

\_\_\_\_\_  
Name (and Attorney License No. if applicable)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number                      Fax Number

\_\_\_\_\_  
E-Mail Address

[    ] Self-Represented Plaintiff

[    ] Attorney for Plaintiff

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

) CASE NO.: \_\_\_\_\_

)

) COMPLAINT FOR DIVORCE;

) AUTOMATIC RESTRAINING ORDER;

Plaintiff,

) SUMMONS TO ANSWER COMPLAINT;

v.

) [    ] EXHIBIT A

)

)

)

)

)

Defendant.

COMPLAINT FOR DIVORCE

I, the Plaintiff, in support of this Complaint for Divorce, allege the following:

**1. Jurisdiction** (Please check all that apply)

[    ] a. I am domiciled on O‘ahu, State of Hawai‘i, at the time of the filing of this Complaint.

HRS § 580-1(a)

- ] b. I am residing on a military or federal base, installation, or reservation within the State of Hawai‘i, or am in the State of Hawai‘i under military orders. HRS §580-1(a).
- ] c. My marriage was solemnized on O‘ahu, State of Hawai‘i, and my resident state and spouse’s resident state does not recognize same sex marriage. HRS §580-1(b)& (c).

2. **Marriage:** The parties (Plaintiff and Defendant) are lawfully married to each other.  
 Date of marriage: \_\_\_\_\_.

3. **Child(ren):**

- ] a. The parties have no children together.
- ] b. The parties have (how many) child(ren) under the age of 18 together.
- ] c. The parties have (how many) child(ren) age 18 or older together, who are dependent on them for support.
- ] d. The parties have (how many) child(ren) age 18 or older together, who are not dependent on them for support.
- ] e. Plaintiff has (how many) child(ren) born during the marriage and Defendant is not the biological parent.
- ] f. Defendant has (how many) child(ren) born during the marriage and Plaintiff is not the biological parent.
- ] g. Plaintiff is pregnant. Defendant  ] is  ] is not the biological parent.
- ] h. Defendant is pregnant. Plaintiff  ] is  ] is not the biological parent.

4. **Custody and Visitation:**

- a. Legal custody of the minor child(ren) should be awarded to:  
 ] Me, Plaintiff.  ] My spouse, Defendant.  ] Both parties jointly.
- b. Physical custody of the minor child(ren) should be awarded to:  
 ] Me, Plaintiff.  ] My spouse, Defendant.  ] Both parties jointly.
- c. The parent not awarded physical custody should have:  
 ] reasonable visitation  ] supervised visitation  ] \_\_\_\_\_

5. **Child Support:** Child support should be awarded in accordance with the Child Support Guidelines.

6. **Division of Assets:** All assets of the Defendant and I own should be divided in a just and equitable way.

7. **Division of Debts:** All debts the Defendant and I owe should be divided in a just and equitable way.

**8. Spousal Support (Alimony):**

- a. I am entitled to an order that the Defendant pay spousal support (alimony) to me.
- b. Defendant  is  is not entitled to an order that I pay spousal support (alimony)

**9. Grounds:** Pursuant to HRS section 580-1, I allege that the ground(s) for divorce is/are as follows:

- a. The marriage is irretrievably broken.
- b. The parties have lived separate and apart under a decree of separation from bed and board, entered by a court of competent jurisdiction, the term of separation has expired and no reconciliation has been effected.
- c. The parties have lived separate and apart for a period of two years or more under a decree of separate maintenance entered by a court of competent jurisdiction and no reconciliation has been effected.
- d. The parties have lived separate and apart for a continuous period of two years or more immediately preceding the application, there is no likelihood that cohabitation will be resumed, and in the particular circumstances of the case, it would not be harsh and oppressive to the Defendant or contrary to public interest to grant a divorce on this ground of the Complaint of the Plaintiff.

It is requested of the Court that a decree be entered granting a divorce from the bonds of matrimony and granting the relief requested above, all as alleged and as may be appropriate and in accordance with the evidence and the law, and other relief as the Court deems proper in this case.

**I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.**

DATED: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(City) (State) (Date)

\_\_\_\_\_  
Plaintiff's Signature



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation: Call the ADA Coordinator of the First Circuit Family Court Office at (808)954-8200, fax (808)954-8308, or send an e-mail to [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will work to provide, but cannot guarantee your requested auxiliary aid, service, or accommodation.

*Please call the Family Court Service Center at (808)954-8290 if you have any questions about forms or procedures.*

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[    ] Self-Represented Plaintiff

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IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

) CASE NO.: \_\_\_\_\_

)

) AUTOMATIC RESTRAINING ORDER

)

) Plaintiff,

v. )

)

)

)

)

) Defendant. )

AUTOMATIC RESTRAINING ORDER

Pursuant to sections 580-10.5 and 571-53 of the Hawai‘i Revised Statutes (HRS), IT IS  
HEREBY ORDERED that:

- (1) Each party to a Complaint for annulment, divorce, or separation, shall automatically

be subject to a restraining order that **shall be effective on the Plaintiff upon the filing of the Complaint and Summons and shall be effective on the Defendant upon service of the Summons and Complaint or any other acceptance of service by the Defendant;**

- (2) Neither party shall sell, transfer, encumber, conceal, assign, remove, or in any way dispose of any property, real or personal, belonging to or acquired by either party, except as:
  - (a) required for reasonable living expenses;
  - (b) occurring in the ordinary and usual course of business;
  - (c) required for payment of reasonable attorney's fees and costs in connection with the action;
  - (d) occurring pursuant to a written agreement of both parties; or
  - (e) required by order of the court.
- (3) Neither party shall incur any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards; provided that this paragraph shall not apply to reasonable amounts of debt necessary for living and business expenses, including child educational expenses and reasonable litigation fees and costs for the pending action;
- (4) Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension, or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by order of the court;
- (5) Neither party shall directly or indirectly cause the other party or a minor child to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect; and
- (6) Neither party shall remove a minor child of the parties from the island of that child's

current residence nor remove a minor child of the parties from the school that child is currently attending.

- (7) This Automatic Restraining Order shall remain in effect during the pendency of the action, unless it is modified by agreement of the parties or by further order of the court.

DATED: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(City) (State) (Date)

\_\_\_\_\_  
SIGNATURE OF THE CLERK OF THE COURT

Print Name: \_\_\_\_\_

FC Adm 4/4/22



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IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

) CASE NO.: \_\_\_\_\_

)

) SUMMONS TO ANSWER COMPLAINT

)

) Plaintiff,

v. )

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)

)

) Defendant.

SUMMONS TO ANSWER COMPLAINT

**TO THE DEFENDANT:**

You are hereby summoned and required to file and serve upon the Plaintiff's attorney, or upon the Plaintiff if the Plaintiff is not represented by an attorney, a written answer to the attached Complaint for Divorce within 20 days after service of this Summons upon you, exclusive of the date of service.

If you have not registered as a JEFS User, your written Answer must be filed with the Chief Clerk of this Circuit at the following location or address:

Ronald T.Y. Moon Kapolei Courthouse 4675 Kapolei Parkway Kapolei, HI 96707	or	Ka'ahumanu Hale 777 Punchbowl Street Honolulu, HI 96813
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A copy of your Answer should be served upon the Plaintiff, if the Plaintiff is not represented by an attorney, at the address shown on the Complaint for Divorce. Attorneys will be served electronically once your Answer is filed. If you fail to file your written Answer within the 20-day time limit, further action may be taken in this case, including entry of default against you and the entry of a judgment for the relief demanded in the Complaint for Divorce, without further notice to you.

**THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE PUBLIC UNLESS A JUDGE OF THE DISTRICT OR CIRCUIT COURT PERMITS IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.**

**FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.**

DATED: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(City) (State) (Date)

\_\_\_\_\_  
SIGNATURE OF THE CLERK OF THE COURT

Print Name: \_\_\_\_\_



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