

INSTRUCTIONS FOR UNCONTESTED PATERNITY WITHOUT A HEARING

PLEASE NOTE: Rule 9 of the Hawaii Court Record Rules; Parties' Responsibility to Protect Personal Information and Account Numbers; Effective September 1, 2012

Paternity proceedings legally establish who, is the father of a child. If the parents of a child were not married when the child is born, Paternity needs to be established before the father has any legal rights to the child. Once Paternity is established, child support, custody, and visitation for the child can be determined.

If the child was born after July 1, 1999, Paternity may have been established through a *Voluntary Establishment of Paternity (VEP) by Parents* form provided by the hospital and signed by both parents. If this form was signed, and you have custody, visitation and/or child support issues to resolve, please ask for the VEP packet.

If the child was born before July 1, 1999 or the mother of the child was married and the natural (biological) father of the child is not her husband, Paternity must be established. This packet includes the forms necessary to establish Paternity, and to get orders for custody, child support and visitation. **These instructions and forms may be used ONLY IF the Paternity is uncontested (all parties are in total agreement of all issues).**

Legal Aid brochures explaining *Paternity* and *Child Custody* are available at the Service Center.

Forms contained in this packet:

Name

Ex Parte Motion and Affidavit to Waive Filing Fees

Petition for Paternity and Summons

Certificate of Live Birth

2-Paternity Financial Information Sheet (Petitioner and Respondent)

Child Support Guidelines

Acknowledgment of Maternity and Paternity

Acknowledgment of Paternity

Affidavit of Respondent

Proof of Service

Memorandum to Family Support Division

Stipulated Judgment of Paternity

Order/Notice to Withhold Income for Child Support

Statement of Mailing

STEP 1: FIRST FILING

Complete and file the following documents at Room 106 at the Courthouse:

FILING FEE: \$180.00

(If you are low-income, request a waiver of filing fees from the Service Center)

1. Petition for Paternity and Summons (Original + 3 copies*)
2. Attach a **certified copy** of the child's birth certificate to the Certificate of Live Birth (Original + 3 copies*)

Request a certified copy of the child(ren)'s birth certificate from the Department of Health. You can request the birth certificate in person or in writing. If you request it in writing, it takes 4-6 weeks. On Maui, the Department of Health is located in the State Building, 54 High Street, 3rd Floor, Wailuku, Hawai'i 96793, and is open from 7:45 a.m. to 4:30 p.m. Monday - Friday. The birth certificate costs \$10.00. Call 984-8210, as this information may change.

3. Paternity Financial Information Sheet (Petitioner) (Original + 1 copy*)

The filing clerk will assign you a court date which will be found on the Summons. Please note that if the Paternity is uncontested (all parties agree to all issues), and all necessary paperwork is filed before the hearing date, then you will not have to go to court.

STEP 2: Serve the parties with the Petition and Summons

You must properly give ("serve") the other parent(s) a certified copy of the documents. If there is a third-party caretaker named as a Respondent, s/he must also be served.

A. Respondent(s):

If Respondent is in the State: Someone (other than you) 18 years or older must hand-deliver the Petition + attachments to the Respondent(s). Either hire a private process server or get a friend or relative to serve him/her. The server must fill out and sign the *Proof of Service*, which tells the court the Respondent was served. If you hire a process server, give the process server 3 blank copies of the *Proof of Service* to complete. If you don't hire a process server, make 3 copies of the completed *Proof of Service*. File the original and copies with the filing clerks.

If Respondent is on the mainland, or in another country: Ask the court for permission to serve by mail (*Motion for Service by Mail and Affidavit; Order for Service by Mail*). Once you get permission, send the Petition + attachments, along with a file-stamped copy of the Petition and Motion to the Respondent by registered or certified mail, return receipt requested, restricted delivery to the addressee only.

Keep the receipt from the Post Office and wait for the return receipt card to come back, signed by the Respondent, indicating that the Respondent received the documents. Complete the *Statement of Mailing* and staple both Post Office receipts to the second page, then make 3 copies and file it with the filing clerks.

B. CSEA

Once you get a hearing date, you must inform CSEA's attorneys of that date. Complete the *Memorandum to Family Support Division* and deliver it along with a copy of the Petition and all attachments either in person, by mail, or by fax to:

**Department of the Attorney General
Family Support Branch
35 Lunalilo Street Suite 203
Wailuku, Hawai'i 96793
Fax: (808) 243-5161**

STEP 3: SECOND FILING

If the parties can agree to all Paternity issues, then the necessary documents should be prepared and submitted to the court before the court hearing. The case can then be taken off of the court calendar and no one need attend the hearing.

Complete and file the following documents at Room 106 at the Courthouse:

1. Paternity Financial Information Sheet (Respondent) (Original + 1 copy*)
2. Acknowledgment of Paternity (Original + 3 copies*)
To be completed and signed before a notary by the natural (biological) father of the child.
3. Acknowledgment of Paternity and Maternity (Original + 3 copies*)
To be completed and signed before a notary by the mother of the child.
4. Affidavit of Respondent (Original + 3 copies*)
To be completed and signed before a notary by the legal father (mother's husband), if the mother was married at the time or 300 days prior to the birth of the child and her husband is not the father of the child. If the mother was not married at the time or 300 days prior to when the child was born, there is no legal father, and this form need not be completed.
If the legal father is the Petitioner, please request the *Affidavit of Petitioner* form from the Service Center.
5. Child Support Guidelines (signed by both parties) (Original + 3 copies*)
6. Stipulated Judgment of Paternity (Original + 3 copies*)
7. Order/Notice to Withhold Income for Child Support (Original + 4 copies*)

Please Note: The *Stipulated Judgment of Paternity* and *Order/Notice to Withhold Income for Child Support* **must** be signed by a Judge in order for it to be in effect.

It takes approximately 2 weeks for the judge to review and sign your documents.

You may give the clerks a self-addressed stamped envelope to mail you file stamped, certified copies of your *Stipulated Judgment of Paternity* and *Order/Notice to Withhold Income for Child Support*. Make sure that you provide enough postage and the envelope is large enough for this purpose;

-OR-

You may check the Pro Se court jacket in Room **106** for your *Stipulated Judgment of Paternity and Order/Notice to Withhold Income for Child Support*. The clerks can direct you to where this jacket is located.

STEP 4: Finally, after you receive the signed and filed copies of the Judgment and Order:

1. Distribute certified, filed copies of the Judgment and Order to the Respondent(s).
2. Send a certified copy of Stipulated Judgment of Paternity and Order/Notice to Withhold Income for Child Support to CSEA.
3. Serve a certified copy of the Order/Notice to Withhold Income for Child Support on obligor's employer by certified mail, return receipt requested.
4. File a certified copy of the Judgment with the Department of Health, Vital Statistics Division, 54 High Street, 3rd Floor, Wailuku, Hawai'i 96793, Telephone No: 984-8210, if birth certificate needs amendment.
5. Complete Statement of Mailing with attached Exhibits and file in Room 106 after you receive the return receipt from the employer and the appropriate documents have been distributed to the parties.

If you have any questions, please contact:

Second Circuit Court Service Center
Hoapili Hale
2145 Main Street Room 141
(808) 244-2706
Monday-Friday 8:00 a.m. to 4:00 p.m.

** The amount of copies that should be made depend on the number of parties involved. The suggestion in parentheses (Original + 3 copies) apply when there are two parties (one Petitioner and one Respondent). If there are multiple Respondents, increase the number of copies accordingly. Please also make sure that you have enough certified copies.*

Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:



Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.