


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. Applicable filing fees are due at this time.

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, the Court clerk will assign a date for you and your partner to attend the Kids First Program.
<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>			
<input type="checkbox"/> PROOF OF SERVICE	Original + 2 copies		<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>
OR			
<input type="checkbox"/> MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER FOR SERVICE BY MAIL	Original + 2 copies	You	<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 or return receipt requested, restricted delivery. This form asks for the Court’s permission for you to do so. You must complete this document and submit it to Judicial Services at Window 5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse.</p>

 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 954-8308, or TTY 539-4853 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.

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. You and your partner may prepare and sign a joint Asset and Debt Statement.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	Original + 3 copies	You (and Defendant if for Both Parties)	
<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. 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. If you served the <i>Motion for Service by Mail and Declaration; Order for Service by Mail, 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.
<input type="checkbox"/>	PROOF OF SERVICE OR	Original + 3 copies	Process server	
<input type="checkbox"/>	STATEMENT OF MAILING	Original + 3 copies	You	

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 to Judicial Services at 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 Partner	The Defendant's signature is required if you are getting a civil union 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 civil union 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 Partner if for Both Parties)	
<input type="checkbox"/>	APPEARANCE AND WAIVER OR	1 file-stamped copy	Partner	Use this if you are getting a civil union 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 civil union divorce by default.
<input type="checkbox"/>	STATEMENT OF MAILING		You	Use this or the <i>Proof of Service</i> if you are getting a civil union divorce by default
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF DEFENDANT	1 file-stamped copy	Partner	If available.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF DEFENDANT	1 file-stamped copy	Partner	If available.
<input type="checkbox"/>	CHILD SUPPORT GUIDELINES WORKSHEET	1 file-stamped copy	You and Partner	Your partner's signature is not required if you are seeking a civil union divorce by default. See p. 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"/>	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 *Civil Union Divorce Decree* is signed by the Judge and filed by the Court. Certified copies of the *Civil Union Divorce Decree* will be mailed to you and your partner in the envelopes which you provided. You can track the status of your case on the Judiciary's web page (www.courts.state.hi.us) using the Ho'ohiki Program. It takes between 4 to 6 weeks for the final *Decree* to be mailed. If your divorce is denied, the Court will mail you instructions on what needs to be done before the court will grant the divorce.

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 certified 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 <i>Civil Union Divorce Decree</i> 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 certified 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 certified 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 file-stamped 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.