

Document Checklist For Uncontested Divorce by Affidavit (With Minor and/or Dependent 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 spouse.

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 at 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 DIVORCE; AUTOMATIC RESTRAINING ORDER; AND SUMMONS TO ANSWER COMPLAINT | Original + 5 copies | Complaint is signed by You | <p>This document opens your divorce case. The Documents Clerk will assign a case number and file stamp your documents.</p> <p>If the Automatic Restraining Order submitted is not the Court form (available at Ho’okele, the Family Court Service Center or at the Judiciary’s website at http://www.courts.state.hi.us/self-help/courts/forms/oahu/family_court_forms), your documents will be referred to a Judge for review and can be picked up at Window 5 in two weeks.</p> |
| <input type="checkbox"/> | MATRIMONIAL ACTION INFORMATION (MAI) | Original + 2 copies | You | Complete all sections of this document. If you do not know the information requested write unknown, do not leave blank. |
| <input type="checkbox"/> | NOTICE TO ATTEND KIDS FIRST | Original + 2 copies | Documents Clerk | The Documents Clerk will assign you a date to attend the Kids First Program. The attendance at this program is mandatory unless you are excused by the court. |

You must properly serve your spouse with a filed copy of the *Complaint for Divorce; Summons to Answer Complaint for Divorce* and the *Notice to Attend Kids First*.

 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) 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.

| | NAME OF DOCUMENT | HOW MANY | SIGNED BY | COMMENTS |
|--------------------------|---|---------------------|-----------------|--|
| <input type="checkbox"/> | PROOF OF SERVICE | Original + 2 copies | Document Server | This document must be completed by the person who personally delivers a filed copy of the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> to your spouse. The person who serves must complete the date, time and place that your spouse was served. |
| <input type="checkbox"/> | MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER FOR SERVICE BY MAIL | Original + 2 copies | You | This form must be completed and the court must approve it, before you can mail a certified copy of the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> to your spouse who does not live on this island. This form is required even if your spouse is willing to sign an <i>Appearance and Waiver</i> . Failure to obtain the Court's permission to mail to your spouse may result in a delay in your divorce. A certified of the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> must be mailed by certified/registered mail, return receipt requested, restricted delivery to addressee only. |

B. Fill in the case number and complete the following documents. The documents should be filed at the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka'ahumanu Hale, 777 Punchbowl Street:

| | NAME OF DOCUMENT | HOW MANY | SIGNED BY | COMMENTS |
|--------------------------|---|---------------------|---|---|
| <input type="checkbox"/> | INCOME AND EXPENSE STATEMENT OF PLAINTIFF | Original + 3 copies | You | The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint <i>Asset and Debt Statement</i> which can be signed and dated by both of you. |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT | Original + 3 copies | You (and your spouse if for Both Parties) | |
| <input type="checkbox"/> | INCOME AND EXPENSE STATEMENT OF DEFENDANT | Original + 3 copies | Spouse | If these forms are not submitted by your spouse, you must explain why in paragraph 10c of the <i>Affidavit of Plaintiff</i> (for Uncontested Divorce). |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT OF DEFENDANT | Original + 3 copies | Spouse | |
| <input type="checkbox"/> | CHILD SUPPORT GUIDELINES WORKSHEET | Original + 3 copies | You and your spouse | This form must be submitted if you and your spouse have minor child(ren) together. |

| | NAME OF DOCUMENT | HOW MANY | SIGNED BY | COMMENTS |
|--------------------------|---|---------------------|------------------------|---|
| <input type="checkbox"/> | SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT | Original + 3 copies | Payor of Child Support | This form is to be completed and signed in front of a notary public by the person who will be paying the child support. Child support cannot be directly paid if the parties' child(ren) are on public assistance or if you are proceeding by default. |
| <input type="checkbox"/> | APPEARANCE AND WAIVER | Original + 3 copies | Spouse | Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> and a copy of the Notice to Attend Kids First and sign the <i>Divorce Decree</i> before he or she can sign this document. |
| <input type="checkbox"/> | PROOF OF SERVICE | Original + 3 copies | Document Server | If the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> and <i>Notice to Attend Kids First</i> were personally delivered to your spouse, the person who delivered those documents must complete the date, time and place where your spouse was served and sign and date this document. |
| <input type="checkbox"/> | STATEMENT OF MAILING; EXHIBITS 1 and 2 | Original + 3 copies | You | Attached the Certified or Registered Mail Receipt as Exhibit "1" and the Domestic Return Receipt or the Return Receipt for International Mail as Exhibit "2". Attach the exhibit page to the back of the <i>Statement of Mailing</i> page. (NOTE: You must obtain the Court's permission before you can mail the initial documents to your spouse. |

C. Fill in the case number and complete the following document. The document should be filed at the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka'ahumanu Hale, 777 Punchbowl Street:

| | NAME OF DOCUMENT | HOW MANY | SIGNED BY | COMMENTS |
|--------------------------|--|---------------------|-------------------------------------|--|
| <input type="checkbox"/> | AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE) | Original + 3 copies | You (Signed 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 all required documents and attendance at the Kids First Program has been completed. |

D. The following documents are needed to place your uncontested divorce by affidavit packet on the calendar for review by the judge. This packet must be dropped at Judicial Services, Window #5 on the 1st floor at the Ronald T.Y. Moon Kapolei Courthouse or in the Judicial Services court jacket located in the Legal Documents Office on the 1st floor at the Ka'ahumanu Hale, 777 Punchbowl Street.

| | NAME OF DOCUMENT | HOW MANY | COMMENTS |
|--------------------------|---|--|---|
| <input type="checkbox"/> | DIVORCE DECREE WITH MINOR and/or DEPENDENT CHILDREN | Original + at least 5 copies | Your spouse's signature is required if you are getting a divorce by agreement and your spouse must have signed an <i>Appearance and Waiver</i> . Your spouse's signature is not required if you are proceeding by default. |
| <input type="checkbox"/> | AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE) | 1 <u>file-stamped</u> copy | You, your spouse and any minor children 6 years - 17 years, must have attended the Kids First Program or have been excused from attending before you can complete this document. |
| <input type="checkbox"/> | INCOME AND EXPENSE STATEMENT OF PLAINTIFF | 1 <u>file-stamped</u> copy | The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint <i>Asset and Debt Statement</i> which can be signed and dated by both of you. |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES) | 1 <u>file-stamped</u> copy | |
| <input type="checkbox"/> | APPEARANCE AND WAIVER and/or | 1 <u>file-stamped</u> copy | To be submitted if you and your spouse have agreed to and signed the <i>Divorce Decree</i> . |
| <input type="checkbox"/> | PROOF OF SERVICE or | | To be submitted, if your spouse was served with the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> by personal delivery. |
| <input type="checkbox"/> | STATEMENT OF MAILING | | To be submitted, if your spouse was served with the <i>Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint</i> by certified or registered mail. |
| <input type="checkbox"/> | INCOME AND EXPENSE STATEMENT OF DEFENDANT | 1 <u>file-stamped</u> copy | Plaintiff and Defendant may submit a joint <i>Asset and Debt Statement</i> . |
| <input type="checkbox"/> | ASSET AND DEBT STATEMENT OF DEFENDANT | 1 <u>file-stamped</u> copy | If Defendant's <i>Income and Expense Statement</i> and/or <i>Asset and Debt Statement</i> is not available, the reason why it is not available must be stated in Paragraph 10c of the <i>Affidavit of Plaintiff (for Uncontested Divorce)</i> . |
| <input type="checkbox"/> | CHILD SUPPORT GUIDELINES WORKSHEET | 1 <u>file-stamped</u> copy | It is mandatory to submit this document as long as Plaintiff and Defendant have minor child(ren) together. |
| <input type="checkbox"/> | INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT OR SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT | Original + at least 5 copies 1 <u>file-stamped</u> copy | To be submitted if child support will be paid through the Child Support Enforcement Agency (CSEA). Cannot be used if you are proceeding by default or if any of Plaintiff's or Defendant's child(ren) together are on public assistance. |

STEP D. (Continued)

| | NAME OF DOCUMENT | HOW MANY | COMMENTS |
|--------------------------|--|--|--|
| <input type="checkbox"/> | INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT OR SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT | Original + at least 5 copies 1 file-stamped copy | To be submitted if child support will be paid through the Child Support Enforcement Agency (CSEA). Cannot be used if you are proceeding by default or if any of Plaintiff's or Defendant's child(ren) together are on public assistance. |
| <input type="checkbox"/> | 9"X12" ENVELOPE ADDRESSED TO YOU WITH POSTAGE ATTACHED and 9"X12" ENVELOPE ADDRESSED TO YOUR SPOUSE WITH POSTAGE ATTACHED. | 1 1 | The Court will mail to you and your spouse, file-stamped, certified copies of your <i>Divorce Decree</i> and <i>Income Withholding Order/Notice of Support</i> , if applicable, in the envelopes you provide. The documents will be mailed via U.S. Postal Service only. |

Your divorce becomes final when the *Divorce Decree* is signed by the Judge and file-stamped by the Court. File-stamped, certified copies of the *Divorce Decree* and *Income Withholding Order/Notice for Support*, if applicable, will be mailed to you and your spouse in the envelope 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, after the Judge reviews your case 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 Judge will grant your divorce.

Child Support Payment Checklist:

Do the following when you receive your file-stamped *Divorce Decree* from the Court.

| NAME OF DOCUMENT | HOW MANY | COMMENTS |
|--|-------------------------|--|
| <input type="checkbox"/> DIVORCE DECREE with MINOR and/or DEPENDENT CHILDREN | 1 <u>certified</u> copy | Even if child support payments are to be made directly to the recipient, you must mail (by certified mail, return receipt requested) a certified copy of your <i>Divorce Decree</i> to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860 |

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 copy of the *Divorce Decree* and *Income Withholding Order/Notice for Support* for the Court:

| NAME OF DOCUMENT | HOW MANY | COMMENTS |
|---|-------------------------|---|
| <input type="checkbox"/> INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT | 1 <u>certified</u> copy | Mail by certified mail, return receipt requested to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860 |
| <input type="checkbox"/> INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT | 1 <u>certified</u> copy | Mail by certified mail, return receipt requested to the employer of the person who is paying child support. Save the white Certified Mail Receipt that the postal clerk gives you and the green Domestic Return Receipt that you will receive back in the mail after the employer receives this document in the mail. |

When you receive the green Domestic Return Receipt (signed by the employer) for the Income Withholding Order/Notice of Support, attached the white Certified Mail Receipt as Exhibit "1" and the green Domestic Return Receipt as Exhibit "2" to the Statement of Mailing; Exhibits 1 and 2 (Re: Order for Income Withholding) form.

| NAME OF DOCUMENT | HOW MANY | SIGNED BY | COMMENTS |
|--|---------------------|-----------|---|
| <input type="checkbox"/> STATEMENT OF MAILING; EXHIBITS 1 AND 2 (RE: ORDER FOR INCOME WITHHOLDING) | Original + 3 copies | You | FIRST: Take the original and copies to the Legal Documents Branch to have it file-stamped. THEN: Mail one file-stamped copy to your ex-spouse and mail one file-stamped copy to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860 |



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 First Circuit Family Court 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 (808) 954-8290 if you have any questions about forms or procedures.