

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	CASE ID/NUMBER _____
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AFFIDAVIT OF PLAINTIFF
(For cases filed BEFORE January 1, 2022)

v. Plaintiff,

Defendant.

This document is prepared by
[] Self-Represented Plaintiff
[] Attorney for Plaintiff

Name (and if applicable, Attorney No.)

Address

City, State, Zip Code

Telephone Number

E-Mail Address

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

Plaintiff in the above-entitled action, being first duly sworn on oath, deposes and says that:

1. Plaintiff's full name and address is: _____

2. Legal Representation:
2a. [] Plaintiff is [] representing himself/herself. [] represented by the attorney named above.
3. Service of Process on Defendant was made by:
3a. [] Personal Service: A *Proof of Service* or *Affidavit of Service* has been filed showing that the Defendant was personally served with a filed copy of the *Complaint for Divorce*;

Automatic Restraining Order; Summons to Answer Complaint on _____
(Month/Day/Year)
by a person authorized to serve legal documents.

3b. ☐ Certified or Registered Mail: A filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* was served upon Defendant by certified or registered mail. A *Statement of Mailing* or *Affidavit of Mailing* and an original return receipt signed by the Defendant on _____
(Month/Day/Year)
has been filed. Plaintiff recognizes Defendant's signature on the return receipt.

3c. ☐ Appearance and Waiver: Defendant acknowledged receipt of a filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* and signed an *Appearance and Waiver* on _____
(Month/Day/Year). Plaintiff recognizes Defendant's signature on the *Appearance and Waiver*.

3d. ☐ Publication: The *Affidavit of Publication* was filed on _____
(Month/Day/Year).

4. **Default:**

4a. ☐ More than twenty (20) days have passed since the service of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* upon Defendant. No responsive pleading has been filed. Neither Plaintiff nor Plaintiff's attorney has received any communication from Defendant or Defendant's attorney concerning this case since the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* was served.

4b. ☐ An order granting the *Motion for Entry of Default* was filed on _____
(Month/Day/Year).

5. ☐ **If Proceeding by Default: (REQUIRED** - Please check only **ONE** of the boxes below and provide a short statement with explanation.) *See* HRS sec. 657D-11 and 50 U.S.C. 3931.

5a. ☐ Plaintiff asserts with personal knowledge that Defendant IS presently in the military, based upon the following facts: _____

5b. ☐ Plaintiff asserts with personal knowledge that Defendant IS NOT presently in the military based upon the following facts: _____

5c. [] Plaintiff asserts that he/she lacks personal knowledge and is unable to determine whether or not Defendant is presently in the military, based upon the following facts:

6. Jurisdiction:

6a. [] Plaintiff had been domiciled or physically present on the Island of Oahu for a continuous period of at least 3 months prior to the filing of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint*.

6b. [] Plaintiff had been domiciled or physically present in the State of Hawai'i for a continuous period of at least 6 months prior to the filing of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint*.

6c. [] Defendant had been domiciled or physically present in the State of Hawai'i for a continuous period of at least 6 months prior to the filing of the *Complaint for Divorce; Automatic Order; and Summons to Answer Complaint*.

6d. [] Plaintiff's marriage was solemnized under HRS Chapter 572 in this State and neither party is domiciled in a State that recognizes their marriage.

7. Defendant resides in (City, State) _____.

8. The parties were married on _____ in _____, _____.
(Month/Day/Year) (City) (State)

9. The parties last lived together in _____ on _____.
(City, State) (Month/Day/Year)

10. Plaintiff believes that the marriage is irretrievably broken because:

11. Financial Statements:

11a. Plaintiff signed *Income and Expense* and *Asset and Debt Statements* on _____.
(Month/Day/Year)

To the best of Plaintiff's knowledge, there have been no substantial changes in Plaintiff's financial circumstances since that date.

11b. ☐ On _____, Defendant signed an *Income and Expense Statement*
(Month/Day/Year)
and an *Asset and Debt Statement*. Plaintiff recognizes Defendant's signature on said documents.

11c. ☐ Defendant's *Income and Expense Statement* and *Asset and Debt Statement* are not filed because: _____

12. Plaintiff has carefully reviewed the proposed *Divorce Decree* ("Decree") and agrees to the alimony, division of property, and other provisions as provided in the proposed *Decree*.

13. Defendant signed the proposed *Decree*. ☐ Plaintiff recognizes Defendant's signature on the *Decree*.

14. Plaintiff wishes to resume the use of his/her ☐ birth middle and surname ☐ former married name and be known as: _____.

15. Defendant wishes to resume the use of his /her ☐ birth middle and surname ☐ former married name and be known as: _____.

16. Language Comprehension:

16a. ☐ Plaintiff fully understands the English language.

16b. ☐ Although Plaintiff does not fully comprehend written English, this document has been explained to him/her by _____ and based on that explanation Plaintiff understands this document.

17. Plaintiff requests that the court grant this divorce and enter the *Decree* without his/her appearance in court.

18. Plaintiff has read this document and signs it voluntarily and without coercion and duress and not because he/she was told to sign it.

19. Pregnancy

- 19a. ☐ Plaintiff is not pregnant.
- 19b. ☐ Plaintiff is pregnant and the expected date of delivery is _____.
Defendant ☐ is ☐ is not the father of said child.
- 19c. ☐ Defendant is not pregnant.
- 19d. ☐ Defendant is pregnant and the expected date of delivery is _____.
Plaintiff ☐ is ☐ is not the father of said child.

20. Child(ren)

- 20a. ☐ Plaintiff and Defendant have no children together.
- 20b. ☐ The parties have ____ child(ren) together. The child(ren)'s initials and year of birth are stated below from the oldest to the youngest child (including adult children).

<u>Child's Initials*</u>	<u>Year of Birth*</u>	<u>Child's Initials*</u>	<u>Year of Birth*</u>
1. _____		4. _____	
2. _____		5. _____	
3. _____		6. _____	

- 20c. ☐ There is/are child(ren) conceived during this marriage who were fathered by someone other than myself/my spouse. The child(ren)'s name(s) and birthdate(s) are listed below:

<u>Child's Initials*</u>	<u>Birth Year*</u>	<u>Judgment of Paternity entered?</u>		<u>Child's Initials*</u>	<u>Birth Year*</u>	<u>Judgment of Paternity entered?</u>	
		<u>Yes</u>	<u>No</u>			<u>Yes</u>	<u>No</u>
_____		<input type="checkbox"/>	<input type="checkbox"/>	_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>	_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>	_____		<input type="checkbox"/>	<input type="checkbox"/>

* Full names and birthdates may be found in the *Notice of Confidential Information and/or the Matrimonial Action Information forms*.

21. Prior or Pending Custody Proceedings

- 21a. ☐ I have not participated in any capacity in any lawsuit or proceeding in any state concerning custody of the minor child(ren) of the Plaintiff and Defendant together. I have no information of any pending custody proceeding or of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights concerning any minor child(ren) of the Plaintiff and Defendant together.

21b. [] Prior court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date (Month/Day/Year) Filed: _____

Date (Month/Day/Year) Concluded: _____

Type of Case: _____

21c. [] Other pending court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date (Month/Day/Year) Filed: _____

Type of Case: _____

22. Plaintiff agrees to the custody arrangement and child support amounts as provided in the proposed *Divorce Decree*.

23. Child Support

23a. [] Plaintiff believes that the information provided in the completed Child Support Guidelines Worksheet is accurate to the best of the Plaintiff's knowledge and the proposed child support is consistent with the Child Support Guidelines Worksheet.

23b. [] The proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstance(s): _____

24. Kids First

24a. [] I attended the Kids First Program on _____.
(Month/Day/Year)

24b. [] I was excused by Judge _____ from attending the Kids First Program.

25. Other: _____

Plaintiff declares that he/she understands that his/her signature under oath before a notary public is his/her solemn statement that he/she read this Affidavit and knows and understands the contents and that these statements are true, correct, and completed to the best of his/her knowledge and belief.

DATE	PLAINTIFF'S SIGNATURE (MUST BE SIGNED BEFORE A NOTARY PUBLIC)
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Document Title: Affidavit of Plaintiff (for Uncontested Divorce)

Document Date: _____ Number of Pages: 7

was subscribed and sworn to before me in the First Circuit, State of Hawai'i by: _____

Notary Public's Signature: _____

Date: _____

in the First Circuit, State of Hawai'i.

Print Notary Public's Name: _____

My commission expires on: _____

(Notary Seal)



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. 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.