

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

Plaintiff, Pro Se Defendant, Pro Se
 Attorney for Plaintiff Defendant

**IN THE FAMILY COURT OF THE SECOND CIRCUIT
STATE OF HAWAII**

)	FC-D NO. _____
)	
Plaintiff,)	COMPLAINT FOR DIVORCE;
)	AUTOMATIC RESTRAINING ORDER;
vs.)	SUMMONS TO ANSWER COMPLAINT
)	
)	
)	
)	
Defendant.)	

COMPLAINT FOR DIVORCE

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

1. JURISDICTION:

a. Pursuant to H.R.S. Section 580-1(a), I declare that I and/or my spouse was domiciled in the State of Hawaii, County of Maui at the time the application for divorce was filed.

b. My resident state does not recognize same sex marriage.

2. **Marriage:** The parties (Plaintiff and Defendant) are lawfully married to each other.

3. **Child(ren):**

- a. The parties have no child(ren) together.
- b. The parties have _____(how many) child(ren) under age 18 together.
- c. The parties have _____(how many) child(ren) under 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 for whom the Defendant is not the biological parent.
- f. Defendant has _____(how many) child(ren) born during the marriage for whom the Plaintiff is not the biological parent.
- g. Plaintiff is pregnant and Defendant is not the biological parent.
- h. Defendant is pregnant and Plaintiff is not the biological parent.

4. **Custody and Visitation:**

- a. Legal custody of the minor child(ren) should be awarded to:
 Plaintiff Defendant Both parties jointly
- b. Physical custody of the minor child(ren) should be awarded to:
 Plaintiff Defendant Both parties jointly
- c. The parent not awarded physical custody should have:
 Reasonable visitation Supervised visitation

- d. Child Support should be awarded in accordance with the Child Support Guidelines.

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

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

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

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

8. Grounds:

- 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 separation has expired, and no reconciliation has been effected.
- c. The parties have lived separate and apart for a period of two (2) 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 (2) years or more immediately preceeding the application, there is no reasonable 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 the public interest to grant a divorce on this ground on the complaint of 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: _____, Hawai`i, _____
City Date

Plaintiff's Signature

**IN THE FAMILY COURT OF THE SECOND CIRCUIT
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Plaintiff,)	AUTOMATIC RESTRAINING ORDER
)	
vs.)	
)	
)	
)	
)	
)	
Defendant.)	

AUTOMATIC RESTRAINING ORDER

A Complaint for [] Divorce [] Annulment [] Separation (check one) is being filed concurrently with this restraining order, and pursuant to ACT 213 (House Bill 1614 HD1 SD1 CD1), which became law and effective July 10, 2018, “each party to a complaint for an annulment, divorce, or separation shall automatically be subject to a restraining order that shall be effective with regard to the plaintiff upon the filing of the complaint and with regard to the defendant upon service of the summons and complaint or any other acceptance of service by the defendant.”; (See also Hawai‘i Revised Statutes (H.R.S.) §580 Automatic Restraining Order.)

THEREFORE IT IS HEREBY ORDERED that upon the filing of the Complaint by plaintiff and service upon defendant, the following AUTOMATIC RESTRAINING ORDER applies to both parties:

1. 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 expenses of living;
 - (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;
2. 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 reasonable amounts of debt necessary for living and business expenses, including child education expenses and reasonable litigation fees and costs for the pending action;
3. 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;
4. 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**
5. 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.

IT IS FURTHER ORDERED that after service of the complaint for annulment, divorce, or separation, the Defendant may file a motion to set aside or modify the AUTOMATIC RESTRAINING ORDER and may choose to file the Motion without submitting to the jurisdiction of the court. The court shall proceed to hear and determine the motion as expeditiously as possible.

IT IS A DEFENSE to any enforcement action under this section that an act of domestic abuse as defined in §586-1 has occurred. Any sanction for any violation of this Automatic Restraining Order shall remain within the discretion of the court, which shall take into account any instance of domestic abuse and the best interests of the child for violations of subsection (5).

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.

The provisions of this **AUTOMATIC RESTRAINING ORDER** shall be issued by the family court and a copy therefor shall be served with every complaint to which it applies.

This **AUTOMATIC RESTRAINING ORDER** shall be vacated upon the entry of an annulment, divorce or separation DECREE.

APPROVED AND SO ORDERED:

/s/ James R. Rouse

Judge of the above-entitled court

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vs.)	
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Defendant.)	

SUMMONS TO ANSWER COMPLAINT

TO THE DEFENDANT

You are hereby summoned and required to serve a written answer to the attached Complaint within twenty (20) days after service of this Summons upon you, exclusive of the date of service.

Your written answer must be filed with the Chief Clerk of this Circuit at the following location or address:

Hoapili Hale
2145 Main Street
Wailuku, Maui HI 96793

A copy of your answer should also be served upon the Plaintiff's attorney, or in the event Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the Complaint.

If you fail to file your written answer within the twenty (20) day time limit, further action may be taken in this case, including judgment for the relief demanded in the Complaint, 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 OR THE DISTRICT OR CIRCUIT COURTS PERMITS, IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

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

DATE

CLERK OF THE COURT

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.