STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**AFFIDAVIT OF PLAINTIFF** (FOR UNCONTESTED DIVORCE)	CASE NUMBER FC-D No. _____

_____
(Full Name) Plaintiff,

v.

_____
(Full Name) Defendant.

This document is prepared by:
[ ] Plaintiff [ ] Attorney for Plaintiff

_____
Name

_____
Address

_____
City, State, Zip Code

_____
Telephone Number

STATE OF HAWAI'I)
)
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 him/herself.

2b. [ ] Plaintiff is 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.

COURT USE ONLY

CLEAR FORM

In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8308, or via email at adarequest@courts.hawaii.gov at least ten (10) days prior to your hearing or appointment date.

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

3b. [ ] Certified or Registered Mail: A filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* were 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) have 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 for Divorce* 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. Jurisdiction :

5a. [ ] Plaintiff had been domiciled or physically present on the Island of O'ahu for a continuous period at least 3 months prior to the filing of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce*.

5b. [ ] Plaintiff had been domiciled or physically present on the State of Hawai'i for a continuous period of least 6 months prior to the filing of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce*.

5c. [ ] Defendant had been domiciled or physically present on the State of Hawai'i for a continuous period least 6 months prior to the filing of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce.*

5d. [ ] Plaintiff's resident State does not recognize same sex marriage.

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

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

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

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

_____

_____

_____

10. Financial Statements:

10a. 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.

10b. [ ] On _____ (Month/Day/Year), Defendant signed an *Income and Expense Statement* and an *Asset and Debt Statement*. Plaintiff recognizes Defendant's signature on said documents.

10c. [ ] Defendant's *Income and Expense Statement* and *Asset and Debt Statement* are not filed because:

_____

_____

_____

11. 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*.

12. Plaintiff signed the proposed *Decree*. [ ] Plaintiff recognizes Defendant's signature on the *Decree*.

13. Plaintiff wishes to resume the use of his/her [ ] birth surname [ ] former married name and be known as:

_____.

14. Defendant wishes to resume the use of his/her [ ] birth surname [ ] former married name and be known as:

_____.

15. Language Comprehension:

15a. [ ] Plaintiff fully understands the English language.

15b. [ ] 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.

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

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

18. Pregnancy:

18a. [ ] Plaintiff is not pregnant.

18b. [ ] Plaintiff is pregnant and her expected date of delivery is _____ (Month/Day/Year).

Defendant [ ] is [ ] is not the father of said child.

18c. [ ] Defendant is not pregnant.

18d. [ ] Defendant is pregnant and her expected date of delivery is _____ (Month/Day/Year).

Plaintiff [ ] is [ ] is not the father of said child.

19. Child(ren):

19a. [ ] Plaintiff and Defendant have no children together.

19b. [ ] The parties have ____ child(ren) together. The full names and birthdates are listed below from the oldest to the youngest child (including adult child(ren)).

Name	Date of Birth (Month/Day/Year)

19c. [ ] There is/are child(ren) conceived during this marriage who were fathered by someone other than my spouse. The child(ren)'s name(s) and birthdate(s) are listed below:

Name	Date of Birth (Month/Day/Year)	Judgment of Paternity entered? Yes	No
		[ ]	[ ]
		[ ]	[ ]
		[ ]	[ ]
		[ ]	[ ]
		[ ]	[ ]
		[ ]	[ ]

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20. Prior or Pending Custody Proceedings:

20a. [ ] I have not participated in any capacity in any law suit 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.

20b. [ ] 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: _____

20c. [ ] Other pending 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: _____

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

22. Child Support:

22a. [ ] 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.

22b. [ ] The proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstance(s):

_____

_____

_____

_____

_____

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23. Kids First:

23a. [ ] I attended the Kids First Program on _____ (Month/Day/Year).

23b. [ ] I was excused by Judge _____ from attending the Kids First Program.

24. 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**)

Document Title: Affidavit of Plaintiff (for Uncontested Divorce)

Document Date: _____ Number of Pages: _____

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: _____

(Notary Seal)