

These checklist(s) and instruction(s) are to be used as a guide only and are not a substitute for proper legal advice.

Uncontested Divorce without Minor and/or Dependent Children Checklist

Detailed instructions follow this checklist.

Step 1 - Start your case by filing the required initial documents:

- [Complaint for Divorce; Automatic Restraining Order; Summons to Answer Complaint](#); and
- [Matrimonial Action Form](#); and
- [Notice of Confidential Information](#); and
- (If applicable) [Ex Parte Motion for Service by Mail and Declaration](#) and [Proposed Order for Ex Parte Service by Mail and Declaration](#); and/or
- (If applicable) [Ex Parte Motion for Personal Service Without State and Declaration; Order for Personal Service Without the State](#)
- (If applicable) [Notice to Attend the Kids First Program](#) (NOTE: If either you or your spouse has a minor child from a prior relationship, this must be filed.)

Step 2 – Show the defendant was “served” by filing:

- [Proof of Service](#) (if personally served in Hawai‘i); or
- [Statement of Mailing Exhibits “1” and “2”](#) (if served by mail off the Island of Oahu); or
- [Notarized Affidavit of Service](#) (if personally served outside of Hawai‘i) (NOTE: no Court form is available)

Step 3 - Complete and file the following documents:

- [Income and Expense Statement](#)
 - Plaintiff; and
 - Defendant (if unable to obtain, can be explained in *Affidavit of Plaintiff*), not required if proceeding by default
- [Asset and Debt Statement](#)
 - Plaintiff; and
 - Defendant (if unable to obtain, can be explained in *Affidavit of Plaintiff*), not required if proceeding by default; or
 - Both parties (separate statements not required if completed for both parties, both parties must sign)

Step 4 - Complete and file final required documents:

- [Appearance and Waiver](#) (after agreement is reached), not required if proceeding by default; and
- [Affidavit of Plaintiff](#); and
- [Proposed Divorce Decree \(Without Minor and/or Dependent Children\)](#)

Step 5 - Judge reviews your divorce documents to grant or deny your divorce:

- Should receive confirmation of granting or denial within 6-10 weeks of review date.

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Uncontested Divorce **without Minor and/or Dependent Children** **Instructions**

STEP 1: START YOUR DIVORCE CASE

1. Initial Documents. To start a divorce case, you (i.e., the plaintiff) will need to complete, sign and date the following documents (“initial documents”):

- a. [Complaint for Divorce; Automatic Restraining Order; Summons to Answer Complaint](#)
- b. [Matrimonial Action Form](#)
- c. [Notice of Confidential Information](#)
- d. [Notice to Attend the Kids First Program](#) (if applicable)
- e. Service of the Documents Listed in Paragraphs a-d. The documents listed in paragraphs a-d must be “served” on (or properly given to) your spouse (i.e., the defendant) in the correct way after they are filed. (See Step 2 below for more information.) If your spouse does not live on the Island of Oahu, you may need to ask the Court to grant one of the motions listed below to serve your spouse.
 - i. If your spouse does not live on Oahu, your spouse can be served by mail or personally (or both). You must obtain the Court’s permission to serve by mail or personal service by submitting the following documents for the Court’s approval:
 - To Serve by Mail: [Ex Parte Motion for Service by Mail and Declaration](#) and [Proposed Order for Ex Parte Motion for Service by Mail and Declaration](#); or
 - To Serve by Personal Service: [Ex Parte Motion for Personal Service Without State and Declaration; Order for Personal Service Without the State.](#)
 - ii. If your spouse lives on Oahu, the documents must be given to your spouse personally by someone (other than you) who is over the age of 18. The documents can also be left with someone “of suitable age and discretion” who resides with your spouse.

If you do not have an attorney, you should have your documents reviewed at the Family Court Service Center located either on the first floor of the Ronald T.Y. Moon Courthouse or on the first floor of Kaahumanu Hale. The Service Center staff will review your documents and make sure that all necessary documents have been submitted. Please note: the Service Center does not provide legal advice.

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2. File Initial Documents. You must then file the initial documents and pay the required [filing fees](#).

- **If filing in person (self-represented plaintiffs must file these initial documents in person):** Bring the original, completed, signed and dated initial documents and the [filing fees](#) to any Courthouse to be filed by the Court.
- **If filing the initial documents through the Judiciary Electronic Filing and Service System (JEFS) (this is only available to attorneys):** Upload the initial documents in JEFS. See Appendix 1 for directions on how to correctly file your documents in JEFS. Failure to correctly file your documents in JEFS may result in delays.

3. After Filing Initial Documents. Upon filing, a case number will be stamped on the initial documents. This case number will need to be included on all subsequent documents filed in the case. Self-represented plaintiffs will also receive details on how to register for a JEFS account if they wish to file electronically in the future.

STEP 2: SERVICE: GIVE (“SERVE”) DOCUMENTS TO YOUR SPOUSE

1. After the initial documents in Step 1 are filed, you must serve them on your spouse. An original, file-stamped copy of the initial documents must be served on your spouse within six (6) months of being filed or else the divorce case will be dismissed.

- If the documents from Step 1 were **filed in person**, you will receive the original, file-stamped initial documents immediately upon filing them at the courthouse.
- If the documents from Step 1 were **filed through JEFS**, you will need to print out the initial documents from JEFS to serve the defendant.

2. There are two (2) methods of serving your spouse:

a. Personal service (in-person delivery)

- If your spouse lives on Oahu, they must be personally served with the initial documents.
 - A private process server or any responsible person who is 18 years old or older (and is not you) may serve your spouse.
 - Once your spouse is served, a [Proof of Service](#) form must be filed.
 - The person who served the documents must complete and sign the *Proof of Service* form.

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- Information regarding the date, time and location where your spouse was served must be filled in.
- If your spouse lives on Oahu, the initial documents cannot be served by mail unless your spouse is willing to sign the *Divorce Decree (With Minor and/or Dependent Children)* (“Divorce Decree”) and an *Appearance and Waiver*.
- If your spouse lives in the State of Hawai‘i on an island other than Oahu, your spouse may be personally served. No motion is necessary.
- If your spouse lives outside of the State of Hawaii, your spouse may be personally served if:
 - You filed an *Ex Parte Motion for Personal Service Without State and Declaration; Order for Personal Service Without the State* in Step 1; and
 - The *Order for Personal Service Without the State* was granted (approved) by a Judge.
 - Once your spouse is served, a *Notarized Affidavit of Service* must be filed (NOTE: no Court form is available).

b. Service by Mail

- Your spouse may be served by mail if:
 - They do not live on Oahu; and
 - You filed an *Ex Parte Motion for Service by Mail and Declaration and Proposed Order for Ex Parte Motion for Service by Mail and Declaration* in Step 1; and
 - The *Order for Ex Parte Motion for Service by Mail* was granted (approved) by the Judge.
- You must send the initial documents to the defendant by certified or registered mail and restricted delivery (meaning the defendant must sign for the mail). You must save the receipt showing the payment for certified or registered mail and restricted delivery.
 - Your spouse must sign and date the Return Receipt (i.e. green card).
- Once you receive the Return Receipt, a [Statement of Mailing; Exhibits "1" and "2"](#) must be completed.
 - Exhibit 1: the white and green Receipt for Certified (or Registered) Mail received upon mailing.
 - Exhibit 2: the green card Domestic return receipt signed by your spouse.

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3. Once the *Proof of Service* or *Statement of Mailing*; Exhibits “1” and “2” are completed, signed and dated, they must be filed with the Court.

- **If filing in person:** bring the original completed, signed and dated documents to the courthouse to be filed by the Court.
- **If filing through JEFS:** upload the required documents into JEFS. See Appendix 1 for directions on how to correctly file your documents into JEFS. Failure to correctly file your documents in JEFS may result in delays.

4. After service of the initial documents, if you and your spouse agree to the terms of your divorce and sign a *Divorce Decree*, your spouse will need to complete an *Appearance and Waiver* and you will then need to complete an *Affidavit of Plaintiff*. See Steps 4 and 5 below.

5. If, after being served with the initial documents, your spouse does not file with the Court a written answer or response to the Complaint and Summons within 20 days and does not contact you in any way within 20 days after receipt of the Complaint and Summons, you may proceed with an Uncontested Divorce by Default.

STEP 3: COMPLETE AND FILE REQUIRED DIVORCE DOCUMENTS

After completing step 1 and step 2, the following documents must be completed, signed, dated and filed:

1. *Income and Expense Statement*

- Required for:
 - Plaintiff
 - Defendant (not required if proceeding by default or if the defendant refuses to provide it)
 - If you are unable to obtain an *Income and Expense Statement* from your spouse, you must explain why in the *Affidavit of Plaintiff* paragraph 10c.
- The information should be current within the past six (6) months.

2. *Asset and Debt Statement*

- Required for:
 - Plaintiff
 - Defendant (not required if proceeding by default or if the defendant refuses to provide it)

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- Alternatively, you and your spouse may complete the *Asset and Debt Statement* and include information for “both parties”. If you complete the statement for “both parties” only one statement is required and both parties must sign it.
- The information should be current within the past six (6) months.

3. Once all of these documents are completed, signed and dated, they must be filed with the Court.

- **If filing in person:** bring the original completed, signed and dated documents to the Courthouse to be filed by the Court.
- **If filing through JEFS:** upload the required documents into JEFS. See Appendix 1 for directions on how to correctly file your documents into JEFS. Failure to correctly file your documents in JEFS may result in delays.

STEP 4: COMPLETE AND FILE FINAL REQUIRED DIVORCE DOCUMENTS

These documents should not be filed with the Court until after the documents in Step 3:

1. *Proposed Divorce Decree (Without Minor and/or Dependent Children)*

- Complete after you and your spouse have come to an agreement, but before you complete the *Appearance and Waiver* and the *Affidavit of Plaintiff*.
 - Both you and your spouse must sign the last page of the *Divorce Decree*.
 - Your spouse’s signature is not required if proceeding by default.
 - Social security numbers (last 4), addresses, and the names and addresses of your and your spouse’s employers are required.
- Submit this with the signed *Appearance and Waiver* and signed *Affidavit of Plaintiff* (see Steps 4-2 and 4-3 below) (not required if proceeding by default).
- If you are proceeding by default, only you will sign the Proposed Divorce Decree (With Minor and/or Dependent Children)

2. *Appearance and Waiver* (not required if proceeding by default)

- Your spouse must complete, sign and date the *Appearance and Waiver*.

3. *Affidavit of Plaintiff*

- **Complete the *Affidavit of Plaintiff* last.**
 - If proceeding by default, complete paragraph 4.

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- All required documents (Step 3) plus a *Proposed Divorce Decree* (see Step 4-1 above) and *Appearance and Waiver* (see Step 4-2 above), must be completed before the *Affidavit of Plaintiff* is filled out.
- You must sign in front of a notary.

4. Once all of the Step 4 documents are completed, signed and dated, they must be filed with the Court.

- Once filed, the *Proposed Divorce Decree* will automatically trigger your Uncontested Divorce documents being set for hearing to be reviewed by the Court.
- **If filing in person:** bring the original completed, signed and dated documents to the Courthouse to be filed by the Court. If you would like the *Divorce Decree* mailed to you, you must also bring:
 - Two (2) self-addressed, stamped envelopes (at least 9” x 12” in size):
 - One envelope should be addressed to you.
 - One envelope should be addressed to your spouse.
 - Provide enough postage to cover mailing these documents to you and your spouse.
 - Otherwise, you may elect to pick up your Divorce Decree from the Courthouse.
- **If filing through JEFS:** upload the required documents into JEFS. See Appendix 1 for directions on how to correctly file your documents into JEFS. Failure to correctly file your documents in JEFS may result in delays.

STEP 5: JUDGE REVIEWS YOUR UNCONTESTED DIVORCE DOCUMENTS TO GRANT OR DENY YOUR DIVORCE

- Once set for hearing, a Judge will review your uncontested divorce documents.
- **If the Judge grants (approves) your divorce** and signs your *Divorce Decree* certified copies will be sent to you and the defendant.
 - **If you filed in person:** Certified copies will be mailed to you and your spouse in the envelopes provided in Step 5 within six (6) to ten (10) weeks of the Judge’s review and approval.
 - If you do not provide envelopes, certified copies will be available for you and your spouse to pick up from the Courthouse.
 - **If you filed through JEFS:** Certified copies will be available for you to download from JEFS and provide to your spouse.

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- **If the Judge denies your divorce**, you will receive a copy of the Court's reasons for denying your divorce with instructions from the Judge. You must follow the Judge's instructions before you can re-submit a *Proposed Divorce Decree* to the Court.

You may check the status of your uncontested divorce through *eCourt Kookua* on the judiciary website: <https://www.courts.state.hi.us/> or through JEFS if you are a JEFS User. JEFS users will also receive a notification through JEFS when your Divorce Decree is granted or denied. The status of your uncontested divorce cannot be given over the phone.

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APPENDIX 1 DOCUMENT FILING DIRECTIONS FOR JEFS

STEP 1 DOCUMENTS

Document	Document Category (in JEFS)	Document Type (in JEFS)	Document Name (in JEFS)
<i>Complaint for Divorce; Automatic Restraining order; Summons to Answer Complaint</i>	Complaint	Complaint and Summons	Complaint, Summons, Automatic Restraining Order
<i>Matrimonial Action Form</i>	Complaint	Matrimonial Action Info	Matrimonial Action Information Sheet
<i>Ex Parte Motion for Service by Mail</i>	Motion	Ex Parte Motion	Ex Parte Motion for Service by Mail
<i>Proposed Order for Ex Parte Motion for Service by Mail</i>	Order	Proposed Order _____	Proposed Order
<i>If applicable, for parties with minor children</i>			
<i>Notice to Attend Kids First</i>	Complaint	Notice Kids First	Notice to Attend Kids First

STEP 2 DOCUMENTS

Document	Document Category (in JEFS)	Document Type (in JEFS)	Document Name (in JEFS)
<i>Proof of Service</i>	Service	Proof of Personal Service	Proof of Service
<i>Statement of Mailing Exhibits "1" and "2"</i>	Service	Statement of Mailing	Statement of Mailing
<i>Notarized Affidavit of Service</i>	Service	Acknowledgment of Service	Acknowledgment of Service

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STEP 3 DOCUMENTS

Document	Document Category (in JEFS)	Document Type (in JEFS)	Document Name (in JEFS)
<i>Income and Expense Statement</i>	Supporting Documents	Income and Expense Statement	Income and Expense Statement
<i>Asset and Debt Statement</i>	Supporting Documents	Asset and Debt Statement	Asset and Debt Statement
<i>If applicable, for parties with legal representation</i>			
<i>Agreement in Contemplation of Divorce</i>	Supporting Documents	Agreement in Contemplation Div	Agreement in Contemplation of Divorce
<i>Agreement Incident to Divorce</i>	Supporting Documents	Agreement Incident to Div	Agreement Incident to Divorce

STEP 4 DOCUMENTS

Document	Document Category (in JEFS)	Document Type (in JEFS)	Document Name (in JEFS)
<i>Proposed Divorce Decree (Without Minor and/or Dependent Children)</i>	Other Documents	Proposed Divorce Decree	Proposed Divorce Decree
<i>Appearance and Waiver</i>	Response	Appearance & Waiver	Appearance and Waiver
<i>Affidavit of Plaintiff</i>	Supporting Documents	Affidavit of Plaintiff	Affidavit of Plaintiff

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APPENDIX 2 GENERAL INFORMATION

WHERE TO FILE YOUR DOCUMENTS

In person:

Ronald T.Y. Moon Courthouse
4675 Kapolei Parkway, First Floor
Kapolei, Hawaii 96707

OR

Kaahumanu Hale
777 Punchbowl Street, First Floor
Honolulu, Hawaii 96813

Online (through JEFS):

Judiciary eFiling (JEFS): https://www.courts.state.hi.us/legal_references/efiling

JEFS information page: <https://www.courts.state.hi.us/family-court-civil-jefs-info-page>

FILING FEES

Fees will be assessed when filing for divorce. Filing fees can be viewed online:

https://www.courts.state.hi.us/docs/courts_docs/Family_Court_Fees.pdf

COPIES OF DOCUMENTS

Copies of documents will not be provided at the Courthouse.

Unless otherwise indicated in the detailed directions, parties are encouraged to bring the original plus two (2) copies (one for the plaintiff and one for the defendant) when filing documents at the Courthouse.



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.