

## UNCONTESTED DIVORCE (WITH CHILDREN) DOCUMENT CHECKLIST

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 your “Spouse” is the Defendant.

**A. FIRST: File these at the Legal Documents Branch of the Circuit Court:**

Take these documents to the Legal Documents Branch of the Second Circuit Court (Hoapili Hale, 2145 Main Street, Wailuku) Room 106.

|     | Name of Document   | Copies                             | Signed by | Comments  |
|-----|--|------------------------------------|-----------|---|
| [ ] | <b>COMPLAINT FOR DIVORCE; AUTOMATIC RESTRAINING ORDER; SUMMONS TO ANSWER COMPLAINT</b> | Original<br>+ 3                    | You       | Filing this starts the divorce process. The Court Clerk will assign a case number. Fill in this number on the other documents that you will file later.   |
| [ ] | <b>MATRIMONIAL ACTION INFORMATION</b>  | Original<br>+ 1                    | You       |   |
| [ ] | <b>KIDS FIRST INFORMATION SHEET</b>  | Original<br>+ 1<br>Original<br>+ 1 |           | Staple both pink copies behind each copy of the <i>Complaint for Divorce</i> along with the <i>Summons</i> and <i>Automatic Restraining Order</i> before you take them to be filed. (Note: One pink form pertains to you and the other to your spouse). |
| [ ] | <b>INCOME AND EXPENSE STATEMENT OF PLAINTIFF</b>                                       | Original<br>+ 1                    | You       | Must be dated 60 days current of the date your case is placed on the calendar.  |
| [ ] | <b>ASSET AND DEBT STATEMENT OF PLAINTIFF</b>   | Original<br>+ 1                    | You       | Must be dated 60 days current of the date your case is placed on the calendar.  |

If your spouse will not sign an *Appearance and Waiver*, you must properly serve the *Complaint for Divorce*, *Summons to Answer Complaint* and *Automatic Restraining Order* on your spouse and file one of the following:

|     | Name of Document   | Copies          | Signed by | Comments  |
|-----|--|-----------------|-----------|---|
| [ ] | <b>PROOF OF SERVICE</b><br><br>OR  | Original<br>+ 1 |           | This document must be completed by the person who delivers the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> and <i>Automatic Restraining Order</i> to your spouse. It cannot be file-stamped by the Court Clerk until the person who served the documents fills it out completely. |
| [ ] | <b>MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL</b> | Original<br>+ 2 | You       | If your spouse lives out-of-state, you can send the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> and <i>Automatic Restraining Order</i> by certified, registered mail, return receipt requested. You must sign this document before a notary public.                               |

**B. NEXT: Fill in the Case Number and file at the Legal Documents Branch:**

|     | Name of Document                                 | Copies       | Signed by      | Comments   |
|-----|--|--------------|----------------|--|
| [ ] | <b>INCOME AND EXPENSE STATEMENT OF DEFENDANT</b> | Original + 1 | Spouse         | If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing <b>Uncontested Divorce</b></i>   |
| [ ] | <b>ASSET AND DEBT STATEMENT OF DEFENDANT</b>     | Original + 1 | Spouse         | If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing <b>Uncontested Divorce</b></i> .   |
| [ ] | <b>APPEARANCE AND WAIVER</b><br>OR               | Original + 1 | Spouse         | This document must be signed before a notary public. Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce, Summons to Answer Complaint, and Automatic Restraining Order</i> and signed a completed <i>Divorce Decree</i> <b>before</b> your spouse can sign this document. |
| [ ] | <b>PROOF OF SERVICE</b><br>OR                    | Original + 1 | Process Server | If the <i>Complaint for Divorce, Summons to Answer Complaint and Automatic Restraining Order</i> were delivered to your spouse by someone (for instance, a process server), the person who delivered the document must fill this out and sign it before you can have it file-stamped.              |
| [ ] | <b>STATEMENT OF MAILING</b>                      | Original + 1 | You            | If you served the <i>Motion for Service by Mail and Affidavit; Order for Service by Mail, Complaint for Divorce, Summons to Answer Complaint, and Automatic Restraining Order</i> on your spouse by mail; complete this document when you <b>receive the return receipt</b> .                      |

**C. LAST :** Fill out the following *after* (1) your spouse has signed the *Appearance and Waiver*, OR (2) 20 days have passed since your spouse was served and you have not received an answer:

|     | Name of Document   | Copies                    | Signed by             | Comments   |
|-----|--|---------------------------|-----------------------|--|
| [ ] | <b>AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)</b>  | Original + 1              | You                   | This document is a sworn statement that you must sign before a notary public. It requires that you provide various information and dates. Do <b>NOT</b> complete this document until the other documents have been completed.                |
| [ ] | <b>REQUEST FOR NON-HEARING UNCONTESTED DIVORCE</b>       | Original + 1              | You                   | This document requests that your divorce be granted without a court hearing.   |
| [ ] | <b>CHILD SUPPORT GUIDELINES WORKSHEET</b>                | Original + 1              | You <b>and</b> Spouse | This document determines the amount of child support to be paid by the non-custodial parent to the custodial parent.   |
| [ ] | <b>ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT</b> | Original + 4              | Judge                 | This document directs the obligor's (person paying child support) employer to pay to Child Support Enforcement Agency the amount of child support owed.  |
| [ ] | <b>DIVORCE DECREE</b>                                    | Original + 3 (or up to 5) | You <b>and</b> Spouse | Your spouse's signature <b>IS</b> required if you are getting a divorce by agreement ( <b>AND</b> your spouse has signed an <i>Appearance and Waiver</i> ). Your spouse's signature is not required if you are getting a divorce by default. |

It takes approximately two (2) weeks for the Judge to review and sign your documents. Your divorce becomes final when the Judge signs and files the *Divorce Decree*. See instructions on how to receive your certified copy.