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# UNCONTESTED DIVORCE E-Z FORMS WITH CHILDREN

## Follow These Instructions If:

The forms in this packet may be used to file for a divorce if you **have children, you believe your spouse will not contest the divorce**, and no one is requesting alimony. These forms are shorter, less numerous, and easier to complete than the standard forms. They may be used when there is no disagreement, or no expected disagreement, between the husband and wife about custody and time sharing of their children or about how to divide assets and pay joint and separate debts. Most people will be able to complete the forms without assistance from a legal service provider.

This packet contains:

### Frequently Asked Questions

**Specific Instructions CH-A** (blue)

**Specific Instructions CH-B** (yellow)

**How Do I Serve My Spouse**

**Instructions for Guidelines**

**Instructions for Completion of Order/Notice to Withhold Income**

**E-Z Form 21** (2) Complaint for Divorce E-Z

**E-Z Form 2** (2) Financial Statement

**E-Z Form 3** (1) Summons

**E-Z Form 4** (1) Proof of Service for Divorce E-Z

**E-Z Form 29** (2) Judgment of Divorce E-Z

**E-Z Form 29A** (2) Page 2 of **Form 29**, used when both Husband and Wife sign

**E-Z Form 29B** (2) Page 2 of **Form 29**, used when only the Plaintiff sign

**E-Z Form 10** (1) Request for Judgment of Divorce

**E-Z Form 11** (1) Continuation Sheet

**E-Z Form 12** (1) Parenting Plan

Child Support Guidelines Worksheet (2)

Order/Notice to Withhold Income for Child Support (1)

Pink Kids First Information Sheet (2)

Additional forms for Service by Mail and Service by Publication as well as sample forms are available upon request at the Judiciary Service Center at 2145 Main Street, Room 141A, Wailuku, Hawai'i, 96793, Telephone: 244-2706.

## WORD OF CAUTION

**If you have real estate, retirement/pension benefits, or other valuable property, you may wish to consult an attorney before using these forms. Additional documents may be necessary to allocate or transfer these assets.**

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## FREQUENTLY ASKED QUESTIONS

*Why do I have two copies of some documents?*

One copy is intended as a worksheet and the other is for your final document. Please note that some documents only have a final copy.

*Am I required to type the final document?*

**No**, all forms may be printed clearly in **black ink**.

*When is the divorce finished and how long will it take?*

Your divorce is finished when you receive a copy of the Judgment of Divorce from the court with a judge's signature or stamp. If you and your spouse cooperate in completing the necessary papers, you should receive the Judgment of Divorce from the court approximately two weeks after you submit the correctly completed forms. If you are filing with children, your divorce will not be finalized until you attend Kids First. If your spouse does not cooperate by signing the necessary forms, you must wait at least twenty days after completion of service before submitting your final documents. Allow an additional two weeks for the court to process them.

*Am I required to see a judge to get a divorce?*

**No**, if your papers are filled out correctly, the judge will grant a divorce without requiring you to come to court. If your papers are not filled out correctly, you will be required to come to court.

*How much does it cost?*

The filing fee is \$175, \$225 if you have children. If you cannot afford the filing fee, you may be eligible for a fee waiver. A fee waiver form can be obtained at the Service Center in the courthouse, 21454 Main Street, Room 141A, Wailuku, 96793.

*What is a certified copy?*

A certified copy is a copy of a document that has the signature of the clerk and a statement that "This copy is a true and accurate copy of the original." It also has a raised emblem stamped on the form. You can tell if a copy is certified by feeling the form for the raised seal which is located by the clerk's signature.

# **DIVORCE E-Z WITH CHILDREN**

## **SPECIFIC INSTRUCTIONS CH-A**

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### **Follow These Instructions Only If:**

- You have discussed the divorce with your spouse
- You and your spouse agree with each other about custody and time sharing of your child(ren) and about how you will divide all of your assets and pay all of your debts, and
- You are sure your spouse will sign the Judgment of Divorce in front of a Notary Public.

**If the above conditions do not apply to you, use SPECIFIC INSTRUCTIONS CH-B**

**INSTRUCTIONS CH-A CHECKLIST**  
**Use this to help keep your divorce process organized.**

<b>FORM#</b>	<b>Document Name</b>	<b># of copies</b>	<b>Date Completed Ready to Copy</b>	<b>Date Filed with court if required</b>	<b>Date of Service on spouse if required</b>	<b>Date of Final submission to court if required</b>
21	Complaint for Divorce	3				
2	Financial Statement	8				
3	Summons	3				
29 + 29A	Judgment of Divorce	4				
10	Request for Judgement of Divorce	3				
	Child Support Guidelines Worksheet	3				
	Order/Notice to Withhold Income for Child Support	4				
	Kids First Information Sheet	1				
11	Continuation Sheet					
12	Parenting Plan					

**Forms you will need:**

- Form 21 Complaint for Divorce
- Form 2 Financial Statement
- Form 3 Summons
- Forms 29 and 29A Judgment of Divorce
- Form 10 Request for Judgment of Divorce
- Child Support Guidelines Worksheet
- Order/Notice to Withhold Income for Child Support
- Kids First Information Sheet

**Forms you may need:**

- Form 11 Continuation Sheet  
Make as many copies of this form as you need
- Form 12 Parenting Plan

**Documents you will need for information to complete Financial Statement:**

- Wage Statements and other records of income  
(Social Security Statements, Bank and investment Statements, GET Returns,  
Tax Returns)
- Monthly Debt Payment Statements  
(Mortgage, Credit Card and Auto Payments)

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**Step 1**

Complete Complaint for Divorce (Form 21), Financial Statement (Form 2), and Summons (Form 3) by following the instructions on the forms. If you intend to submit a parenting Plan, complete Form 12. If you need additional space to complete any of these forms accurately, use Continuation Sheet (Form 11). Make sure you complete the required information in the top left corner of Form 1. Paper clip Forms 21, 2, 3 and 12 (if any). Complete two (2) copies of the Kids First Information Sheet (Pink).

**Step 2**

Complete Judgment of Divorce (Forms 29 + 29A) including the top left-hand corner of Form 29. If you need additional space, use Form 11 (complete the information in the top left corner). Make a copy of Form 2 and Form 12, if any and paper clip them to Forms 29 + 29A. (You will now have Form 2 and Form 12, if any, attached by paper clip to both Form 21 and Form 29 + 29A.)

Complete the appropriate the Child Support Guidelines Worksheet using the enclosed Instructions for Child Support Guidelines Worksheet. Use the "total income" from A1 for husband and A2 for wife from Form 2 as the gross income on line 11 of the Child Support Guidelines Worksheet.

Complete the Order/Notice to Withhold Income for Child Support using information from completed Form 29. Complete this form even if there is no employer.

**Step 3**

Sign and date Form 21, both copies of Form 2 (one is attached to Form 29 + 29A), and the completed Child Support Guidelines Worksheet. Sign the Judgment of Divorce (Form 29 + 29A + Form 12, if one) in the presence of a Notary Public. Both of you must sign in the presence of a Notary, although the signing does not need to be done on the same day or in the presence of the same Notary. **Make sure your spouse has a copy of Forms 21, 2, 3 and the completed Child Support Guidelines Worksheet before he or she signs Form 29A.**

**Step 4**

Complete Request for Judgment of Divorce (Form 10) by following the instructions on the form, Include required information in the top left-hand corner of Form 10. Sign and date the form.

Make the correct amount of copies:

Complaint for Divorce (Form 21)	Original + 3
Financial Statement (Form 2)	Original + 8
Summons (Form 3)	Original + 3
Judgment of Divorce (Forms 29 + 29A)	Original + 4
Order/Notice to Withhold Income for Child Support	Original + 4
Child Support Guidelines Worksheet	Original + 3
Request for Judgment of Divorce (Form 10)	Original + 3

Then, put them in sets, original on top:

- ✓ Complaint for Divorce (Form 21 + Form 12, if one), Financial Statement (Form 2) and Summons (Form 3) attached. **STAPLE EACH SET IN UPPER LEFT CORNER.**
- ✓ Judgement of Divorce (Forms 29 + 29A + Form 12, if one) with Financial Statement (Form 2) attached. **STAPLE EACH SET IN UPPER LEFT CORNER.**
- ✓ Order/Notice to Withhold Income for Child Support
- ✓ Child Support Guidelines Worksheet
- ✓ Request for Judgment of Divorce (Form 10)

**Step 5**

Take or mail the following documents to the Documents Section of the court, 2145 Main Street, Rm. 106, Wailuku, Hawai'i, 96793.

- Original and 3 copies of Complaint for Divorce (Combined Forms 21, 2, 3 & 12, if any)
- Original and 3 copies of Child Support Guidelines Worksheet
- Original and 3 copies of Request for Judgment of Divorce (Form 10)
- Original and 4 copies of Judgment of Divorce (Combined Forms 29, 29A, 2 & 12, if any)
- Original and 4 copies of Order/Notice to Withhold Income for Child Support
- Original and 1 copies of Kids First Information Sheet (pink)

Pay the \$225 filing fee in cash, money order or cashier's check made out to the Second Circuit Court. If you cannot afford the filing fee, you may be eligible for a fee waiver. A fee waiver form can be obtained at the Service Center in the courthouse, 2145 Main Street, Room 141A, Wailuku, 96793. The waiver form must be submitted together with the documents.

The clerk will return file stamped copies of all the documents to you, except the Request for Judgment of Divorce, Judgment of Divorce and Order/Notice to Withhold Income for Child Support immediately if you take them to the Documents section of the court. If you do not submit the documents in person these copies will be left in the *PRO SE* folder in the Documents section of the court.

**IMPORTANT** the Documents section will attach a pink sheet to the front of two copies of Complaint for Divorce (Form 21) which tells you when you must attend the Kids First Program.

Supply the clerk with a self-addressed envelope at the time you file your papers with sufficient postage. The file marked copies of the Judgment of Divorce, signed by a judge, will be mailed to you in approximately two weeks. Your divorce is finished when your Judgment of Divorce is signed or stamped by a judge.

**REMEMBER you must attend the Kids First Program before your divorce will be approved by the judge.**

### **Step 6**

After you get your signed certified copies of the Judgment of Divorce and the Order/Notice to Withhold Income for Child Support, mail one certified copy of the signed or stamped:

- Judgment of Divorce (Combined Forms 29 and 29A + Form 12, if one)
- Order/Notice to Withhold Income for Child Support

to: **Child Support Enforcement Agency**  
**35 Lunalilo Street, Suite 201**  
**Wailuku, HI 96793**

Mail one certified copy of the signed or stamped

- Order/Notice to Withhold Income for Child Support

to: **Employer who will withhold**

Send one certified copy of the **signed or stamped** Judgment of Divorce (Combined Forms 29 and 29A) to your former spouse.

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# **DIVORCE E-Z WITH CHILDREN**

## **SPECIFIC INSTRUCTIONS CH-B**

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### **Follow These Instructions If:**

- You are not sure your spouse will sign the Judgment of Divorce in front of a Notary Public, but
  - You are sure your spouse will not oppose the divorce or oppose the way you want to divide the things you won and how you want to pay the debts you owe,
- or**
- You are not sure you will be able to locate your spouse to sign the papers necessary to get a divorce.



## INSTRUCTIONS CH-B CHECKLIST

**Use this to help keep your divorce process organized, draw a line through forms you will not be using.**

FORM#	Document Name	# of copies	Date Completed Ready to Copy	Date Filed with court if required	Date of Service on spouse if required	Date of Final submission to court if required
21	Complaint for Divorce	3				
2	Financial Statement	8				
3	Summons	3				
4	Proof of Service	1				
5	Motion for Service by Mail and Order	3				
6	Statement of Mailing	1				
7	Motion for Service by Publication, Affidavit, Order	3				
8	Summons for Publication	3				
29 29A + 29B	Judgment of Divorce	4				
10	Request for Judgment of Divorce	3				
	Child Support Guidelines Worksheet	3				
	Order/Notice to Withhold Income For Child Support	4				
	Kids First Information Sheet (Pink)	1				
11	Continuation Sheet					
12	Parenting Plan					

**Forms you will need:**

- Form 21 Complaint for Divorce
- Form 2 Financial Statement
- Form 3 Summons
- Forms 29 and either 29A or 29B Judgment of Divorce
- Form 10 Request for Judgment of Divorce
- Child Support Guidelines Worksheet
- Order/Notice to Withhold Income for Child Support
- Kids First Information Sheet

**and**

One of the following sets

- Form 4, **or** Proof of Service
- Forms 5 and 6, **or** Motion for Service by Mail, Affidavit and Order (Form 5) and Statement of Mailing (Form 6)
- Forms 7 and 8 Motion for Service by Publication, Affidavit, Order (Form 7) and Summons for Publication (Form 8)

**Forms you may need:**

- Form 11 Continuation Sheet  
Make as many copies of this form as you need
- Form 12 Parenting Plan

**Documents you will need for information to complete Financial Statement:**

- Wage Statements and other records of income  
(Social Security Statements, Bank and investment Statements, GET Returns, Tax Returns)
- Monthly Debt Payment Statements  
(Mortgage, Credit Card and Auto Payments)

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**Step 1**

Complete Complaint for Divorce (Form 21), Financial Statement (Form 2) and Summons (Form 3) by following the instructions on the forms. If you intend to submit a Parenting Plan complete Form 12. If you need additional space to complete any form accurately, use Continuation Sheet (Form 11). Complete the information in the top left-hand corner of Form 21. Sign and date Forms 21, 2 and completed Child Support Guidelines Worksheet. Paper clip Forms 21, 12 (if any), 2 and 3 together. Complete two (2) copies of the Kids First Information Sheet (Pink).

Complete the appropriate Child Support Guidelines Worksheet using the enclosed Instructions for Child Support Guidelines Worksheet. Use the "total income: from A1 for husband and A2 for wife from Form 2 as the gross income on line 11 of the Child Support Guidelines Worksheet.

**Step 2**

Read the enclosed pamphlet “How Do I Serve My Spouse” and decide which is the correct method for giving legal notice of the divorce to your spouse. Note: If you serve your spouse by publication, the divorce court will **not** divide any of your assets and liabilities (listed under C and D of Form 2) between you and your spouse.

**Step 3****Personal Service**

(No action)

**Service by Mail**

Complete Motion for Service by Mail (Form 5) by following the instructions on the form and filling out the top left-hand corner.

**Publication**

Complete Motion for Service by Publication (Form 7) and Summons (Form 8). Complete the required information in the top left-hand corner of Form 7. Sign Form 7 in the presence of Notary Public.

**Note:** If you serve your spouse by publication, the court will not order your spouse to give you any assets listed in Section C of Form 2 that belong to your spouse or to both of you. Likewise, the court will not order your spouse to pay any debt listed in Section D of Form 2 that is owed by you or both of you.

**Step 4****Personal Service**

Make 3 photo copies of:

- Combine Forms 21, 12 (if one), 2 and 3. Staple each set in the upper left-hand corner.
- Child Support Guidelines Worksheet.

Please Note: Make an extra copy of Form 2 to hold for copying and submission with your Judgment.

Take or mail all originals and copies of the above, together with 2 Kids First Information Sheets (Pink), to the Documents Section of the Court, 2145 Main Street, Room 106, Wailuku, 96793. You will be required to pay a filing fee of \$225 in cash, money order or cashier's check made out to the Second Circuit Court. If you think you are eligible, a fee Waiver form can be obtained at the Service Center in the courthouse, 2145 Main Street, Room 141A, Wailuku, 967983. The waiver form must be submitted together with the documents.

The clerk will keep the original + 1 of the forms and return two copies to you. They will all have a file stamp on them and be certified.

If you mail your documents, provide a self-addressed envelope with sufficient postage to receive your documents back.

**IMPORTANT** the documents section will attach a pink sheet to the front of two copies of the complaint for Divorce (Form 1) which tells you when you must attend the Kids First Program.

**Service by Mail**

Make 3 photo copies of:

- Combined Forms 21, 12 (if one), 2 and 3. Staple each set in the upper left-hand corner.
- Form 5. Staple pages in each set.
- Child Support Guidelines Worksheet.

Please Note: Make an extra copy of Form 2 to hold for copying and submission with your Judgment.

Take or mail all originals and copies of the above together with 2 Kids First Information Sheets (Pink), to the Documents Section of the Court, 2145 Main Street, Room 106, Wailuku, 96793. You will be required to pay a filing fee of \$225 in cash, money order or cashier's check made out to the Second Circuit Court. If you think you are eligible, a fee waiver form can be obtained at the Service Center in the courthouse, 2145 Main Street, Room 141A, Wailuku, 96793. The waiver form must be submitted together with the documents.

The clerk will return copies of the combined Form 21 + 12 (if one) + 2 + 3 and the Child Support Guidelines Worksheet, but will keep the original + 1 of those documents. The clerk will also keep the original and all copies of Form 5 until it is signed by the judge.

Give the clerk a self-addressed envelope with sufficient postage to send three copies of Form 5 to you, the clerk will mail the copies of Form 5 to you after the judge signs the original. If not, the copies will be left in the PRO SE folder in the Documents Section when the judge signs the original. Copies of all documents will have a file stamp, two will be certified.

**IMPORTANT** the documents section will attach a pink sheet to the front of two copies of the complaint for Divorce (Form 1) which tells you when you must attend the Kids First Program.

**Publication**

Make 3 photo copies of:

- Combined Forms 21, 12 (if one), 2 and 3. Staple each set in the upper left-hand corner.
- Form 7. Staple pages in each set.
- Form 8.
- Child Support Guidelines Worksheet.

Please Note: Make an extra copy of Form 2 to hold for copying and submission with your Judgment.

Take or mail all originals and copies of the above together with 2 Kids First Information Sheets (Pink), to the Documents Section of the court, 2145 Main Street, Room 106, Wailuku, 96793. You will be required to pay a filing fee of \$225 in cash, money order or cashier's check made out to the Second Circuit Court. If you think you are eligible, a fee waiver form can be obtained at the Service Center in the courthouse, 2145 Main Street, Room 141A, Wailuku, 96793. The waiver form must be submitted together with the documents.

The clerk will keep the original + 1 of Form 21 + 12 (if one) + 2 + 3, and the original and copies of Forms 7 + 8. Two copies of Forms 21 + 12 (if one) + 2 + 3 will be returned to you.

Give the clerk a self-addressed envelope with sufficient postage to send three copies of Forms 7 + 8 to you, the clerk will mail the copies to you after the judge signs Form 7. If not, the copies will be left in the PRO SE folder in the Documents Section when the judge signs Form 7. Copies of all documents will have a file stamp, two will be certified.

**IMPORTANT** the documents section will attach a pink sheet to the front of two copies of the Complaint for Divorce (Form 1) which tells you when you must attend the Kids First Program.

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**Step 5****Personal Service**

Complete the portion of Proof of Service (Form 4) above the *INSTRUCTIONS* line.

Determine whom you will have serve the documents on your spouse (See "How Do I Serve My Spouse"). Give the original + 1 of Form 4 **plus** a file stamped certified copy of the Complaint, Financial Statement, Summons and Parenting Plan (if one) (Combined Forms 21 + 12, if one + 2 + 3) to the person you have chosen to serve the document. You not required to serve a copy of the Child Support Guidelines Worksheet on your spouse.

After the server has served your spouse according to the instructions on Form 4, the server must complete Form 4, sign and date it, and return it to you.

Make a copy of the completed Form 4. Take the Original and copy to the Documents Section of the court and file them. The clerk will return a file stamped copy to you for your records.

**Service by Mail**

After you receive your copies of Form 5 from the Court, mail to your spouse a file stamped certified copy of Complaint, Financial Statement, Summons, and Parenting Plan (combined Forms 21 +12, if one + 2 + 3), and a file stamped certified copy of the Child Support Guidelines Worksheet, Motion for Service by Mil and affidavit, Order for Service by Mail (Form 5).

These forms must be sent **certified or registered mail**, deliverable to the **addressee only** and with a **return receipt** requested. When you mail these forms, the Post Office will provide you with a Mail receipt – Keep it!

After the envelope is delivered to your spouse, you will receive either the green or pink card from the Post Office. When you have the green or pink card, complete Statement of Mailing (Form 6) and make a copy of it. Take the original and copy to the Documents Section of the court and file them. The clerk will return a file stamped copy to you for your records.

**Publication**

After you receive copies of Form 7 and 8 from the court, **immediately** take one copy of both Forms to the Maui News. This is important because the Maui News must publish the notice according to the terms of the order. The Maui News will charge you approximately \$400 at the time you give them the certified copies of Forms 7 and 8.

Note the date and time the court entered on Form 8. That is the date and time your case will be heard by the court.

Follow Instruction 6A if your spouse contacted you after receiving the divorce papers and the two of you agreed to all of the final terms.

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**Follow Instruction 6A if your spouse contacted you after receiving the divorce papers and the two of you agreed to all of the final terms.**

**Follow instruction 6B if:**

- (a) Twenty days have elapsed since your spouse was served the divorce papers,**
- (b) No written response was filed in your case (you should have received a copy if one was filed) AND**
- (c) Either your spouse did not contact you after being served the divorce papers or, if you were contacted, he or she did not express opposition to your proposed division of assets and debts or other requests you made in the Complaint for Divorce (Form 21).**

**Note: If your spouse contacts you after being served to express opposition to any part of the divorce, then the divorce is not uncontested. The Divorce E-Z forms will no longer be sufficient to obtain a divorce. You should consult an attorney before proceeding with your divorce.**

**Step 6A****See above to decide if you should skip this step**

For personal service, service by mail, and service by publication, if your spouse contacts you after receiving notice and is willing to help you complete the remaining forms to finalize the divorce, follow steps 2 and 3 in **Specific Instructions CH-A**. Then return to this point to complete your divorce.

Please note that for service by publication, **If you cannot complete this step before the hearing date in Form 8 you must appear in court on the hearing date.**

If any financial information is changed you must prepare an Amended Child Support Guidelines Worksheet and an Amended Financial Statement (Form 22) which is available by request from the Service Center. Both of you must sign both documents.

Make the correct amount of copies:

Judgment of Divorce (Form 29 + 29A)	Original + 4
Order/Notice to Withhold Income for Child Support	Original + 4
Request for Judgment of Divorce (Form 10)	Original + 3
Amended Child Support Guidelines, if any	Original + 3
Amended Financial Statement (Form 2), if any	Original + 1
Financial Statement (Form 2) OR Amended Financial Statement (Form 22) (to attach to all copies of Judgment)	5 additional copies

Take or mail the following documents to the Documents Section of the court, 2145 Main Street, Rm. 106, Wailuku, Hawai'i 96793.

- Original and 3 copies of New Child Support Guidelines Worksheet (if any) (this will be filed when you submit it)
- Original and 1 copy of Amended Financial Statement (Form 2) (if any) (this will be filed when you submit it)
- Original and 3 copies of Request for Judgment of Divorce (Form 10)
- Original and 4 copies of Judgment of Divorce (Combined Forms 29 & 29A + 12, if one, +2 or 22)
- Original and 4 copies of Order/Notice to Withhold Income for Child Support

Supply the clerk with a self-addressed envelope with sufficient postage. File stamped copies of the Judgment of Divorce, and the Order/Notice to Withhold Income for Child Support signed by a judge, will be mailed to you. Your divorce is final when you receive the file stamped copies. You are required to send a file stamped copy of the Judgment of Divorce (Form 29 + 29A + 12 (if one) + 2 or 22) to your former spouse.

You are required to send a file stamped certified copy of the Judgment of Divorce (Form 29 + 29A + 12, if one + 2 or 22) and a certified copy of the Order/Notice to Withhold Income for Child Support Enforcement Agency, 35 Lunalilo Street Suite 201, Wailuku, HI 96793.

You are also required to send a file stamped certified copy of the Order/Notice to Withhold Income for Child Support to the employer of the person who will pay for child support.

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**Step 6B  
DO NOT DO STEP 6B IF YOU DID 6A**

**Personal Service or Service by Mail**

Complete Judgment of Divorce (Forms 29 and 29B + Form 12, if one). The information you put in Form 29 must match the requests you made in the Complaint (Form 21).

Complete Order/Notice to Withhold Income for Child Support.

Paper clip combined Forms 29 + 29B + 12, if one to Form 2. You may use a copy Form 2 you attached to Form 1 when you filed the initial papers. If you prepare a new Form 2, the allocation of assets (WHO GETS IT) and liabilities (WHO PAYS IT) under sections C and D must be the same as what you put in the old Form 2.

**Note:**

If all of the following are true

1. your spouse was not in Hawai'i when the Complaint was served on him/her
2. your spouse was not a resident of Hawai'i at the time you filed your Complaint for Divorce **and**
3. your spouse was not in Hawai'i when you became separated

**then** the court does not have the power to determine what assets your spouse must give you and what debts he or she must pay. Therefore, draw a line through the words "AND FINANCIAL STATEMENT" in the title of Form 29 and item #6, item #7, and the phrase "and Financial Statement" in the sentence beginning "I understand English..." on Form 29B. In item #8 under "other" write, "The court does not have jurisdiction to make personal orders against the Defendant."

Complete Request for Judgment of Divorce (Form 10) by following the instructions on the form. Sign and date the form.

Make 4 photo copies

- ✓ Judgment of Divorce (Forms 29 + 29B + 12, if one with Form 2 attached) STAPLE SETS IN UPPER LEFT CORNER
- ✓ Order/Notice to Withhold Income for Child Support

Take or mail the following documents to the Documents Section of the court, 2145 Main Street, Rm. 106, Wailuku, Hawai'i, 96793.

- Request for Judgment of Divorce (Form 10)
- Original and 4 copies of Judgment of Divorce (Forms 29 + 29B + 12, if one with Form 2 attached)
- Original and 4 copies of Order/Notice to Withhold Income for Child Support

**Publication**

Complete Judgment of Divorce (Forms 29 and 29B + 12, if one).

Complete Order/Notice to Withhold Income for Child Support.

When you serve your spouse by publication, the court does not have the power to determine what property your spouse must give you or what debts he or she must pay. Therefore draw a line through the words "AND FINANCIAL STATEMENT" in the title of Form 29 and item #6, item #7, and the phrase "and Financial Statement" in the sentence beginning "I understand English..." on Form 29B. In item #8 on Form 29B under "Other:" write, "The court does not have jurisdiction to make personal orders against the Defendant".

Paper clip combined Forms 29 + 29B + 12, if one.

Make 4 photo copies

- ✓ Judgment of Divorce (Forms 29 + 29B)
- ✓ STAPLE EACH SET IN UPPER LEFT CORNER
- ✓ Order/Notice to Withhold Income for Child Support

Take or mail the following documents to the Documents Section of the court, 2145 Main Street, Rm. 106, Wailuku, Hawai'i, 96793 at least 7 days prior to the hearing date that the clerk entered in Summons For Publication (Form 8).

- Original and 4 copies of Judgment of Divorce (Forms 29 + 29B).
- Original and 4 copies of Order/Notice to Withhold Income for Child Support

Note the date and time for the hearing that the clerk entered in Summons For Publication (Form 8). **APPEAR AT THE HEARING.**

**Personal Service or Service by Mail**

Supply the clerk with a self-addressed envelope with sufficient postage. File stamped copies of the Judgment of Divorce and Order/Notice to Withhold Income for Child Support, signed by a judge, will be mailed to you. You will know your divorce is final when you have the copies. You are required to send a file stamped certified copy of the Judgment of Divorce (Form 29 + 29B+ 12, if one with Form 2 attached) to your former spouse.

You are required to send a file stamped certified copy of the Judgment of Divorce (Form 29 + 29B + 12, if one with Form 2 attached) and a certified copy of the Order/Notice to Withhold Income for Child Support to Child Support Enforcement Agency, 35 Lunalilo Street, Suite 201, Wailuku, HI 96793.

You are required to send a file stamped certified copy of the Order/Notice to Withhold Income for Child Support to the Employer of the person who pays child support.

**Publication**

If your spouse does not appear at the hearing, and your forms have been completed correctly the judge will grant your divorce at this hearing and inform you when you will receive your copies of the documents. You are required to send a file stamped certified copy of the Judgment of Divorce (Forms 29 + 29B + 12, if one) to your former spouse, if you locate him or her in the future.

You are required to send a file stamped certified copy of the Judgment of Divorce (Form 29 + 29B + 12, if one, with Form 2 attached) to Child Support Enforcement Agency, 35 Lunalilo Street, Suite 201, Wailuku, HI 96793.

You are required to send a file stamped certified copy of the Order/Notice to Withhold Income for Child Support to the Employer of the person who pays child support, if you know who the Employer is.

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**REMEMBER** you must attend the Kids First Program before your divorce will be approved by the judge.



## HOW DO I SERVE MY SPOUSE?

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### What does Service Mean?

“Service” means delivering certain court papers to the opposing party in a legal action. The purpose is to inform the opposing party of an upcoming court action. In a divorce case, the opposing party is your spouse. Proper service is required at the beginning of every divorce action because (1) it tells your spouse what is going on and (2) it gives your spouse a chance to respond to the Court papers.

There are three methods of service.

- |                          |  |
|--------------------------|--|
| <b>Personal Service:</b> | Use this method when you're your spouse lives within the State of Hawaii.  |
| <b>Service by Mail:</b>  | Use this method when your spouse lives outside of the State of Hawaii. You may also choose to use this method if your spouse lives outside the County of Maui.     |
| <b>Publication:</b>      | Use this method when you do not know where your spouse lives and you are unable to find out from family, friends, employers, phone directories, and other sources. |

### Personal Service

Personal Service means the required documents are personally hand delivered to your spouse. You cannot serve your spouse yourself, but anyone else can, as long as he or she is at least 18 years old. You can choose a reliable friend or relative or a civil process agent to deliver the documents to your spouse. The Service Center at the courthouse has a listing of available civil process agents.

#### A. If you want someone you know to serve your spouse:

Any adult other than yourself, including a relative or friend, can serve your spouse with the required documents. Choose a reliable person and remember:

- ▶ The server must personally hand the documents to your spouse. The server cannot leave them in the mailbox, give them to another person, or slide them under the door.
- ▶ The server does not need to talk to your spouse when the documents are hand delivered.

- ▶ The server is not permitted to deliver the documents to your spouse between the hours of 10:00 p.m. and 6:00 a.m., unless it is at a place open to the public during those hours. Examples of such establishments are: restaurants, service stations, and convenience stores. The server is not allowed to serve the documents at a residence between the hours of 10:00 p.m. and 6:00 a.m.
- ▶ Have the server write down the date, time and exact address where your spouse was served. If possible, have the server get your spouse's signature somewhere on the Proof of Service (E-Z Form 4)

After delivering the documents, the server must complete the Proof of Service (E-Z Form 4) including the signature and date. It must be returned to you to file with the Court.

### **B. If you want to hire a civil process agent to serve your spouse:**

If you do not want a friend or relative to serve your spouse, you must hire a civil process agent.

For a list of civil process agents in Maui County, contact the Service Center, 2145 Main Street, Room 141A, Wailuku, Hawaii, 244-2706. The Service Center as well as the list of civil process agents for the City and County of Honolulu, Hawaii County, and Kaua'i County, you must pay the civil process agent to serve the divorce papers. The normal fee is \$25 plus mileage expenses of \$0.40 per mile each way. You should check with the listed civil process agents in the county the papers are to be served for the current information about the cost of serving papers. All fees must be paid in cash, money order, or a cashier's check.

Give the civil process agent two copies of the Proof of Service (Form 4), a certified copy of the Complaint, Financial Statement and Summons (Combined Forms 1 + 2 + 3 or Combined Forms 21 + 2 + 3). Also provide the civil process agent with a stamped self addressed envelope to return the completed Proof of Service (Form 4) to you. If the Form 4 which you receive back is not file-marked, check with the civil process agent or the Documents Section at the court.

### **Service by Mail**

If your spouse does not live in the State of Hawaii, you are permitted to send the documents by mail if you follow certain procedures and permission from the Court. You may also choose to use this method if your spouse lives outside the county of Maui. See the information in **Specific Instructions B or CH-B**.

1. Complete **Form 5 (Motion for Service by Mail, Order for Service by Mail)** by following Specific Instructions B or CH-B, on form 5.
2. Mail a certified copy of the **Complaint, Financial Statement and Summons (Forms 1, 2 & 3)** by following Specific Instructions B or CH-B.
3. When you receive the **Return Receipt** from the post office, complete **Form 6 (Statement of Mailing)** by following Specific Instructions B or CH-B.

**Publication**

Follow *Specific Instructions B or CH-B* if you must serve your spouse by publication. Service by Publication is the most expensive method of service. The Maui News charges approximately \$400. It is also the least favored. It should be used only when you have completely lost contact with your spouse and are unable to discover where he or she is.

Note: if you are unable to pay the cost of publication, the court may allow you to serve your spouse by mailing to a last know address and posting the Complaint & Summons at the Courthouse instead of publishing notice in a newspaper. Contact the Service Center, 2145 Main Street, Room 141A, Wailuku, Hawaii, 244-2706, for instructions and forms for *Service by Posting and Mail in Lieu of Publication*.

**Definitions**

- Certified Copy** A certified copy has a clerk's signature and a statement saying "this copy is a true accurate copy of the original." It also has a raised emblem stamped in the form. You can tell if a copy is certified feeling the form for the raised seal which is located by the clerk's signature.
- File a document** To file a document you must take your form or forms to the correct court. The clerk will keep the original put in the court record and return copies to you and have a file stamp on them.

## **INSTRUCTIONS FOR COMPLETION OF ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT**

The Order/Notice to Withhold for Child Support is a form which gives an employer notice to withhold money for child support from an employee. All employers should be familiar with the form. You must complete it even if the person who pays child support does not currently have an employer.

You are required to complete information only in the blanks with the darker print. If you have information available to complete other blanks, you may do so – but, you are not required to complete the lighter print sections.

1. Enter your case number. This is the same number that is on all of your filed forms. If you are using Specific Instructions CH-A – leave it blank, the clerk may insert it or you may insert it later.
2. Enter the name of the person who will pay child support.
3. Enter the social security number of the person who will pay child support. If you do not know what it is and you cannot find out what it is write “unknown”.
4. Enter the case number again.
5. Enter the name of the parent who has physical custody of the child(ren) according to the Judgment of Divorce (Form 29). If, according to the Judgment of Divorce both parents have physical custody of the child(ren), put in both names.
6. Enter the names and dates of birth of the child(ren) for whom child support is to be paid according to the Judgment of Divorce (Form 29).
7. If the person who pays child support is required by the Judgment of Divorce (Form 29) to pay the health insurance for the child(ren), check this box.
8. Enter the total amount of child support that is to be paid per month according to the Judgment of Divorce (Form 29)
9. Enter the total amount of support to be paid per month. This should be the same amount you entered in 8 above.
10. Enter the case number again.

# FINANCIAL STATEMENT - PAGE 1

Your full name \_\_\_\_\_

Spouse's full name \_\_\_\_\_

PLAINTIFF

VS.

DEFENDANT

FC-D NO. \_\_\_\_\_

Write **HUSBAND** or **WIFE**

Write **HUSBAND** or **WIFE**

(Complete Case Number)

			<b>INSTRUCTIONS</b>
<b>A. INCOME</b> All income must be reported.			List monthly amounts, if the amount is unknown, write "Unk.". If the amount is an estimate, write "Est." and explain why the estimate is reliable in the space below.
<b>MONTHLY AMOUNT</b>			
	<b>HUSBAND</b>	<b>WIFE</b>	
<b>1. Employment salaries and wages before taxes</b>	\$	\$	1. Include tips, commissions, bonuses, profit sharing, deferred compensation, severance pay, 2nd jobs and overtime.
<b>2. Income from investments (including dividends)</b>	\$	\$	
<b>3. Social Security</b>	\$	\$	
<b>4. Net Rental Income received</b>	\$	\$	4. Gross income from rent minus rental expenses.
<b>5. Spousal support</b>	\$	\$	
<b>6. Benefits in place of income</b>	\$	\$	6. Worker's compensation, unemployment, strike pay, disability insurance. Do not include TANF, SSI, Food Stamps, Sec. 8 Housing or other needs-based public assistance.
<b>7. Self employment income</b>	\$	\$	7. Income before taxes minus ordinary and necessary business/operating expenses and 1/2 self employment tax.
<b>8. Other income (specify and explain)</b>	\$	\$	8. For example, include pension, trust or estate income, annuities, VA or military benefits; national guard and reserve drill pay; lottery and gambling winnings that are continuous; income from contractual agreements or fringe benefits, including use of company car, free housing, and reimbursed expenses which reduce living expenses.
_____	\$	\$	
_____	\$	\$	
_____	\$	\$	
<b>TOTAL INCOME</b>	<b>A1\$</b>	<b>A2\$</b>	<b>Transfer totals to Financial Summary on Page 7.</b>
If any amount is an estimate, explain why the estimate is reliable: _____ _____ _____			

# FINANCIAL STATEMENT - PAGE 2

			<b>INSTRUCTIONS</b>
<b>A. FIXED EXPENDITURES</b> List the expenses separately for husband and wife.			List monthly amounts, if the amount is unknown, write "Unk.". If the amount is an estimate, write "Est." and explain why the estimate is reliable in the space below.
MONTHLY AMOUNT			
	HUSBAND	WIFE	
1. Housing Expenses	\$	\$	1. Include mortgage/rent payment, homeowner/rental insurance, and property taxes.
2. Utilities	\$	\$	2. Include gas, electric, water, telephone, and cable.
3. Food and Personal expenses	\$	\$	3. Include expenses for child(ren) in household.
4. Transportation	\$	\$	4. Include gas, oil, car insurance, maintenance, and car payments.
5. Loan repayments	\$	\$	5. Do not include mortgage or car payments. (They are included in 1 and 4 above.)
6. Minimum credit card payments	\$	\$	
7. Child Care related/school expenses	\$	\$	
8. Medical Insurance Premiums for dependent children			8. Include medical insurance premiums for dependent child(ren), but only the portion that applies to them.
9. Other income (specify and explain)	\$	\$	
_____	\$	\$	
_____	\$	\$	
_____	\$	\$	
<b>TOTAL FIXED EXPENDITURES</b>	<b>B1\$</b>	<b>B2\$</b>	<b>Transfer totals to Financial Summary on Page 7.</b>
If any amount is an estimate, explain why the estimate is reliable: _____ _____ _____			

# FINANCIAL STATEMENT - PAGE 3

					INSTRUCTIONS	
<b>C. ASSETS - WHAT YOU BOTH OWN</b>					<p>List all assets belonging to you and/or your spouse and their value. Then check the boxes showing who owns it now. (<b>H</b> = Husband, <b>W</b> = Wife, <b>B</b> = Both) Then list the value of the asset in the column under who gets it. If the asset is being split, put half the value in H's column and half in W's column. Give amounts in whole dollars. If the amount for an item is zero write "0".</p> <p>If Husband and/or Wife owns part of an asset with a third person, tell who the third person is and put only husband's or wife's share value in the column</p>	
1. Bank or Credit Union Accounts:	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<p><u>Bank or Credit Union Accounts:</u> Include deposit accounts such as bank checking and savings accounts, credit union accounts, or Christmas Club accounts.</p>
	<b>H</b>	<b>W</b>	<b>B</b>	<b>H</b>	<b>W</b>	
				\$	\$	
				\$	\$	
				\$	\$	
2. Motor Vehicles (year, make, model):	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<p><u>Motor Vehicles:</u> Include automobiles or motorcycles titled in either your name or spouse's name, or both. List any related loans separately under the liability Section D1, Loans. The value should be either the private sale Kelley Blue Book or you best estimate of what a buyer would be willing to pay for the vehicle if sold today.</p>
	<b>H</b>	<b>W</b>	<b>B</b>	<b>H</b>	<b>W</b>	
				\$	\$	
				\$	\$	
				\$	\$	
3. Investments and Retirement/Pension Accounts:	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<p><u>Investments and Retirement/Pension Accounts:</u> Include financial investments such as certificates of deposit, money market funds, stocks, bonds, mutual funds, annuities, whole life insurance, and retirement accounts.</p> <p><b>Note: Giving all or part of retirement accounts such as pensions, deferred compensation, 401Ks, IRAs, etc. to the person who does not own it may require legal preparation of complicated legal documents - SEE an ATTORNEY</b></p>
	<b>H</b>	<b>W</b>	<b>B</b>	<b>H</b>	<b>W</b>	
				\$	\$	
				\$	\$	
				\$	\$	

**FINANCIAL STATEMENT - PAGE 4**

C. ASSETS - WHAT YOU BOTH OWN						INSTRUCTIONS	
4. Personal Property:	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<u>Personal Property:</u> Include all assets other than land, buildings, or motor vehicles. Examples are boats, RV's, home furnishings, jewelry or other personal possessions. The value is your best estimate of what a buyer would be willing to pay for the asset, if you were to sell it today. Attach additional sheets if necessary. List any related debts under Debts, Section D-1.	
	H	W	B	H	W		
				\$	\$		
				\$	\$		
				\$	\$		
5. Real Property: (Street Address or TMK)	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<u>Real Property:</u> Include land and buildings such as your family home, rental property, vacation property or second home. Indicate if property is owned with another person other than your spouse. List any related debts under Debts, Section D-1.  <b>Note: If you give real property or any interest in real property to a person who is not an owner, a deed or conveyance document must also be prepared - SEE an ATTORNEY.</b>	
	H	W	B	H	W		
				\$	\$		
				\$	\$		
				\$	\$		
6. Other:	<b>Who owns it</b>			<b>Who gets it</b> (State Value in correct column)		<u>Other Assets:</u> Include any other asset not listed above. For example, include here any outstanding tax refund or other money owed to you. List any related debts under Debts, Section D-1.	
	H	W	B	H	W		
				\$	\$		
				\$	\$		
				\$	\$		
				<b>C1\$</b>	<b>C2\$</b>	<b>Add up amounts in H's and W's column and transfer totals to financial summary on Page 7.</b>	



# FINANCIAL STATEMENT - PAGE 5

<b>D. DEBTS - WHAT YOU BOTH OWE</b>						<b>INSTRUCTIONS</b>	
						<p>List all debts owed by you and/or spouse. Then check the boxes to show who owes it. (<b>H</b> = Husband, <b>W</b> = Wife, <b>B</b> = Both) Then list the outstanding balance of debt in the column, under "Who pays it". If the debt is split, state the amount to be paid by husband and wife under the appropriate column. Give amounts in whole dollars. If an item is zero, write "0".</p>	
1. Loans: (Lender's Name)	<b>Who owns it</b>			<b>Who pays it</b> (State Value in correct column)		<p><u>Loans:</u> Include any debt that you or your spouse owes, either individually or together. Indicate if a debt is secured by real property, an automobile or other property. List any unsecured loans (such as from family or friends) or school loans. Do not list credit card bills in this section - they should be listed separately in Section 2 below. Money owed to the IRS or state tax office should be listed in Section 3 below.</p> <p><b>Note:</b> The person or company to whom you owe the debt is not bound by your assignment of who pays it. They may seek full payment from the person or persons who owe it, even after divorce, even if you and your spouse agree who should pay.</p>	
	<b>H</b>	<b>W</b>	<b>B</b>	<b>H</b>	<b>W</b>		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
5. Credit Cards:	<b>Who owns it</b>			<b>Who pays it</b> (State Value in correct column)		<p><u>Credit Cards:</u> List the balance that you carry on your credit cards. Include every card that either you or your spouse has and who will be responsible for paying for it. Examples of credit cards are VISA, MasterCard, Sears or gasoline company cards.</p> <p><b>Note:</b> The credit card company is not bound by your assignment of who pays it. The company may seek payment in full from the person or persons who owe it, even after divorce, even if you and your spouse agree who should pay.</p>	
	<b>H</b>	<b>W</b>	<b>B</b>	<b>H</b>	<b>W</b>		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		
				\$	\$		

**FINANCIAL STATEMENT - PAGE 6**

D. DEBTS - WHAT YOU BOTH OWE					INSTRUCTIONS	
1. Other: (Attach additional sheets if necessary)	Who owes it			Who pays it (State amount to be paid by each)		<i>Other:</i> In this section, list all debts, or your spouse's debts, not listed above. Include debts such as court judgments against you or your spouse, liens, unpaid medical or utility bills, unpaid taxes, back child support or alimony owed. Attach additional sheets if necessary.
	H	W	B	H	W	
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			\$	\$		
			<b>D1\$</b>	<b>D2\$</b>	Add up amounts in H's and W's column and transfer totals to Financial Summary on Page 7.	

# FINANCIAL STATEMENT - PAGE 7

FINANCIAL SUMMARY		
<b>NOTE:</b> Complete this summary <b>LAST</b> by carrying over the amounts from prior pages.		
A1. TOTAL INCOME - HUSBAND	TOTAL A1	\$
A2. TOTAL INCOME - WIFE	TOTAL A2	\$
B1. TOTAL FIXED EXPENSES - HUSBAND	TOTAL B1	\$
B2. TOTAL FIXED EXPENSES - WIFE	TOTAL B2	\$

	HUSBAND		WIFE	
C. TOTAL ASSETS AWARDED	C1	\$	C2	\$
D. TOTAL DEBTS TO BE PAID	D1	\$	D2	\$

**IF YOU DO NOT UNDERSTAND THIS FORM OR YOU DO NOT AGREE WITH WHAT IS WRITTEN, DO NOT SIGN – SEE AN ATTORNEY**

<p>I declare under penalty that I have supplied the information pertaining to me used in this financial statement and have reviewed this statement and I certify that the information pertaining to me is accurate, complete and correct, and that any information I supplied about my wife is correct to the best of my knowledge.</p> <p>I agree that the division of assets and liabilities contained herein is fair and equitable.</p>	<p>I declare under penalty that I have supplied the information pertaining to me used in this financial statement and have reviewed this statement and I certify that the information pertaining to me is accurate, complete and correct, and that any information I supplied about my husband is correct to the best of my knowledge.</p> <p>I agree that the division of assets and liabilities contained herein is fair and equitable.</p>
<p>_____ HUSBAND</p> <p style="text-align: right;">_____ DATE</p>	<p>_____ WIFE</p> <p style="text-align: right;">_____ DATE</p>

# SUMMONS

		INSTRUCTIONS
<p>TO _____</p> <p>You are required to serve a written answer to this Complaint for Divorce within 20 days after the Complaint is served to you</p> <p><b>To serve</b> a written answer you must file the original and copies with the Chief Clerk of the Court at:</p> <p style="padding-left: 40px;">Hoapili Hale 2145 Main Street Wailuku, HI 96793-1679</p> <p><b>and</b> mail or deliver a file marked copy to your spouse at the address shown in Section 2 of the Complaint for Divorce.</p> <p><b>If you fail</b> to file your answer within the 20-day time limit, further action may be taken in this case, including judgment for the relief demanded in the Complaint for Divorce, without further notice to you.</p> <p><b>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO PUBLIC, UNLESS A JUDGE OF THE DISTRICT OR CIRCUIT COURTS PERMITS, IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</b></p> <p><b>FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF A DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.</b></p>		<p><i>Write in the Name of Your Spouse.</i></p>
DATE	CLERK OF COURT	



In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Family Court at PHONE NO. 244-2770, FAX 244-2777, or TTY 224-2865, at least ten (10) working days prior to your hearing or appointment date.

Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

PROOF OF SERVICE FOR DIVORCE E-Z

FC-D NO. \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

PLAINTIFF

DEFENDANT

Write **Husband** or **Wife**

Write **Wife** or **Husband**

		INSTRUCTIONS
<p>I state under oath that: I am not a party to this action; I am not less than 18 years of age; and I have served a <b>certified copy</b> of each document checked below by delivering the same to:</p> <p>Name of Person served:</p> <p>Date of service:</p> <p>Time of service:</p> <p>Place of service:</p> <p><input type="checkbox"/> Complaint for Divorce, Financial Statement and Summons</p> <p><input type="checkbox"/> Notice to Attend Kids First</p> <p><input type="checkbox"/> Child Support Guidelines Worksheet</p> <p><input type="checkbox"/> Motion and Affidavit for Pre-Decree Relief and Attachments</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p>		<p><i>See Frequently Asked Questions for a definition of "certified copy".</i></p> <p><i>Service of documents can be done only between the hours of 6:00 a.m. to 10:00p. m. each day within this State</i></p> <p><i>Any adult other than yourself, including a relative or friend, can serve your spouse with the required documents. You can also contact a sheriff to assist you for a fee.</i></p> <p><i>After service, Form 4 must be filed with the Court (see Step 5 specific instructions B)</i></p> <p><i>For more detailed information about service see "How Do I Serve My Spouse".</i></p>
DATE	SERVER'S SIGNATURE	PRINT NAME OF SERVER

Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

REQUEST FOR JUDGMENT OF DIVORCE E-Z

FC-D NO. \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

<p>The undersigned requests a Judgment of Divorce. This matter is uncontested and the statements checked below are correct.</p>	<p><i>Take this completed document with all necessary accompanying documents to:</i> <b>2145 Main Street, Rm. 106</b> <b>Wailuku, HI 96793</b></p>
<p><b>ALL CASES</b></p> <p><input type="checkbox"/> The original and 3 copies of the Judgment of Divorce (Form 9 &amp; 9A or 9B) of (Form 29 &amp; 29A or B) combined with Financial Statement (Form 2), when required, are attached to this request.</p>	<p><i>Must be submitted in every case.</i></p>
<p><b>CASES IN WHICH DEFENDANT HAS NOT SIGNED JUDGMENT OF DIVORCE</b></p> <p>1. <input type="checkbox"/> The Original Proof of Service (Form 4) or Statement of Mailing (Form 6) is filed with this request</p> <p><b>OR</b></p> <p>2. <input type="checkbox"/> The Original Proof of Service (Form 4) or Statement of Mailing (Form 6) was filed on _____ date</p> <p><b>OR</b></p> <p>3. <input type="checkbox"/> An Affidavit of Publication showing a court date of _____ date at _____ time was either filed on _____ date OR will be file prior to the court date stated in the publication.</p> <p><b>OR</b></p> <p>4. <input type="checkbox"/> Plaintiff's Affidavit of Mailing in Lieu of Publication was filed on _____ date and Affidavit of Posting of Complaint and Summons Pursuant to Order for Service by Mail and Posting in Lieu of Publication was filed on _____ date</p>	<p><i>If the Judgment of Divorce is not signed by both parties in the presence of a Notary Public check the appropriate box, 1 or 2.</i></p> <p><i>If the Defendant is being served by publication check box 3 and complete.</i></p> <p><i>If the Defendant is being served by posting and mail in lieu of publication, you may not submit this request until at least 50 days have passed since the date of mailing on the Affidavit of Mailing.</i></p>
<p>PLAINTIFF'S SIGNATURE: _____</p>	<p>DATE: _____</p>

Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAI'I

CONTINUATION SHEET FOR DIVORCE E-Z FORMS

FC-D NO. \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

1. FORM	2. SECTION SUPPLEMENTED	3. SUPPLEMENTAL INFORMATION	4. INSTRUCTIONS
			<p><i>In column 1 indicate the form you are supplementing (i.e. E-Z Form 1 or E-Z Form 2)</i></p> <p><i>In column 2 indicate the section number you are supplementing.</i></p> <p><i>In column 3 provide the additional information.</i></p>

FC-D NO. \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

	<b>INSTRUCTIONS</b>
<p>The parties will share time with their children as follows:</p>	<p><i>In creating this plan consider the following things.</i></p> <ol style="list-style-type: none"> <li>1. <i>When will the child(ren) spend time with each parent?</i> <ol style="list-style-type: none"> <li>a. <i>Before they are school age.</i></li> <li>b. <i>During school week.</i></li> <li>c. <i>During summer break.</i></li> <li>d. <i>School holidays and special occasions, i.e., Christmas, Thanksgiving, Spring Break, Long Weekends, Mother's/Father's Day, Child's birthday, Mother's/Father's birthday.</i></li> </ol> </li> <li>2. <i>How, where and when will child exchange occur.</i></li> <li>3. <i>How will parents communicate about child(ren).</i></li> <li>4. <i>What standards (meals, sleeping, homework, chores, diet, television, video games, discipline) do you agree should be maintained in each house.</i></li> <li>5. <i>Do you have agreements as parents about alcohol/drug use, cigarettes or comments about other parent?</i></li> <li>6. <i>What do you do in case of emergency involving a child?</i></li> <li>7. <i>Other.</i></li> </ol>



Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

COMPLAINT FOR DIVORCE E-Z, FINANCIAL STATEMENT, AND SUMMONS

FC-D NO. \_\_\_\_\_  
(Court Clerk will stamp number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

			INSTRUCTIONS
1. By signing this Complaint for Divorce at the bottom I declare under penalty of perjury that the statements and information provided herein are true and correct to the best of my knowledge, information, and belief. _____ initial date			READ! INITIAL and DATE if you understand and agree.
<b>2. Personal Information:</b>	<b>HUSBAND</b>	<b>WIFE</b>	<i>Complete 2a through 2g. Write N/A for any that are not applicable. If any portions of 2a-2g are left blank, indicate why in the "Explanation" section.</i>  <i>If you wish to have any personal information remain confidential write "Confidential" in the blank. You must provide a mailing address where you receive mail, but it may be a Post Office Box or in care of another person.</i>
a. Full name	_____	_____	
b. Birth or maiden name	_____	_____	
c. Mailing Address: Street or P.O.Box	_____	_____	
City, State, Zip	_____	_____	
d. Home Phone	_____	_____	
Work Phone	_____	_____	
Cellular Phone	_____	_____	
e. Date of Birth	_____	_____	
f. Employer Name	_____	_____	
g. Employer Address: Street of P.O.Box	_____	_____	
City, State, Zip	_____	_____	
Explanation:	_____	_____	

	INSTRUCTIONS												
<p><b>3. Marriage:</b></p> <p>Date of Marriage _____</p> <p>Place of Marriage _____</p>	<p>Give County &amp; State</p>												
<p><b>4. Residence on Maui</b></p> <p>To obtain a divorce:                  YOU must reside or be living in Maui County with an intent to remain at the time you file this Complaint and</p> <p>YOU or YOUR SPOUSE must have resided or been physically present in the County of Maui for 3 months and the State of Hawaii for at least 6 months prior to filing the divorce or the granting of the divorce.</p> <p>a. I have lived continuously in Maui County since _____.</p> <p>b. I have lived continuously in the State of Hawai`i since _____.</p> <p>c. My spouse has lived in Maui County since _____.</p> <p>d. My spouse has lived in the State of Hawai`i since _____.</p>	<p><i>IF more than one (1) year give year only.                  IF more than six (6) months give month and year only.                  IF less than six (6) months give day, month and year.</i></p> <p><i>You are not required to answer 5b, 5c, 5d if the date in 5a is at least 6 months prior to today's date.</i></p>												
<p><b>5. Children:</b></p> <p>a. Husband and wife together are the father and mother of the following child(ren) (include legally adopted children and children born prior to the marriage fathered by husband).</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: center;">Name of Child</th> <th style="width: 30%; text-align: center;">Date of Birth</th> <th style="width: 40%; text-align: center;">Age</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>b. All of the above child(ren) are dependent upon mother and father for financial support except _____</p> <p>c. After the marriage date did wife give birth to any child(ren) not fathered by husband? _____</p> <p>d. Is wife pregnant now? _____</p>	Name of Child	Date of Birth	Age	_____	_____	_____	_____	_____	_____	_____	_____	_____	<p><b><i>If more than 3 children use a continuation sheet (Form 11).</i></b></p> <p><b><i>All children under 18 are dependent for support. Children 18 or older might be dependent.</i></b></p> <p><b><i>Answer Yes or No to c and d.</i></b></p> <p><b><i>If answer Yes to either, STOP! you are not allowed to use this form.</i></b></p>
Name of Child	Date of Birth	Age											
_____	_____	_____											
_____	_____	_____											
_____	_____	_____											

	INSTRUCTIONS
<p><b>6. Current child residence information</b></p> <p>Name of Child                      Lives with      Address    Since (date)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><i>If child(ren) have not lived at this address for five years, complete 7 below.</i></p>
<p><b>7. Prior residence of child(ren) for last 5 years</b></p> <p>Child 1 Name _____ dates _____</p> <p>    Address _____</p> <p>    With _____</p> <p>Child 2 Name _____ dates _____</p> <p>    Address _____</p> <p>    With _____</p> <p>Child 3 Name _____ dates _____</p> <p>    Address _____</p> <p>    With _____</p>	<p><i>With – Name of person child lived with</i></p> <p><i>Use Continuation Sheet (Form 11) if more than 3 children on numerous addresses in the last five years.</i></p>
<p><b>8. Why divorce should be granted</b></p> <p>a. Do you believe the marriage is irretrievably broken and that you and your spouse will never be able to live together as husband and wife. _____</p> <p>b. If you claim the divorce should be granted for a reason other than that the marriage is irretrievable broken, state why should it be granted.</p> <p>_____</p> <p>_____</p>	<p><b>Answer “YES” or “NO” If you answered “yes” to 8a, do not answer 8b. If you answered “no” you must answer 8b.</b></p> <p><b>If you answered 8b, see HR(X) 580-1 for other grounds for divorce.</b></p>

	INSTRUCTIONS									
<p><b>9. Names after divorce</b></p> <p>Wife desires to be known as: _____                      (First Name, Middle name, Last Name)</p> <p>which is her <input type="checkbox"/> current name <input type="checkbox"/> birth name <input type="checkbox"/> former married name.</p> <p>Husband desires to be known as: _____                      (First Name, Middle name, Last Name)</p> <p>which is her <input type="checkbox"/> current name <input type="checkbox"/> birth name <input type="checkbox"/> former married name.</p>	<p><i>A party may change his or her name to a former legal name only. A birth name or a name from a prior marriage is a former legal name. No other changes are allowed. If you do not know what your spouse desires leave blank.</i></p>									
<p><b>10. Child Custody and Time Sharing</b></p> <p>a. Legal and physical custody of the minor children should be awarded as follows:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black; width: 30%;"><u>Child's Name</u></th> <th style="text-align: left; border-bottom: 1px solid black; width: 30%;"><u>Legal Custody</u></th> <th style="text-align: left; border-bottom: 1px solid black; width: 30%;"><u>Physical Custody</u></th> </tr> </thead> <tbody> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black;"> </td> </tr> </tbody> </table> <p>b. The children should spend time with each parent:</p> <p><input type="checkbox"/> as the parents mutually agree from time to time.</p> <p><input type="checkbox"/> according to the Parenting Plan (Form 12) attached.</p> <p><input type="checkbox"/> Other _____                      _____                      _____                      _____</p>	<u>Child's Name</u>	<u>Legal Custody</u>	<u>Physical Custody</u>							<p><i>List each child's name separately. Then, under Legal Custody and Physical Custody write "Husband", "Wife" or "Joint".</i></p> <p><i>Check this box if you are not seeking a specific time sharing plan.</i></p> <p><i>Check this box only if a Parenting Plan (Form 12) is attached.</i></p> <p><i>Check this box and complete if you are specifying conditions that can be explained on the 4 lines provided. Otherwise attach a Parenting Plan (Form 12).</i></p>
<u>Child's Name</u>	<u>Legal Custody</u>	<u>Physical Custody</u>								

	INSTRUCTIONS
<p><b>11. Child Support</b></p> <p>a. _____ shall pay to _____                      (Write Husband or Wife) (Write Husband or Wife)                      child support according to Child Support Guidelines Worksheet that is being filed with this Complaint or that will be filed with the Judgment for Divorce. Child Support will be paid through the Child Support Enforcement Agency.</p> <p>b. Has the person who will pay child support ever resided in Hawai'i with the child(ren)? _____</p> <p>Has the person who will pay child support ever resided in Hawai'i and paid expenses or support for the child(ren)? _____</p> <p>Does the child(ren) reside in Hawai'i because the person who will pay support sent them here or caused them to come here? _____</p> <p>Did the person who will pay child support engage in sexual intercourse in Hawai'i and the child(ren) may have been conceived by that act of intercourse? _____</p> <p>Did the person who will pay child support ever assert he/she was the parent of the child(ren) in records maintained by the Hawai'i Department of Health? _____</p> <p>c. _____ shall provide health insurance that covers the child(ren) if it can be obtained at reasonable cost through his or her place of employment.</p> <p>If _____ cannot obtain health insurance coverage at a reasonable cost through his or her place of employment, then _____ shall provide health insurance that covers the child(ren) if it can be obtained at reasonable cost through his or her place of employment.</p>	<p><i>Note: IF you don not want child support paid through the Child Support Enforcement Agency you may not use these forms.</i></p> <p><i>Answer questions in 11b only if the person who will pay child support does not sign the Judgment (Form 29A) or will be served a Summons (Form 3) outside Hawaii. The answer to one of these questions must be "yes" to obtain a child support order.</i></p> <p><i>Write "Husband" or "Wife" or whomever is to pay child support.</i></p> <p><i>Write "Husband" or "Wife" in blanks. First blank is for person who pays child support. Second blank is for person who receives child support.</i></p>
<p><b>12. Child Custody and Time Sharing</b></p> <p>Should the assets and liabilities of husband and wife be divided as stated in section C and D of the Financial Statement, attached to this Complaint?</p>	<p><i>If answer is "No" you must complete a new Financial Statement (Form 2) which will allow you to answer "Yes" to this question.</i></p>
<p><b>13. Alimony</b></p> <p>Should any alimony be paid? _____</p>	<p><i>If "Yes" <b>STOP!</b> You may not use this form.</i></p>

I request that a divorce be granted and that the requests contained in section 9, 10, 11, 12 and 13 be incorporated into the Judgment of Divorce.

**PLAINTIFF'S SIGNATURE:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FAMILY COURT JUDGES' MEMORANDUM  
FAMILY COURT, SECOND CIRCUIT**

**TO:** All Attorneys Practicing in the Second Circuit  
District, Family and Circuit Courts;  
All Persons Filing Divorce Actions Who Have Minor Children From the Marriage

**FROM:** Shackley F. Raffetto, Senior Family Court Administrative Judge

**DATE:** April 24, 2002

**SUBJECT: MANDATORY ATTENDANCE OF JUDICIARY SPONSORED PROGRAM:  
"KIDS FIRST"**

FCJM 12 RP

All divorce action plaintiffs and defendants, who are residing on the island of Maui and who have minor children from the marriage, are ORDERED to attend the judiciary sponsored program, "Kids First". Such plaintiffs and defendants are FURTHER ORDERED to bring with them all minor chil(ren) between six (6) and eighteen (18) years of age. By reason of the order, the plaintiff, defendant, and minor child(ren) are required to attend the program on the date assigned.

If the defendant is not served a copy of the complaint more than seven (7) days prior to the assigned program date, AND is unable to arrange his/her schedule to permit attendance, the defendant will be excused from attending on the assigned date but is required to attend the program on a subsequent date.

ATTENDANCE IS MANDATORY, EVEN IF THERE IS NO DISPUTE ABOUT CUSTODY AND VISITATION ARRANGEMENTS FOR THE MINOR CHILD(REN). Requests for exemption from attending the program should be addressed with the Family Court at 244-2729.

No complaint for divorce which alleges the parties have minor children shall be filed unless accompanied by:

1. The original, and at least two (2) copies of a completed, "Kids First" (pink) Information Sheet; and
2. A copy of this memo regarding Mandatory Attendance of Judiciary Sponsored Program, "Kids First". attached to the complaint.

Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

JUDGMENT OF DIVORCE E-Z  
PARTY AFFIDAVIT(S) AND FINANCIAL STATEMENT

FC-D NO. \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

A hearing was held before the presiding judge, or the court waived hearing on the matter based upon the statements contained in previously filed documents and the affidavit(s) attached to this Judgment.

**DIVORCE**

1. A Judgment of Divorce from the bonds of matrimony between Husband and Wife is hereby granted to (Plaintiff's Name) \_\_\_\_\_. The parties are restored to the status of single persons.

Either party is permitted to marry after the effective date on this Judgment.

**EFFECTIVE DATE**

2. This Judgment is effective after it is signed by a Judge and filed by the court.

**NAME AFTER DIVORCE (If you do not know what your spouse desires, leave the space for him or her blank.)**

3a. Wife's legal name shall be (first, middle, last name) \_\_\_\_\_

3b. Husband's legal name shall be (first, middle, last name) \_\_\_\_\_

**CHILD CUSTODY AND TIME SHARE**

4a. Legal and physical custody of the minor children is awarded as follows:

Child's Name	Legal Custody	Physical Custody	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4b. Husband and wife shall share time with their child(ren)

As mutually agreed from time to time.

As provided in the Parenting Plan (Form 12), attached and incorporated into this Judgment.

As follows \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CHILD SUPPORT**

5a. (Husband or Wife) \_\_\_\_\_ shall pay to (Husband or Wife) \_\_\_\_\_ child support for the child(ren) (names of children) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per child per month for a total of \$ \_\_\_\_\_ per month. (Use figures from Child Support Guidelines Worksheet to complete these blanks.)

The payments are to be made in  one installment on the \_\_\_\_\_ day of each month (insert single day such as 1st or 5th)

two equal installments each month on the \_\_\_\_\_ and \_\_\_\_\_ day(s) of each month. (insert two days such as 5th and 20th)

commencing on \_\_\_\_\_. Support shall remain in effect until the subject child(ren) are 18, or age 23 as long as said child(ren) are in high school or enrolled full-time in an accredited educational or vocational institution. Child support shall terminate if said child(ren) dies, are adopted, marry, or become emancipated. Payment for child support shall be by an Order for Income Withholding filed concurrently with this Judgment, and made payable to the Child Support Enforcement Agency, P.O.Box 1860, Honolulu, HI 96805-1860. The Child Support Enforcement Agency is a party for the issue of child support.

5b.

(Husband or Wife) \_\_\_\_\_ shall provide health insurance to cover the minor child(ren) if he or she can obtain it at reasonable cost through his or her employment. If he or she cannot obtain coverage through employment at a reasonable cost, but (Husband or Wife) \_\_\_\_\_ can obtain health insurance through employer at a reasonable cost then he or she shall do so.

**ASSETS AND LIABILITIES**

6. The assets and liabilities of the parties are divided as provided in the attached Financial Statement dated \_\_\_\_\_, except for the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**USE ONLY ONE PAGE 3.**

**ALIMONY**

7. Neither party is required to pay alimony to the other.

**OTHER**

8. Other ("N/A" if nothing added): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE	JUDGE/SEAL:
------	-------------

**PARTY AFFIDAVIT(S)**

IF YOU DO NOT UNDERSTAND THIS FORM OR YOU DO NOT AGREE, **DO NOT SIGN -- SEE AN ATTORNEY**

PLAINTIFF	DEFENDANT
<p><b>I state under oath:</b></p> <p>The information contained in the Complaint is accurate unless contradicted by the information in this Judgment.</p> <p>Wife is not pregnant to the best of my knowledge.</p> <p>I understand English and I have read this Judgment and the Financial Statement attached. I believe both are correct.</p> <p>I request that this Judgment be entered.</p> <p>X _____ Signature of Plaintiff Address: _____ _____</p> <p>SSN: _____</p> <p>Subscribed and sworn to before me, this _____ day of _____</p> <p>Notary Public, _____ Circuit, State of Hawai'i Print Name of Notary: _____ My Commission Expires: _____</p>	<p><b>I state under oath:</b></p> <p>I received a filed copy of the Complaint, Summons and the Child Support Guidelines Worksheet in this case.</p> <p>I am not in the military service or I am waiving any rights as a member of the military service under the Soldiers' and Sailors' Civil relief Act, 50 U.S.C. Sec. 521 <u>et. seq.</u></p> <p>I understand English and I have read this Judgment and the Financial Statement attached. I believe both are correct.</p> <p>I request that this Judgment be entered.</p> <p>X _____ Signature of Defendant Address: _____ _____</p> <p>SSN: _____</p> <p>Subscribed and sworn to before me, this _____ day of _____</p> <p>Notary Public, _____ Circuit, State of Hawai'i Print Name of Notary: _____ My Commission Expires: _____</p>

**USE ONLY ONE PAGE 3.**

**ALIMONY**

7. Neither party is required to pay alimony to the other.

**OTHER**

8. Other ("N/A" if nothing added): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE	JUDGE/SEAL:
------	-------------

**I state under oath:**

An order granting the Motion for Entry of Default was filed on \_\_\_\_\_ OR more than 20 days have passed since service of the Complaint and Summons on the Defendant. No responsive pleading has been filed. Neither Plaintiff nor Plaintiff's attorney (if any) has received any communication from Defendant or Defendant's attorney concerning the case since the Complaint was served.

The information contained in the Complaint for Divorce is accurate.

Wife is not pregnant to the best of my knowledge.

I understand English and I have read the attached Judgment and Financial Statement and believe both are correct.

I request that this Judgment be entered.

X \_\_\_\_\_  
Signature of Plaintiff  
Address: \_\_\_\_\_  
\_\_\_\_\_  
SSN: \_\_\_\_\_

Subscribed and sworn to before me,  
this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public, \_\_\_\_\_ Circuit, State of Hawai'i  
Print Name of Notary: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Document prepared by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

IN THE FAMILY COURT OF THE SECOND CIRCUIT  
STATE OF HAWAI'I

ORDER/NOTICE FOR INCOME WITHHOLDING

**FC-D NO.** \_\_\_\_\_  
(Complete Case Number)

\_\_\_\_\_  
Your full name

VS.

\_\_\_\_\_  
Spouse's full name

\_\_\_\_\_  
Write **Husband** or **Wife** PLAINTIFF

\_\_\_\_\_  
Write **Wife** or **Husband** DEFENDANT

# ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

State of Hawai'i  
Wailuku, County of Maui  
Date of Order \_\_\_\_\_

- Original Order/Notice
- Amended Order/Notice
- Terminate Order/Notice

**Court/Case Number FC-D [1]** \_\_\_\_\_

Re:

Employer/Withholder's Federal  
EIN Number  
  
Employer/Withholder's Name  
  
Employer/Withholder's Address

**Employee/Obligor's Name  
(Last, First, M1)**  
\*[2] \_\_\_\_\_  
**Employee/Obligor's  
Social Security Number**  
\*[3] \_\_\_\_\_  
**Employee/Obligor's Case  
Number [4]**  
\*FC-D \_\_\_\_\_  
**Custodial Parent's Name  
(Last, First, M1)**  
\*[5] \_\_\_\_\_

<b>Child(ren)'s Name</b>	<b>DOB</b>
[6] _____	_____
_____	_____
_____	_____

<b>Child(ren)'s Name</b>	<b>DOB</b>
_____	_____
_____	_____
_____	_____

ORDER INFORMATION: This is an Order/Notice to Withhold Income for Child Support based upon an order for support from State of Hawai'i. By law, you are required to deduct these amounts from the above-named employee's/obligor's income until further notice even if the Order/Notice is not issued by your State.

[7]  If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's/obligor's employment.

(for ease of withholding, all obligations have been converted to monthly amounts)

[8] \_\_\_\_\_ per month in current support  
\_\_\_\_\_ per \_\_\_\_\_ in past-due support  
  
\_\_\_\_\_ per \_\_\_\_\_ in medical support  
\_\_\_\_\_ per \_\_\_\_\_ in other (specify)  
\_\_\_\_\_ per \_\_\_\_\_ in other (specify)

Arrears 12 weeks of greater?  
 yes  no

for a total of [9] \_\_\_\_\_ per month to be forwarded to the payee shown below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

\_\_\_\_\_ per weekly pay period.

\_\_\_\_\_ per semimonthly pay period

(twice a month).

\_\_\_\_\_ per biweekly pay period  
(every two weeks)

\_\_\_\_\_ per monthly pay period.

#### REMITTANCE INFORMATION;

You must begin withholding no later than the first pay period occurring 7 working days after the date of this Order/Notice. Send payment within 5 working days of the paydate/date of withholding. You are entitled to deduct a fee to defray the cost of withholding. Refer to the laws governing the work State of the employee for the allowable amount. The total withheld amount, including your fee cannot exceed 50% of the employee's/obligor's aggregate disposable weekly earnings. For the purpose of the limitation on withholding, the following information is needed (see #9). (Please see attached employer's guide to income withholding).

When remitting payment, provide the paydate/date of withholding and **the case identifier [10] FC-D**\_\_\_\_\_.

If remitting by EFT/EDI, use the FIPS code: \* \_\_\_\_\_

Bank routing code\* \_\_\_\_\_.

Bank account number:\* \_\_\_\_\_

Make it payable to: CHILD SUPPORT ENFORCEMENT AGENCY.

Send Check to: CSEA - CASHIERS  
P.O.Box 1860  
Honolulu, Hawai'i 96805

#### ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

If checked, you are required to provide a copy of this form to your employee.

1. **Priority:** Withholding under this Order/Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this Order have priority. If there are Federal tax levies in effect, please contact the requesting agency listed below.

2. **Combining Payments:** You can combine withheld amounts from more than one employee/obligor's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
- 3.\* **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which amount was withheld from the employee's wages. You must comply with the law of the State of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding order and forward the child support payments.
- 4.\* **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order/Notice to Withhold Income for Child Support against this employee/obligor and you are unable to honor all support Order/Notices due to Federal or State withholding limits, you must follow the law of the State of employee's/obligor's principal place of employment. You must honor all Order/Notices to the greatest extent possible. (see #9 below)
5. **Termination Notification:** You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this Order/Notice to the agency identified below.

EMPLOYEE'S/OBLIGOR'S NAME: \_\_\_\_\_

EMPLOYEE'S CASE IDENTIFIER: \_\_\_\_\_

DATE OF SEPARATION: \_\_\_\_\_

LAST KNOWN HOME ADDRESS: \_\_\_\_\_

NEW EMPLOYER'S ADDRESS: \_\_\_\_\_

6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the person or authority below.
7. **Liability:** If you fail to withhold income as the Order/Notice directs, you are liable for both the accumulated amount you should have withheld from the employee/obligor's income and any other penalties set by State law.  
HRS §571 - 52.2 (g) ; HRS §576E – 16 (c).

8. **Anti-Discrimination:** You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

HRS §571 – 52.2 (m) ; HRS §576E – 16 (c).

9.\* **Withholding Limits:** You may not withhold more than the lesser of:1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C.§1673 (b)), or 2) the amounts allowed by the State of the employee’s/obligor’s principal place of employment. The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as State, Federal, local taxes, Social Security taxes, and Medicare taxes.

10. ADDITIONAL INFORMATION;

\* NOTE: If you or your agent are served with a copy of this Order in the State that issued the Order, you are to follow the law of the State that issued this Order with respect to these items.

Requesting Agency

If you or your employee/obligor have any questions contact CSEA by telephone at 1-888-317-9081 or by FAX at 243-5161 or by Internet \_\_\_\_\_.

DATED: Wailuku, Maui, Hawai'i, \_\_\_\_\_

\_\_\_\_\_  
Judge of the Above-Entitled Court

**PLAINTIFF**

**DEFENDANT**

NAMES: \_\_\_\_\_  
MOTHER/FATHER

NAMES: \_\_\_\_\_  
MOTHER/FATHER

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

**DATE OF PROGRAM :** \_\_\_\_\_ Wednesday, \_\_\_\_\_

**C-H-I-L-D-R-E-N**

	NAME	SEX	AGE/DATE OF BIRTH	LIVING W/WHOM?
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

DO NOT WRITE BELOW THIS LINE  
FOR STAFF USE ONLY

	<u>ATTENDED</u> (Y/N)	<u>NOTES</u>	<u>VERIFICATION</u> (INL) (DATE)
FATHER	_____	_____	_____
MOTHER	_____	_____	_____
CHILD 1	_____	_____	_____
CHILD 2	_____	_____	_____
CHILD 3	_____	_____	_____
CHILD 4	_____	_____	_____
CHILD 5	_____	_____	_____

**COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_