INSTRUCTIONS
UNCONTESTED DIVORCE PACKET WITHOUT CHILDREN
(for the Island of Kaua'i)

WHO CAN FILE FOR DIVORCE?

In order to file a divorce action in the Family Court of the Fifth Circuit (on Kaua'i), you must meet certain limited residency requirements. You must have been domiciled or physically present on Kaua'i continuously for at least 3 months prior to the filing of the Complaint for Divorce **and** either you or your spouse must have been domiciled or physically present in the State of Hawai'i continuously for at least 6 months prior to the filing of the Complaint for Divorce. The islands are divided into separate circuits. You must meet these limited residency requirements and file you Complaint for Divorce in the correct circuit.

- First Circuit = O'ahu
- Second Circuit = Maui, Lāna'i and Moloka'i
- Third Circuit = Hawai'i (Hilo and Kona Divisions)
- Fifth Circuit = Kaua'i, Ni'ihau

BEFORE YOU START.

Read through this entire instruction packet before you start to fill in the documents. This packet includes instructions, information and forms needed to obtain an uncontested divorce. The Uncontested Divorce (with children) Document Checklist contains information on how many copies of each document you need to submit and who signs the document. The checklist also helps you see what documents you have completed and which documents you still have to do.

The Divorce Decree in this packet contains provisions that covers most divorce situations. There may be other terms or provisions necessary for your case. You are strongly urged to talk to an attorney to discuss your legal rights and duties.

Most uncontested divorces are done by affidavit, with a Judge reviewing the documents you submit. This means that neither you nor your spouse appear at a Court hearing if your documents are properly completed and all the necessary steps have been followed. Therefore it is very important that you understand which documents are needed and what you must do before the Court will grant your divorce. If the Court has any questions or concerns, you and your spouse may be required to appear at a hearing or submit more documents.

It is important for you to realize that a divorce takes time. You will not be able to complete all your divorce documents in one day. Be sure to read each document thoroughly and
and make sure you understand what the documents says. **Do not sign any document you do not agree with or you do not understand.**

IF YOU NEED ASSISTANCE

The clerks of the Court are not allowed to give legal advice or assist you in the completion of the divorce documents.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require reasonable accommodations for a disability, please contact the ADA Coordinator at the Family Court Office at Phone no. 482-2314, FAX 482-2509, or TTY 482-2533.

Legal Assistance

If possible, you should seek the assistance of an attorney. Even if you cannot afford to have an attorney to represent you for the whole divorce, you should try at least to talk to an attorney to discuss your legal rights and duties.

You can check the Yellow Pages of the telephone book for names of attorneys or you may contact the following organization for possible assistance.

HAWAI'I STATE BAR ASSOCIATION
Lawyer Referral Service
Telephone: 240-0872
Website: www.hawaiilawyerreferral.com
or www.hsba.org

The following organization offer assistance or self-help clinics to persons who fall within certain income brackets:

LEGAL AID SOCIETY OF HAWAI'I
Kaua'i Office
Intake Hotline Telephone: 245-7580, Monday through Friday, 9:00 AM to 11:30 AM
and 1:00 PM to 3:30 PM

If there have been incidents of Domestic Abuse, you may want to call the following organizations to obtain assistance:

YWCA Kaua'i
Telephone: 245-8404

REFERENCE MATERIALS TO GUIDE YOU

The Following materials located at the Kaua‘i Judiciary Complex Law Library, 3970 Kā‘ana St., Līhu‘e, may assist you.

HAWAI‘I DIVORCE MANUAL (2005)

HAWAI‘I REVISED STATUTES

HAWAI‘I FAMILY COURT RULES

ON THE INTERNET

Judiciary Web Page - www.courts.state.hi.us

FILING FEES (Cash or Money Order/Cashier’s Check payable to: CHIEF CLERK, FIFTH CIRCUIT)

DIVORCE (FC-D)	
Initial Filing Fee:	$100.00
Surcharge:	+ 65.00
Computer System Surcharge:	+ 50.00
TOTAL WITHOUT CHILDREN	**$215.00**
Parent Education Surcharge:	+ 50.00
(If either party has children from this marriage or any prior relationship)	
TOTAL WITH CHILDREN	**$265.00**
Motions:	No Fee

If you feel you cannot afford the filing fees, you may wish to contact the Legal Society of Hawai‘i (Intake Hotline Telephone: 245-7580).

FILE-STAMPING OR FILING YOUR DOCUMENTS:

You will need to get almost all of your documents "filed," or "file-stamped," at the court house. Look at the Uncontested Divorce (with children) Documents Checklist for a summary of how many copies of each document you will need to submit to Court. Documents are file-stamped by the Court at the following location and during the following times.

LEGAL DOCUMENT SECTION
3970 Kā'ana Street, Suite 207
Līhu'e, Kaua'i, Hawai'i 96766
Hours: 8:00 a.m. to 4:00 p.m.
Monday through Friday, excluding State/County holidays.

PLACING YOUR CASE ON THE COURT CALENDAR:

When you have completed all of your divorce documents, filed the necessary documents and serve your spouse with the correct documents, you will be ready to have your case placed on the court calendar for judge's review. Refer to the Uncontested Divorce (without children) Documents Checklist for a summary of which documents are required.

AFTER THE JUDGE REVIEWS YOUR DOCUMENTS:

Once your case is set on the uncontested divorce calendar, your documents will be reviewed by the Court staff and the Judge. If the Judge grants your divorce and signs your Divorce Decree, the clerk will contact you to pick-up your file-stamped certified copies of your Divorce Decree.

The clerk will contact you if your divorce is "DENIED" or is not fully granted. You must follow the Judge's instructions before your divorce can be completed.

http://www.hsba.org

Document Checklist For Uncontested Divorce (without children)

This is just a checklist. "You" are the Plaintiff, and "Spouse" is the Defendant.

A. FIRST: File these at the Legal Documents Branch of the Circuit Court:

Take these documents to the Legal Documents Branch of the Fifth Circuit Court (3970 Kā'ana Street, Līhu'e). A documents clerk will file-stamp each document, keep the original for the Court's file, and return the copies to you.

	NAME OF DOCUMENT	How Many	Signed by	Comments
❑	COMPLAINT FOR DIVORCE	Original + 3 copies	You	Filing this at the Legal Documents section of the Court starts the divorce process. The Documents clerk will assign a Case Number. Fill in this number on the other documents that you will file later.
❑	SUMMONS TO ANSWER COMPLAINT	Original + 3 copies	(Clerk will sign)	Staple a copy behind each copy of the *Complaint for Divorce* before you take them to be filed.
❑	MATRIMONIAL ACTION INFORMATION	Original + 1 copy	You	
❑	INITIAL PRE-TRIAL ORDER	Original + 2 copy		This Document need to be signed by the Judge and file-stamped before you can start serving your spouse.
If your spouse will not sign an *Appearance and Waiver*, you must properly serve the *Complaint for Divorce*, *Summons to Answer Complaint* on your spouse and file one of the following:				
❑	PROOF OF SERVICE **OR**	Original + 1 copy		This document must be completed by the person who delivers the *Complaint for Divorce*, *Summons to Answer Complaint,* and *Initial Pre-trial Order* to your spouse. It cannot be file-stamped by the Documents clerk until the person who served the document completes filing it out. **Documents can be served by personal services (a list of personal servers are located on the bulletin board located at the court house). or by any responsible person who is over 18 years old, and is not related to the Plaintiff or the Defendant.*
❑	MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL **OR**	Original + 2 copies	You (signed before a notary public)	If your spouse lives off-island, you can send the *Complaint for Divorce*, *Summons to Answer Complaint, and Initial Pre-trial Order* by certified, registered mail, return receipt requested. This form asked the Court's permission for you to do so. You must sign this document before a notary public, and submit it to the Legal Documents.
❑	MOTION FOR SERVICE BY PUBLICATION; AFFIDAVIT; OF PLAINTIFF; ORDER FOR SERVICE BY PUBLICATION (AND MAILING OF NOTICE)	Original + 2 copies	You (signed before a notary public)	If you are unable to locate your spouse for service, you will need to publish a Notice of Hearing in the newspaper. This form asks the Court's permission to do so. You must complete the form and sign the Affidavit before a notary public and submit it to Legal Documents. You will be responsible to take a filed copy of the document to the advertising agency for publication.

B. NEXT: Fill in the Case Number and file at the Legal Documents Branch:

NAME OF DOCUMENT	How Many	Signed by	Comments
❑ INCOME AND EXPENSE STATEMENT OF **PLAINTIFF**	Original + 2 copies	You	These documents must be dated 60 days current of the date you place your case on the calendar.
❑ ASSET AND DEBT STATEMENT OF **PLAINTIFF** (or **BOTH PARTIES**)	Original + 2 copies	You (and Spouse if both parties)	You and your spouse may prepare and sign a joint Asset and Debt Statement.
❑ INCOME AND EXPENSE STATEMENT OF **DEFENDANT**	Original + 2 copies	Spouse	If your spouse did not complete these forms, you must tell this to the Court in you *Affidavit of plaintiff*, paragraph 10c.
❑ ASSET AND DEBT STATEMENT OF **DEFENDANT**	Original + 2 copies	Spouse	
❑ APPEARANCE AND WAIVER	Original + 1 copy	Spouse	Your spouse must receive a file-stamped copy of the *Complaint for Divorce*, *Summons to Answer Complaint,* and *Initial Pre-trial Order* **before** your spouse can sign this document.
OR			
❑ PROOF OF SERVICE	Original + 1 copy	Process server	To be completed by server before you can have it file-stamped.
OR			
❑ STATEMENT OF MAILING	Original + 1 copies	You	If you served your spouse by mail, complete this document when you receive the return receipt.

C. LAST: Fill in the Case Number and file at the Legal Documents Branch section:

NAME OF DOCUMENT	How Many	Signed by	Comments
❑ AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 1 copy	You (Signed before a notary Public)	This document is a sworn statement that you must sign before a notary public. It requires that you provide various information and dates. Do **not** complete this document until the other documents have been completed.
❑ DIVORCE DECREE (WITHOUT CHILDREN)	Original + 3 copies	You **and** Spouse	Your spouse's signature is required if you are getting a divorce by agreement (and your spouse has signed an *Appearance and Waiver*).
❑ CERTIFICATE OF MAILING	Original + 1 copy	You	Proof to Court that Defendant was served copy of Divorce Decree.

Your divorce becomes final when the Divorce Decree is signed by the Judge and file-stamped. The clerk will contact you when the Decree is file-stamp or if it needs to be corrected.

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	COMPLAINT FOR DIVORCE	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

VS.

_____
DEFENDANT.
(Full Name)

This document is prepared by
❑ Plaintiff ❑ Attorney for Plaintiff

Name

Address

City, State, Zip

Phone

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

I. Jurisdiction:
I and/or my spouse, the Defendant, have lived or have been physically present in the State of Hawai'i for a continuous period of at least six (6) months and I have lived and/or been physically present on the Island of Kaua'i for a continuous period of at least three (3) months immediately preceding this application.

2. Marriage:
The parties (plaintiff and spouse) are lawfully married to each other.

3. Children:
a. ❑ The parties have no children together.
b. ❑ The parties have____ *(enter number)* child(ren) under 18 together.
c. ❑ The parties have____ *(enter number)* child(ren) 18 or older together, who are dependent on them for support.
d. ❑ The parties have____ *(enter number)* child(ren) 18 or older together, who are not dependent on them for support.
e. ❑ Wife has ____ *(enter number)* child(ren) born during the marriage, not fathered by Husband.
f. ❑ Wife is pregnant.

4. Custody and Visitation:
a. Legal custody of the minor child(ren) should be awarded to:
❑ Me, Plaintiff ❑ My spouse, Defendant ❑ Both parties jointly
b. Physical custody of the minor child(ren) should be awarded to:
❑ Me, Plaintiff ❑ My spouse, 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 my spouse and I own should be divided in a just and equitable way.

6. Division of Debts:
All debts my spouse and I owe should be divided in a just and equitable way.

7. Spousal Support (Alimony):
a. ❑ I am entitled to an order that my spouse pay spousal support (alimony) to me.
b. ❑ My spouse ❑ is ❑ is not entitled to an order that I pay spousal support (alimony) to him/her.

8. Grounds:
Pursuant to HRS Section 580-41, I allege that the grounds for divorce are as follows (check one only):
a. ❑ The marriage is irretrievably broken.
b. ❑ The parties have lived separate and apart for a period of two (2) or more years under a decree of separation from bed and board or under a decree of separate maintenance.
c. ❑ The parties have lived separate and apart for a continuous period of two (2) or more years immediately preceding the application, there is no reasonable likelihood that cohabitation will be resumed, and it would not be harsh and oppressive to 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.

DATE	PLAINTIFF'S SIGNATURE

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	SUMMONS TO ANSWER COMPLAINT	CASE NUMBER FC-D NO.

_____ PLAINTIFF, (Full Name) VS. _____ DEFENDANT. (Full Name)	This document is prepared by ❑ Plaintiff ❑ Atty. for Plaintiff Name Address City, State, Zip Phone

TO THE DEFENDANT

You are hereby summoned and required to serve a written answer to the attached Complaint within 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.

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.

CIRCUIT COURT OF THE FIFTH CIRCUIT
KAUA'I JUDICIARY COMPLEX
3970 KĀ'ANA STREET, SUITE 207
LĪHU'E, HAWAI'I 96766

If you fail to file your written answer within the 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 OF 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 COURT

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	MATRIMONIAL ACTION INFORMATION	CASE NUMBER FC-D NO.
PLAINTIFF DEFENDANT	PREPARED: ☐ PLAINTIFF ☐ DEFENDANT ☐ ATTORNEY FOR PLAINTIFF ☐ ATTORNEY FOR DEFENDANT	DATE FILED
NATURE OF CASE ☐ DIVORCE ☐ SEPARATION ☐ ANNULMENT ☐ OTHER		

ITEM	WIFE		HUSBAND	
FULL NAME				
BIRTH OR MAIDEN NAME				
ADDRESS STREET, APT. NO.				
TOWN, STATE, ZIP COUNTY				
PHONE	HOME	WORK	HOME	WORK
SOCIAL SECURITY NUMBER (LAST FOUR DIGITS ONLY)	XXX-XX- _____ _____ _____ _____		XXX-XX- _____ _____ _____ _____	
DATE OF BIRTH				
PLACE OF BIRTH (State or Country)				
RACE				
HIGHEST GRADE COMPLETED				
HAWAI'I RESIDENT SINCE				
CIRCUIT RESIDENT SINCE				
PRIMARY EMPLOYER (Name and Address)				
JOB TITLE				
WORK SCHEDULE				
LENGTH OF SERVICE				
GROSS MONTHLY INCOME (All Sources)	Primary	Secondary / Welfare	Primary	Secondary / Welfare
DATE OF THIS MARRIAGE	DATE		COUNTY / STATE	
DATE OF SEPARATION ☐ NOT SEPARATED	DATE		COUNTY / STATE	

MATRIMONIAL ACTION INFORMATION (Continued)

CASE NUMBER

FC-D NO.

	FROM MONTH/YEAR	TO MONTH/YEAR	TERMINATED BY			STATE
			DIVORCE	ANNULMENT	DEATH	
WIFE'S PRIOR MARRIAGES						
HUSBAND'S PRIOR MARRIAGES						

CHILDREN: ALL CHILDREN OF EITHER PARTY FROM YOUNGEST TO OLDEST

CHILD'S FULL NAME	M/F	BIRTHDATE	LEGAL PARENT (HUSBAND, WIFE OR OTHER)	PRESENT CUSTODY (HUSBAND, WIFE OR OTHER)	SCHOOL AND GRADE

INFORMATION REQUIRED FOR CUSTODY

CHILD(REN)'S PRESENT ADDRESS:

PLACES WHERE AND PERSONS WITH WHOM THE CHILDREN HAVE LIVED WITHIN THE LAST FIVE YEARS AND DATES

ADDRESS	CARETAKERS	FROM MONTH/YEAR	TO MONTH/YEAR

WIFE ☐ IS ☐ IS NOT PREGNANT. EXPECTED DELIVERY DATE:

THE UNDERSIGNED SOLEMNLY AND SINCERELY DECLARES, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE, INFORMATION AND BELIEF.

DATE	SIGNATURE

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	APPEARANCE AND WAIVER	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

VS.

_____
DEFENDANT.
(Full Name)

This document is prepared by
❑ Plaintiff ❑ Defendant ❑ Atty. for Plaintiff ❑ Atty. for Defendant

Name

Address

City, State, Zip

Phone

I, the Defendant, acknowledge receipt of a filed copy of the Complaint and Summons in the above-entitled action, submit myself to the Court's jurisdiction, and have agreed with the Plaintiff on the matters set forth in

❑ a signed agreement incident to divorce.

❑ a form of Decree which I have approved by signature.

I consent to a hearing of the complaint by a judge at any time without further notice and without my presence so long as the Decree issued incorporates the provisions I have approved. If such Decree is not entered by the Court, I request to be notified.

I understand that I am not required to sign this paper and that by doing so I am permitting the Court without opposition from me to proceed with the above-entitled matter at this time unless there is reason for the Court to alter our agreement.

❑ I am not in the military service of the United States.

❑ I am in the military service of the United States, but I do not request a stay of proceedings herein, and I do waive any rights I may have under the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Sec. 521, et. seq.

DATE	DEFENDANT'S SIGNATURE

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**PROOF OF SERVICE**	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

VS.

_____
DEFENDANT.
(Full Name)

This document is prepared by
❑ Plaintiff ❑ Attorney for Plaintiff
❑ Defendant ❑ Attorney for Defendant

Name

Address

City, State, Zip

Phone

I served a certified copy of each document identified below by delivering to the following person(s):

PERSON(S) SERVED	DATE	TIME	PLACE

DOCUMENTS SERVED

❑ Complaint and Summons ❑ Initial Pre-trial Order ❑ Notice to Attend Kids First

❑ Motion and Affidavit for Temporary Relief; Order to Show Cause for Temporary Relief

❑ Motion and Affidavit for Order to Show Cause for Relief After Order or Decree; Order to Show Cause for Relief After Order or Decree

❑ _____

PLEASE EXPEDITE RETURN OF SERVICE TO FAMILY COURT

DATE	POLICE OFFICER'S SIGNATURE	BADGE ID NUMBER	
DATE	OTHER SERVING OFFICER'S SIGNATURE	NAME OF SERVING OFFICER	

❑ UNSERVED DOCUMENTS: I certify that, despite due and diligent search, I was unable to locate the person to be served, and therefore the attached documents are being returned as unserved.

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

VS.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Movant ❑ Attorney for Movant

Name

Address

City, State, Zip

Phone

MOTION FOR SERVICE BY MAIL AND AFFIDAVIT

The undersigned party to this action moves, pursuant to HRS 580-3(c) and Hawai'i Family Court Rule 4(e)(2), for an order authorizing service by registered or certified mail. In support of this motion the undersigned states that to his/her best information and belief the adverse party is outside the State and receives mail at the following address:

MOVANT'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE:	**NOTARY PUBLIC'S SIGNATURE** **STATE OF HAWAI'I, FIFTH JUDICIAL CIRCUIT**	**MY COMMISSION EXPIRES:**

ORDER FOR SERVICE BY MAIL

It appears that service by mail is appropriate and reasonable. IT IS HEREBY ORDERED that service herein may be made by forwarding certified copies of the

❑ Complaint ❑ Summons ❑ Initial Pre-Trial Order ❑ Notice to Attend Kids First Program
❑ Motion and Affidavit for Temporary Relief; Order to Show Cause for Temporary Relief
❑ Motion and Affidavit for Order to Show Cause and Relief After order or Decree; Order to Show Cause for Relief After Order or Decree
❑ Income and Expense Statement; Asset and Debt Statement
❑ Other: _____
_____
_____

and of this Order to the ❑ Plaintiff ❑ Defendant by registered or certified mail with return receipt requested and a direction to deliver to addressee only and that actual receipt by the ❑ Plaintiff ❑ Defendant of the above document(s) sent in accordance with this Order shall be equivalent to personal service by an authorized process server as of the date of receipt.

DATE	JUDGE OF THE ABOVE-ENTITLED COURT

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**STATEMENT OF MAILING EXHIBIT "1" AND "2"**	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

vs.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Attorney for Plaintiff

Name

Address

City, State, Zip Code

Phone

I REPRESENT THAT I caused one certified copy each of the Complaint for Divorce; Summons to Answer Complaint; and Motion for Service by Mail and Affidavit; Order for Service by Mail; and _____ , to be mailed by certified or registered mail, return receipt requested, restricted delivery to :

Defendant's Name: _____

Defendant's Address: _____

_____

City, State, Zip Code: _____

Defendant

At the time of mailing, the receipt attached hereto as Exhibit "1" was postmarked and dated. Thereafter, the return receipt attached as Exhibit "2" was received.

DATE	PLAINTIFF'S SIGNATURE

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**STATEMENT OF MAILING** **EXHIBIT "1" AND "2"** (continued)	CASE NUMBER FC-D NO.

EXHIBIT 1

EXHIBIT 2

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	CERTIFICATE OF MAILING	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

vs.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Attorney for Plaintiff

Name

Address

City, State, Zip Code

Phone

Comes now _____ ,

herein and hereby certifies that on _____ he/she caused to be mailed or

delivered to _____

at his or her last known address. _____ certified copy/copies of the _____

_____

_____

This certification is made pursuant to Rule 97 of the Hawai'i Family Court Rules.

Dated: _____

_____
Signature

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**INCOME AND EXPENSE STATEMENT** **❑ Plaintiff ❑ Defendant**	CASE NUMBER FC- NO.

_____
PLAINTIFF,
(Full Name)

VS.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Defendant ❑ Atty. for Plaintiff ❑ Atty. for Defendant

Name

Address

City, State, Zip

Phone

Occupation: _____
JOB TITLE

Employer: _____

Address: _____

Length of service: _____ month/year.

Income Tax Withholding based on: _____ dependents.

INCOME

Gross income. Paid: ☐ monthly, ☐ 2 times per month, ☐ every 2 weeks, ☐ weekly ☐ or other _____

Gross per pay period ..... $ _____ Per month ..... $ _____

Payroll deductions per pay period:

Fed. income tax	$ _____
State income tax	$ _____
FICA (Social Security)	$ _____
Union dues	$ _____

a) Net per pay period ..... $ _____ Per month ..... $ _____

Other:

Retirement/401K	$ _____
Credit Union	$ _____
Direct Deposit	$ _____
Income Assignments	$ _____
Support Payments	$ _____
Medical Insurance	$ _____

b) Take home per pay period ..... $ _____ Per month ..... $ _____

Other regular monthly income, (rental income, 2nd job, interest, child support, welfare, food stamps, and any other source.)

Gross monthly receipt	$ _____
Taxes paid IRS and State on above	$ _____
c) Total other income net	$ _____

Total Monthly Income (Add per month income from lines *a* and *c* above) $ _____

EXPENSES

Do not list expenses which are paid by payroll deduction.

Housing, expenses per month:

rent, mortgage, agreement of sale	$ _____
insurance if not included above	$ _____
Real Property taxes (if paid separately)	$ _____
Utilities, gas, water, elec., telephone etc.	$ _____

Transportation, expenses per month:

Car payment, lease, rental	$ _____
Insurance on vehicle	$ _____
Maintenance (repairs)	$ _____
Operating (gas, oil & tires)	$ _____

Total Housing and Transportation expenses ..... $ 0.00

Debt service (all monthly payments, eg. credit cards, charges, finance company, personal loans) ..... $ _____

Personal Expenses per month:	Self	Children No.(_)
Food	$ _____	$ _____
Clothing	$ _____	$ _____
Medical and Dental	$ _____	$ _____
Laundry & Cleaning	$ _____	$ _____
Personal articles	$ _____	$ _____
Recreation (movies etc)	$ _____	$ _____
School (include food)	$ _____	$ _____
Household	$ _____	$ _____
Bus (on monthly basis)	$ _____	$ _____
Other (_____)	$ _____	$ _____
Payment to others for dependent care		$ _____
Sub Totals	$ 0.00	$ 0.00

Total Personal expenses ..... $ 0

Grand Total expenses: Housing, Trans., Debt & personal ..... $ 0

Savings, <Deficiency>: Income minus Expenses ..... $ _____

Explain in detail where savings are invested, or if there is a <deficiency>, who provides the funds to maintain the level of spending indicated in this income and expense statement. (Use separate sheet if more space is needed.)

_____

_____

_____

_____

CERTIFICATION

I hereby declare under the penalty of perjury that I have supplied the information used in this Income and Expense Statement and have reviewed this statement and I certify that the information is accurate, complete and correct.

DATE	❑ PLAINTIFF'S ❑ DEFENDANT'S SIGNATURE

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**ASSET AND DEBT STATEMENT** **❑ Plaintiff ❑ Defendant ❑ Both Parties**	CASE NUMBER FC- NO.

_____ PLAINTIFF, (Full Name) VS. _____ DEFENDANT. (Full Name)	This document is prepared by: ❑ Plaintiff ❑ Defendant ❑ Atty. for Plaintiff ❑ Atty. for Defendant Name Address City, State, Zip Phone

1. **Cash** (on hand or held by others for me) $ _____

2. **CREDIT UNION ACCOUNTS:**

Name	Title (H,W,J*)	Credit Balance	Debt Balance

3. **BANK AND SAVINGS ACCOUNTS:** (Include Trustee Accounts)

Company & Branch	Type of Account	Title (H,W,J)	Current Balance

4. **SECURITIES:** (Stocks, Bonds, Mutual Funds, Certificates of Deposit, etc.)

Company	Title (H,W,J)	Date of Acquisition	Cost	Market Value	Debt Owed Against

* H = Husband
W = Wife
J = Joint

5. **VEHICLES:** (Autos, Trucks, Motorcycles, Trailers, Campers, Boats, etc.)

Year	Make	Title (H,W,J)	Current Market Value	Debt Owed Against

6. **REAL PROPERTY:**

Address	Fee or Lease	Title (H,W,J)	Date of Acquisition	Cost	Current Gross Value	Total Debt Owed

7. **LIFE INSURANCE:**

Company	Person Insured	Face Amount	Beneficiary	Title (H,W,J)	Cash Value	Debt Owed Against

8. **RETIREMENT; PENSION; PROFIT SHARING ACCOUNTS:**

Employer or Company	Title (H,W,J)	Type of Plan	Years in Plan	Total Value

9. **ALL OTHER MAJOR ASSETS:** (Furniture, Household Effects, Art, Stamps, Coins, Tools, Equipment, Jewelry, Accounts Receivable, Investment Assets, Business Assets, Cemetery Plots or Niches, Tax Refunds Due, etc.)

General Description	Title (H,W,J)	Estimated Gross Value	Debt Owed Against

STATE OF HAWAIʻI FAMILY COURT FIFTH CIRCUIT	**ADMINISTRATIVE JUDGE'S MEMORANDUM**	FC- NO.

3970 Kāʻana Street, Līhuʻe, Hawaiʻi 96766-1282 TEL (808) 482-2330

Randal G.B. Valenciano
CHIEF JUDGE

Calvin K. Murashige
FAMILY COURT JUDGE

DATE: July 21, 1999 (Updated July 2007)

TO: Fifth Circuit Judges, Attorneys, and Pro Se Litigants

FROM: The Honorable Randal G.B. Valenciano, Chief Judge

PROOF OF UNCONTESTED DIVORCE THROUGH AFFIDAVIT

Pursuant to Sections 580-5, H.R.S., the Family Court of the Fifth Circuit authorizes parties to an uncontested divorce to prove the case through an affidavit rather than by court appearance. Exact legal proof of every point is required in the affidavits.

EFFECTIVE SEPTEMBER 1,1999 the following process will be used in affidavit only cases.

1. The Affidavit of Plaintiff must be filed with the documents clerk before the case is set.

2. The Affidavit of Plaintiff must contain legal proof of every point required (see the sample affidavit attached). Utilize the attached sample as a guide and only include paragraphs in the affidavit which apply to your case. Be sure to include any other information in the affidavit which is necessary or would be helpful to the judge.

   Such matters as circumstances justifying a variance from either child support guidelines or matters affecting the partnership model for division of property must be stated or you risk rejection of the proposed decree.

3. If not previously filed, the following documents must be filed with the Affidavit:

a. One or more of the following documents as proof of service:

(1) Appearance and Waiver. The Appearance and Waiver must be filed in all non-default uncontested cases. It must be both hand-dated and signed by the Defendant after the complaint has been filed. Family Court Rule 8(g) requires that the Appearance and Waiver "shall be filed within a reasonable time before the date of hearing." If the Appearance and Waiver is not current within six months of the time of setting, the Plaintiff must submit a Notice of Hearing to the Defendant and file the Notice of Hearing with the Family Court clerk at the time the case is set.

(2) <u>Proof of Service, Statement of Mailing or Affidavit of Publication</u>:

(a) Upon Defendant. If no Appearance and Waiver is filed, Proof of Service of the Complaint by personal service, Statement of Mailing with a return receipt signed by Defendant, or Affidavit of Publication must be provided if proceeding either by default or by agreement.

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10. **PROPERTY HELD IN TRUST FOR OR BY THIRD PERSON/S:** (Aside from Bank & Savings Accounts Noted in paragraph 3)

Description	Trustee/s	Beneficiaries	Value	Debt Owed Against

11. **ALL OUTSTANDING DEBTS:** (Include those listed parts 2, 4, 5, 6, 7, 9, and 10 above, in addition to all credit cards, charges, finance companies, and personal loans.)

Creditor	Debtor (H,W,J or Other)	Security	Mo./Yr. Debt Incurred	Total Balance Owed	Minimum Monthly Payment

Total Debt in Wife's Name Alone: _____

Total Debt in Husband's Name Alone: _____

Total Debt in Joint Names: _____

CERTIFICATION

I hereby declare under the penalty of perjury that I have supplied the information used in this Asset and Debt Statement and have reviewed this statement and I certify that the information is accurate, complete and correct.

DATE	❑ PLAINTIFF'S ❑ DEFENDANT'S SIGNATURE
DATE	❑ PLAINTIFF'S ❑ DEFENDANT'S SIGNATURE

(b) Upon Corporation Counsel. Proof of Service of the Complaint upon Family Support Division of Corporation Counsel must be filed if any party has a child who is a recipient of Aid to Families with Dependent Children (AFDC).

b. Income and Expense Statement and Asset and Debt Statements of Plaintiff and Defendant: Current financial statements must be filed by Plaintiff and Defendant if possible, as stated below. Each party must hand-date and sign in black ink each of his/her statements.

(1) Plaintiff. Plaintiff's filed Income and Expense Statement and Asset and Debt Statement must reflect financial information that is current within 60 days of the setting date (not the hearing date) of the case. Plaintiff's statements should reflect all known assets held in the joint or sole names of the parties.

(2) Defendant. Plaintiff must submit to the counter clerk either: (a) Defendant's filed Income and Expense Statement and Asset and Debt Statement current within 60 days of the setting of the case, or (b) A letter addressed to the Presiding Judge explaining why current financial statements are not available.

c. Child Support Guidelines Worksheet (if applicable): Plaintiff must submit a filed copy of the child support guidelines worksheet in all cases where the parties have minor and/or dependent children. The worksheet must be signed by Plaintiff and Plaintiff's attorney and Defendant and Defendant's attorney if possible.

d. Kids First Information Sheet (if applicable): Plaintiff must submit a Kids First Information Sheet in all cases where the parties have minor children between the ages of 6 and 17, reflecting that both parties and applicable children have attended the Kids First Program.

e. Agreement Incident to Divorce (if applicable): All agreements must be filed, hand dated and signed by both parties in black ink. The agreement should be signed before a notary or signature of counsel should appear on the agreement.

f. Paternity Judgment (if applicable): If any minor children born during the marriage are not fathered by the husband, the case must be placed on the contested divorce calendar unless the paternity of the natural father has already been adjudicated in a paternity action. See Hawaii Divorce Manual, 5th ed., Section 7 for appropriate procedures.

g. Proposed Decree: A signed original decree and copies must be provided to the Family Court counter clerk.

Signatures: Stipulated decrees shall be signed by both parties and their attorneys. Each party must also hand-write the date in black ink next to his/her signature. If the decree incorporates an Agreement Incident to Divorce, only opposing counsel needs to sign the degree "approved as to form."

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h. Order for Income Assignment (if applicable): Plaintiff shall submit an original of the Order for Income Assignment (OIA) and copies to the Family Court counter clerk together with the decree. If no OIA is submitted because the obligator has no periodic income, or the parties have elected direct payments to the custodial parent, and the defendants of the obligor parent are not receiving public assistance benefits, this should be explained in the Affidavit of Plaintiff. The Degree should nevertheless order that child support will be paid by OIA as soon as the obligor receives periodic income, and should further require the obligor to notify the Child Support Enforcement Agency in writing of the name and address of the employer or other payor as soon as he receives such income.

i. Order Granting Motion: If Plaintiff is proceeding by default, a filed copy of the Order Granting Motion for Default must be submitted in all affidavit cases at the time the case is set. Otherwise, a hearing on a motion for default should be scheduled at the time of the uncontested divorce and the Notice of Motion will reflect the same date and time as the uncontested divorce.

4. In the affidavit only cases, the case file including all documents will be reviewed by the assigned judge on or about the date of the hearing. The judge, after a hearing without appearances, will note the disposition on the court's calendar as follows: a) granted; b) decree to be resubmitted (with corrections); or c) court hearing with appearances required

   Original and Copies of the rejected decrees will be returned to the attorneys via attorney's jacket or to Plaintiff via mail along with Notification of Case Status/Deficiency notice. Corrections to be completed before resubmitting documents back to the Legal Documents Branch.

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STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Your Full Name)

VS.

_____
DEFENDANT.
(Your Spouse's Full Name)

This document is prepared by
❑ Plaintiff ❑ Attorney for Plaintiff

Name

Address

City, State, Zip

Phone

STATE OF HAWAI'I)
) SS.
COUNTY OF KAUA'I)

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 the Complaint and Summons on _____ by a person authorized to serve of legal documents.
   (Mo/Day/Yr)
   3b. ❑ Certified or Registered Mail: The Complaint and Summons 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 _____ have been filed. Plaintiff recognizes Defendant's signature on the return receipt.
   (Mo/Day/Yr)
   3c. ❑ Appearance and Waiver: Defendant acknowledged receipt of a filed copy of the Complaint and Summons and signed an Appearance and Waiver on _____. Plaintiff recognizes Defendant's signature on the Appearance and Waiver.
   (Mo/Day/Yr)
   3d. ❑ Publication: The Affidavit of Publication was filed on _____.
   (Mo/Day/Yr)

4. ❑ **Default**.
   4a. ❑ More than twenty (20) days have passed since the service of the Complaint and Summons on the 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 was served.
   4b. ❑ An order granting the Motion for Entry of Default was filed on_____.
   (Mo/Day/Yr)

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE) PAGE TWO	CASE NUMBER FC-D NO.

5. **Jurisdiction**: (Check all that apply)
   - 5a. ❑ Plaintiff had been domiciled or physically present on the Island of Kaua'i for a continuous period of at least 3 months prior to the filing of the Complaint for Divorce.
   - 5b. ❑ 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.
   - 5c. ❑ 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.

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

7. The parties were married on _____ (Mo/Day/Yr) .

8. The parties last lived together in (city, state) _____ (City) , _____ (State) on _____ (Mo/Day/Yr) .

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 _____ (Mo/Day/Yr) . To the best of Plaintiff's knowledge there have been no substantial changes in Plaintiff's financial circumstances since that date.

   10b. ❑ Defendant signed Income and Expense and Asset and Debt Statements on _____ (Mo/Day/Yr). 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 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. Wife wishes to resume the use of her ❑ birth surname ❑ former married name and be known as:

_____ .

14. Husband wishes to resume the use of his ❑ 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.

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE) PAGE THREE	CASE NUMBER FC-D NO.

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

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. ❑ Wife is not pregnant.

18b. ❑ Wife is pregnant and her expected date of delivery is _____. Husband ❑ is ❑ is not the father of said child.
(Mo/Day/Yr)

19. **Child(ren)**:

19a. ❑ Plaintiff and Defendant have no children together.

19b. ❑ The parties have _____ children together. The complete name and birthdate of each are listed as follows from the oldest to the youngest child (including adult child(ren)):

Name	Date of Birth
	(Mo/Day/Yr)
	(Mo/Day/Yr)
	(Mo/Day/Yr)
	(Mo/Day/Yr)
	(Mo/Day/Yr)
	(Mo/Day/Yr)

19c. ❑ There is/are child(ren) conceived during the marriage fathered by someone other than husband. Their name(s) and date of birth is/are listed as follows:

Name	Date of Birth	Judgment of Paternity entered
	(Mo/Day/Yr)	❑ Yes ❑ No
	(Mo/Day/Yr)	❑ Yes ❑ No

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 any of the minor children 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 children of the Plaintiff and Defendant together.

20b. ❑ Prior court case involving the subject children:

Case Name: _____

Case Number: _____

Location of Court: _____

Date Filed: (Mo/Day/Yr) _____

Date Concluded: (Mo/Day/Yr) _____

Type of Case: _____

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE) PAGE FOUR	CASE NUMBER FC-D NO.

20c. ❑ Other court case involving the subject children which is still pending:
Case Name: _____
Case Number: _____
Location of Court: _____
Date Filed: (Mo/Day/Yr) _____
Date Concluded: (Mo/Day/Yr) _____
Type of Case: _____

21. ❑ Plaintiff agrees to the custody arrangement and child support amounts as provided in the proposed divorce decree.

22. **Child Support**:
22a. ❑ Plaintiff believes that the information provided in the completed Child Support Guildelines Worksheet is accurate, to the best of the Plaintiff's knowledge and proposed child support is consistent with the Child Support Guidelines Worksheet.
22b. ❑ Proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstances: _____

23. **Kids First**:
23a. ❑ I attended the Kids First II Program (Wednesday Night) on _____ (Mo/Day/Yr) .
23b. ❑ I was excused by Judge _____ from attending the Kids First II 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 complete to the best of his/her knowledge and belief.

PLAINTIFF'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: IN_____, Hawai'i	NOTARY PUBLIC'S SIGNATURE STATE OF HAWAI'I	MY COMMISSION EXPIRES:

STATE OF HAWAIʻI FAMILY COURT FIFTH CIRCUIT	**ADMINISTRATIVE JUDGE'S MEMORANDUM**	FC- NO.

3970 Kāʻana Street, Līhuʻe, Hawaiʻi 96766-1282 TEL (808) 482-2330

Randal G.B. Valenciano
CHIEF JUDGE

Calvin K. Murashige
FAMILY COURT JUDGE

DATE: December 21, 2001 (Updated July 2007)

TO: All Attorneys
Pro Se Litigants

RE: Initial Pre-Trial Orders and Case Status Reports

Effective January 2, 2002, all complaints for divorce shall include an "Initial Pre-trial Order" for the judge's signature. After it has been signed by the judge, the Initial Pre-trial Order is to be served upon the opposing party along with the complaint. It is anticipated that the Initial Pre-trial Order will eliminate the need for the filing of motions and affidavits for temporary relief, thus, helping to expedite the case.

The "Case Status Report" is self-explanatory and is intended to help identify which issues, if any, are still in dispute. As set forth in the Initial Pre-trial Order, the Case Status Report is to be filed by the plaintiff within 90 days of the filing of the Complaint for Divorce.

Samples of the "Initial Pre-Trial Order" and "Case Status Report" are attached and may be copied.

STATE OF HAWAIʻI FAMILY COURT FIFTH CIRCUIT	**INITIAL PRE-TRIAL ORDER**	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

vs.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Attorney for Plaintiff

Name

Address

City, State, Zip Code

Phone

A complaint for Divorce was filed on _____ , and appears to the Court that it would be in the best interest of all parties that the following conditions be established during the pendency of this matter.

THEREFORE, IT IS HEREBY ORDERED that:

1. Both parties are prohibited from interfering with the established routine and activities of the child(ren), if any, of this marriage. Neither party shall remove child(ren) from Kauaʻi or deny the other party normal custody involvement with the child(ren). However, any existing restraining orders, including those granted pursuant to HRS Section 580-10 and Chapter 586 or any other lawful court order must be followed;

2. If child(ren) are involved, both parties are prohibited from discussing the pending divorce action and any related subjects and from making direct or indirect disparaging statements to the child(ren) (including through third parties) about the other party;

3. Both parties are prohibited from transferring, encumbering, wasting or otherwise disposing of any property in their control, unless it is necessary to pay for ordinary business expenses and the usual living expenses after all of their current sources of income have been depleted. This prohibition means you are not to withdraw funds for any bank, credit union, retirement and/or stock accounts, change beneficiaries or give away and/or sell anything of value to a third party, or to hide, throw away, or damage anything of value without prior court approval;

4. Both parties are prohibited from canceling or reducing any benefit or insurance that protects the other party or the child(ren), including all life, health, automotive, liability, disability, or homeowners' insurance;

5. Within thirty (30) days after the Complaint of Divorce is served on the Defendant, ***both*** parties must file with the Court an accurate, and complete "Asset and Debt Statement" and an "Income and Expense Statement". And, ***both*** parties ***must*** each sign their respective Statements;

6. Within ninety (90) days after the date that the Complaint for Divorce was filed, the Plaintiff must complete and sign a "Case of Status Report" and file it with the Court. A ***filed*** copy must be sent to the Defendant; ***and***,

7. Within seven (7) days after the Defendant has received a filed copy of the Plaintiff's "Case of Status Report", the Defendant may also complete and file a "Case of Status Report" with the court.

This Order Shall remain in effect until further order of the Court or upon the filing of a motion by either party to modify any of the foregoing orders.

DATED: Līhuʻe, Hawaiʻi, _____

_____
Judge of the above-entitled Court

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**CASE STATUS REPORT** **❑ Plaintiff's ❑ Defendant's**	CASE NUMBER FC-D NO.

_____
PLAINTIFF,
(Full Name)

vs.

_____
DEFENDANT.
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Attorney for Plaintiff
❑ Defendant ❑ Attorney for Defendant

Name

Address

City, State, Zip Code

Phone

1. a) The Complaint for Divorce was served on the Defendant on _____

OR

b) The Complaint for Divorce has NOT been served because _____

_____

_____

_____

2. a) My "Assets and Debt Statement" and "Income and Expense Statement"
were filed on _____

OR

My "Assets and Debt Statement" and "Income and Expense Statement"
have not been filed because _____

_____

_____

_____

3. Issues regarding the child(ren), if any including custody, visitation, and support are
❑ resolved ❑ NOT resolved

4. Division of all assets and all debts is
❑ resolved ❑ NOT resolved

5. This case is not ready for settlement or for trial because _____

_____

_____

_____

_____

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**CASE STATUS REPORT** **❑ Plaintiff's ❑ Defendant's**	CASE NUMBER FC-D NO.

6. The next step for this case is:

❑ Mediation by: _____

❑ Discovery by: _____

❑ Uncontested Divorce by: _____

❑ Motion to Set by: _____

❑ Case Conference by: _____

The answers on this Report are true and accurate to the best of my belief and knowledge.

DATED: _____

_____

❑ Plaintiff ❑ Defendant

_____

❑ Attorney for _____

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	**DIVORCE DECREE** **Without Children**	CASE NUMBER FC-D NO.

_____
PLAINTIFF
(Full Name)

VS.

_____
DEFENDANT
(Full Name)

This document is prepared by:
❑ Plaintiff ❑ Attorney for Plaintiff
❑ Defendant ❑ Attorney for Defendant

Name

Address

City, State, Zip Code

Phone

PRESIDING JUDGE	DATE OF HEARING

A hearing was held before the Presiding Judge or affidavit was submitted and the Court waived hearing on this matter. After full consideration of the evidence, the Court finds the material allegations of the Complaint for Divorce to be true. Plaintiff is entitled to a divorce form the bonds of matrimony. The Court has jurisdiction to enter this Divorce Decree, Plaintiff is referred to as ❑ Husband ❑ Wife, and Defendant is referred to as ❑ Husband ❑ Wife.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. **Decree**: A decree of divorce is granted to ❑ Husband ❑ Wife. The bonds of matrimony between Husband and Wife are hereby dissolved. The parties are restored to the status of single persons. Either party is permitted to marry after the effective date of this Divorce decree.

2. **Effective Date**: This Divorce decree is effective after it is signed and filed by the Court.

3. **Alimony**:
   - ❑ 3A. Neither party shall be required to pay alimony to the other party.
   - ❑ 3B Beginning with the first payment on the _____ day of _____ (mo/yr)

     ❑ Husband ❑ Wife shall pay to ❑ Husband ❑ Wife alimony of $ _____ per month, to be paid

     ❑ in one amount of $ _____ by the _____ day of each month.
     ❑ in two equal installments of $ _____ by the _____ and _____ day of each month.

     Alimony shall continue for _____ months and terminate with the payment due _____ (mo/day/yr).
     Alimony shall terminate upon the death of either Husband or Wife.
     Alimony ❑ shall ❑ shall not terminate upon the recipient's remarriage.
     The foregoing shall be subject to the further order of the Family Court.

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	DIVORCE DECREE Without Children	CASE NUMBER FC-D NO.

4. Bank Savings, Checking, Credit Union Accounts and Securities
(Stocks, Bonds, Mutual Funds, etc.):

- ❑ 4A. There are none.
- ❑ 4B. Each is awarded those titles in their name alone.
- ❑ 4C. Husband is awarded: _____
  _____
  _____
  _____
- ❑ 4D. Wife is awarded: _____
  _____
  _____
  _____

5. Vehicles (Autos, Trucks, Motorcycles, Trailers, Campers, Boats, etc.):

- ❑ 5A. There are none.
- ❑ 5B. Each is awarded those titles in their name alone.
- ❑ 5C. Husband is awarded: _____
  _____
  _____
  _____
- ❑ 5D. Wife is awarded: _____
  _____
  _____
  _____

Necessary transfer documents shall be signed no later than ten days following the filing of this Divorce Decree. If either party fails to do so, then the Director of Finance of the County of Kaua'i is authorized and directed to transfer the ownership of vehicle(s) if requested to do so.

6. Real Property:

- ❑ 6A. Neither party owns any interest in any kind of real property.
- ❑ 6B. The real property shall be divided as follows.
  _____
  _____
  _____
  _____
  _____

7. Life Insurance:

- ❑ 7A. There are none.
- ❑ 7B. Each party is awarded the life insurance policy(ies) now held by his/her life, together with any cash value therein and subject ot any debt thereon.
- ❑ 7C. The life insurance shall be divided as follows.

_____

_____

_____

8. Retirement Accounts:

- ❑ 8A. There are none.
- ❑ 8B. Each party shall keep their own.
- ❑ 8C. The retirement accounts/benefits of the parties shall be divided as follows.

_____

_____

_____

_____

_____

9. All Other Assets (Personal Belongings, Furniture, Household Effects, Art, Stamps, Coins, Tools, Equipment, Jewelry, Accounts Receivable, Investment Assets, Business Assets, Cemetery Plots, or Niches, Tax Refunds Due, etc.):

- ❑ 9A. Each party is awarded the personal belongings and the household effects in their possession.
- ❑ 9B. Husband is awarded: _____

_____

_____

_____

- ❑ 9C. Wife is awarded: _____

_____

_____

_____

STATE OF HAWAI'I FAMILY COURT FIFTH CIRCUIT	DIVORCE DECREE Without Children	CASE NUMBER FC-D NO.

10 . All Outstanding Debts:

❑ 10A. Each party shall assume and pay his or her own debts and shall indemnify and hold harmless the other party for any claims made against the non-responsible party except as follows.

❑ 10B. There are no joint debts.

❑ 10C. Husband shall pay: _____

_____

_____

_____

❑ 10D. Wife shall pay: _____

_____

_____

_____

11. Name Change:

❑ 11A. Wife shall resume the use of her ❑ birth surname ❑ former married name and shall be known thereafter as: _____(first, middle, last name).

❑ 11B. Husband shall resume the use of his ❑ birth surname ❑ former married name and shall be known thereafter as: _____(first, middle, last name).

12. Other:

Date	Judge

APPROVED AS TO FORM AND CONTENT:

X _____
Signature of Plaintiff

_____
Print Name

Address: _____

_____

SS#: XXX-XX- _____

Date Plaintiff Signed Decree: _____

X _____
Signature of Defendant

_____
Print Name

Address: _____

_____

SS#: XXX-XX- _____

Date Defendant Signed Decree: _____

APPROVED AS TO FORM:

X _____
Signature of Attorney for Plaintiff

Print Name _____

X _____
Signature of Attorney for Defendant

Print Name _____