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SCRU-11-0000580

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
District Court Rules of Civil Procedure

ORDER AMENDING FORMS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that, effective upon entry of this order, the attached Forms DC05, DC06, DC48 and DC54 are amended for use in the District Courts of the State of Hawai'i and appended to the District Court Rules of Civil Procedure. The forms as amended replace the prior forms bearing the same "DC" number.

IT IS FINALLY ORDERED that the district courts are authorized to insert circuit identifiers, addresses and contact

information and to publish the forms in print or electronic format.

DATED: Honolulu, Hawai'i, April 29, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson



Small Claims – Statement of claim and notice for security deposit disputes (#_DC05)

In the Small Claims Division of the
 District Court of the _____ Circuit
 _____ Division
 State of Hawai'i

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you want your landlord to return the security deposit from a residential lease.

When you file this form, you are called the **Plaintiff**. Your landlord will be the **Defendant**.

This form is 3 pages and has 2 parts:

Case number:

Part I: The Statement of Claim, including your sworn statement about your situation (called a **Declaration**).

Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.

Part II: A Notice of Hearing. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Part I

STATEMENT OF CLAIM

1 Give the Court your contact information and as much of your landlord's contact information as you can.

Your name:		Landlord's name:	
Your full address, telephone number, and email:		Landlord's full address, telephone number, and email:	

2 Give the Court information about the money that your landlord owes you.

My landlord owes me this much of my deposit: \$ I moved out on this date:

Month	Day	Year

This is why my landlord owes me the money:
 (Add another sheet if necessary)

3 Read the information below and then sign the Declaration.

I would like the Court to order my landlord to pay me the amount I listed on the first page.

I would also like the Court to order my landlord to pay me interest, costs, and fees that the Court believes are just and reasonable. I understand that if the Judge finds that my landlord wrongfully and willfully kept all or part of my security deposit, the Judge may order the landlord to pay me three times the security deposit, which is allowed by Hawai'i Revised Statutes § 521-44(h).

PLAINTIFF'S DECLARATION

The information in this claim is true and correct. I understand that I may be prosecuted for perjury if I have stated anything in this form that I know is not true.

Your signature:

Today's date:

Part II

NOTICE OF HEARING

4 Fill in the landlord's name below and then take or mail the form to the Court. Court staff will schedule a hearing and will fill out the rest of Part II.

To:
(Landlord's name)

The Plaintiff has filed this Statement of Claim. A Judge will review evidence and hear arguments from both the Plaintiff and the Defendant at the place and time stated here:

Place: [Space reserved for COURT ADDRESSES]

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:

Clerk's signature:

Today's date:

Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the landlord and you do not come to the hearing, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

No. An attorney may not represent either party in the Small Claims Division for security deposit cases.

May I bring witnesses and documents to support my case to the hearing?

Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above.

You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form your Landlord.

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Landlord.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public or unless a Judge of this Court, by written order, permits personal delivery during those hours.



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 _____; or
- Send an e-mail to _____

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact the _____ at **PHONE NO. (808)** _____

• **VISIT** _____

Small Claims – General statement of claim and notice (#_DC06)

In the Small Claims Division of the
District Court of the _____ Circuit
_____ Division
State of Hawai'i

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you believe someone owes you \$5,000 or less.

When you file this form, you are called the **Plaintiff**. The person you want a judgment against is called the **Defendant**.

This form is 3 pages and has 2 parts:

Part I: The Statement of Claim, including your sworn statement about your situation (called a **Declaration**).

Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.

Part II: A Notice of Hearing. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Case number:

Part I

STATEMENT OF CLAIM

1 Give the Court your contact information and as much of the Defendant's contact information as you can. If you have an attorney, give the Court your attorney's contact information.

Your name,
address,
telephone
number, and
email:

Defendant's
name, address,
telephone
number, and
email:

Your attorney's
name, attorney
number, firm
name, address,
telephone
number, and
email:

Attorney signature

On the next page, you will give the Judge more information about your case and what you would like to happen. You will then sign a Declaration, swearing that the information in this form is true.

2 Give the Court information about the money that the Defendant owes you.

The Defendant owes me this much money:	\$ <input type="text"/>	The Defendant has owed me this money since this date:	Month <input type="text"/>	Day <input type="text"/>	Year <input type="text"/>
This is why the Defendant owes me money: (Attach another sheet if you need more room.)	<input type="text"/>				

3 Read the information below and then sign the Declaration.

I would like the Court to order the Defendant to pay me the amount listed above. I would also like the Court to order the Defendant to pay me interest, costs, and fees that the Court believes are just and reasonable.

PLAINTIFF'S DECLARATION

The information in this claim is true and correct. I understand that I may be prosecuted for perjury if I have stated anything in this form that I know is not true.

Your signature: <input type="text"/>	Today's date: <input type="text"/>
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Part II

NOTICE OF HEARING

4 Fill in the Defendant's name below and then take or mail the form to the Court. Court staff will schedule a hearing and will fill out the rest of Part II then return it to you to serve.

To:
(Defendant's name)

The Plaintiff has filed this Statement of Claim. A Judge will hear arguments from both the Plaintiff and the Defendant at the place and time stated here:

Place: [space reserved for COURT ADDRESSES]

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:

Clerk's signature: <input type="text"/>	Today's date: <input type="text"/>
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Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the Defendant and you do not come to the hearing on the date and time shown above, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

Yes. You may come to the hearing with or without an attorney.

May I bring witnesses and documents to support my case to the hearing?

Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above.

You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

How can I get the case moved to a different court?

A small claims case can only be transferred to the Court's Regular Claims Division if the Plaintiff agrees to the transfer. If the Plaintiff agrees to the transfer, you must pay the regular claims filing fee to this Court.

Defendant, if you file a counterclaim for more than \$5,000, then either you or the Plaintiff may ask for a jury trial. Once the jury fee is paid, the Court will decide if the case should be transferred to the Circuit Court.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form to the Defendant

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Defendant.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public, or unless a Judge of this Court, by written order, permits personal delivery during those hours.



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 _____; or
- Send an e-mail to _____

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact the _____ at **PHONE NO. (808)** _____

• **VISIT** _____

- SATISFACTION OF JUDGMENT AND/OR
- RELEASE OF GARNISHEE(S)

Form#_DC48

IN THE DISTRICT COURT OF THE _____ CIRCUIT _____ DIVISION STATE OF HAWAI'I	
Plaintiff	Reserved for Court Use Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone Number, and Email
Name of Garnishee to be released:	

- SATISFACTION OF JUDGMENT AND/OR
- RELEASE OF GARNISHEE

The undersigned acknowledges full satisfaction and payment of the **JUDGMENT** in the above-entitled case.

- Release of Garnishee as stated above.

CERTIFICATE OF SERVICE

I certify that I served the Opposing party or attorney and/or Garnishee on (date) _____ by Hand-delivery or Mail, at the following address:

Date:	Signature of Filing Party/Filing Party Attorney: Print/Type Name:
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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 _____; or
- Send an e-mail to _____

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact the _____ at **PHONE NO. (808) _____** • **VISIT**

WRIT OF POSSESSION

IN THE DISTRICT COURT OF THE _____ CIRCUIT _____ DIVISION STATE OF HAWAI'I	
Plaintiff	Reserved for Court Use
	Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone Number, and Email
Premises Address:	Court Date Writ Was Issued:
	Effective Date of Writ of Possession:
WRIT OF POSSESSION	
THE STATE OF HAWAI'I:	
TO: The Director of Public Safety of the State of Hawai'i, the Director's deputy or any police officer or other person authorized by the laws of the State of Hawai'i.	
Plaintiff appeared on the Court Date above and obtained a Judgment For Summary Possession against Defendant, under the provisions of Hawai'i Revised Statutes §666-11, for the possession of the premises located at the address specified above.	
NOW, YOU ARE COMMANDED TO REMOVE Defendant and all persons holding under or through the Defendant from the premises, including all personal belongings and properties, and to put Plaintiff in full possession of the premises.	
Date:	Judge

SEE PAGE 2 FOR EXECUTION INFORMATION

File the Writ with the completed execution information within 180 days from the date of this Writ, unless extended by order of this Court.

I am duly authorized by Hawai'i law to serve this Writ and I executed this Writ on the following person(s):

at (location): _____

on (date): _____ 20__.

Date:	Signature of Serving Officer: Print/Type Name:
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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 _____; or
- Send an e-mail to _____

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact the _____ at **PHONE NO.** (808) _____ •

VISIT _____.