Order for

Income Withholding) which serves as proof that a certified copy of the *Order/Notice to Withhold Income for Child Support* was mailed to the employer. Exhibit 1 is the white and green Receipt for Certified Mail received at the time of mailing and Exhibit 2 is the green card-Domestic Return receipt signed by the employer. Submit the original and two (2) copies of this *Statement of Mailing; Exhibits 1 & 2 (Re: Order for Income Withholding)* to the Legal Documents Branch for file-stamping.

3. **MAILING A COPY OF THE STATEMENT OF MAILING; EXHIBITS 1 AND 2 (Re: Order for Income Withholding) TO CHILD SUPPORT ENFORCEMENT AGENCY:** Mail one (1) file-stamped copy of the *Statement of Mailing; Exhibits 1 and 2 (Re: Order for Income Withholding)* to the Child Support Enforcement Agency.