

Document Checklist For Uncontested Divorce (with children)

This is just a checklist. For instruction on how to fill out and file the documents, please refer to the **INSTRUCTIONS** that accompany this checklist. In this checklist, "You" are Plaintiff, and "Spouse" is Defendant.

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

Take these documents to the Legal Documents Branch of the First Circuit Court (777 Punchbowl Street, across from the Federal Building), first floor. A Court 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
<input type="checkbox"/>	COMPLAINT FOR DIVORCE	Original + 3 copies	You	Filing this at the Legal Documents section of the Court starts the divorce process. The Court clerk will assign a Case Number. Fill in this number on the other documents that you will file later.
<input type="checkbox"/>	SUMMONS TO ANSWER COMPLAINT	Original + 3 copies	(Court clerk will sign)	Staple a copy behind each copy of the <i>Complaint for Divorce</i> before you take them to be filed.
<input type="checkbox"/>	MATRIMONIAL ACTION INFORMATION	Original + 1 copy	You	
<input type="checkbox"/>	NOTICE TO ATTEND KIDS FIRST II	Original + 2 copies	(Court clerk will sign)	After the Court clerk fills in the case number, you must take it to the Court Management Office on the 2nd floor. The office will assign a date for you and your spouse to attend the Kids First II program.
If your spouse will not sign an <i>Appearance and Waiver</i> , you must properly serve the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> and <i>Notice to Attend Kids First II</i> on your spouse and file one of the following:				
<input type="checkbox"/>	PROOF OF SERVICE OR	Original + 2 copies		This document must be completed by the person who delivers the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> , and <i>Notice to Attend Kids First II</i> to your spouse. It cannot be file-stamped by the Court clerk until the person who served the documents completes filling it out.
<input type="checkbox"/>	MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL	Original + 2 copies	You (signed before a notary public)	If your spouse lives off-island, you can send the <i>Complaint for Divorce</i> , <i>Summons to Answer Complaint</i> , and <i>Notice to Attend Kids First II</i> by certified, registered mail, return receipt requested. This form asks the Court's permission for you to do so. You must sign this document before a notary public, and submit it to the Court Management Office.

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

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 3 copies	You	These documents must be dated 60 days current of the date you place your case on the calendar. You and your spouse may prepare and sign a joint Asset and Debt statement.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	Original + 3 copies	You (and Spouse if for Both Parties)	
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	If your spouse did not complete these forms, you must tell this to the Court in your <i>Affidavit of Plaintiff</i> , paragraph 10c
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	
<input type="checkbox"/>	CHILD SUPPORT GUIDELINES WORKSHEET	Original + 3 copies	You and Spouse	Your spouse must sign this unless you are seeking a divorce by default. See page 11 of the Instructions for an explanation of the default process.
<input type="checkbox"/>	SUPPLEMENTAL AFFIDAVIT RE DIRECT PAYMENT OF CHILD SUPPORT (OPTIONAL)	Original + 3 copies	Payor of child support	Use this document only if you elect to have child support payments sent directly to the recipient and if the payor of child support can meet the required conditions. This document must be signed before a notary public.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	APPEARANCE AND WAIVER OR	Original + 3 copies	Spouse	Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce, Summons to Answer Complaint, and Notice to Attend Kids First II</i> , and sign a completed <i>Divorce Decree</i> before your spouse can sign this document.
<input type="checkbox"/>	PROOF OF SERVICE OR	Original + 3 copies	Process server	If the <i>Complaint for Divorce, Summons to Answer Complaint, and Notice to Attend Kids First II</i> , were delivered to your spouse by someone (for instance, a sheriff), the person who delivered the documents must fill this out and sign it before you can have it file-stamped.
<input type="checkbox"/>	STATEMENT OF MAILING	Original + 3 copies	You	If you served the <i>Motion for Service by Mail and Affidavit; Order for Service by Mail, Complaint for Divorce, Summons to Answer Complaint, and Notice to Attend Kids First II</i> , on 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 section:

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 3 copies	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.

Take these documents upstairs to the Court Management Office:

The Court Management Office is located on the second floor. They will set the date on which a judge will review the documents. If the judge grants your divorce, you will receive your *Divorce Decree* in the mail in the envelope you provide.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	DIVORCE DECREE (With Children)	Original + at least 5 copies	You and Spouse	Your spouse's signature is required if you are getting a divorce by agreement (and your spouse has signed an <i>Appearance and Waiver</i>). Your spouse's signature is not required if you are getting a divorce by default.
<input type="checkbox"/>	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	1 file-stamped copy	You	These documents must be dated 60 days current of the date on which you place your case on the calendar
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	1 file-stamped copy	You	
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	1 file-stamped copy	You (and Spouse if for Both Parties)	
<input type="checkbox"/>	APPEARANCE AND WAIVER OR	1 file-stamped copy	Spouse	Use this if you are getting a divorce by agreement.
<input type="checkbox"/>	PROOF OF SERVICE OR		Process server	Use this or the <i>Statement of Mailing</i> if you are getting a divorce by default.
<input type="checkbox"/>	STATEMENT OF MAILING		You	Use this or the <i>Proof of Service</i> if you are getting a divorce by default.
<input type="checkbox"/>	INCOME AND EXPENSE STATEMENT OF DEFENDANT	1 file-stamped copy	Spouse	If available.
<input type="checkbox"/>	ASSET AND DEBT STATEMENT OF DEFENDANT	1 file-stamped copy	Spouse	If available.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	CHILD SUPPORT GUIDELINES WORKSHEET	1 file-stamped copy	You and Spouse	Your spouse's signature is not required if you are seeking a divorce by default. See page 11 of the Instructions for an explanation of the default process.
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING	Original + 5 copies	(Judge will sign)	Unless certain conditions are met, child support payments must be paid through the Child Support Enforcement Agency by way of an Order for Income Withholding.
<input type="checkbox"/>	SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT	1 file-stamped copy	Payor of child support	In certain situations, child support payments can be made directly to the custodial parent. If so, use this affidavit.
<input type="checkbox"/>	CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT	Typed original		You must submit a typed <u>original</u> of this document, not a photocopy.
<input type="checkbox"/>	Stamped envelope, addressed to yourself	1		The Court will use these envelopes to mail you and your spouse file-stamped, certified copies of your <i>Divorce Decree</i> . Make sure you submit envelopes that are large enough and have enough postage for this purpose.
<input type="checkbox"/>	Stamped envelope, addressed to your spouse	1		

Your divorce becomes final when the judge signs and files the *Divorce Decree*. The Court will mail file-stamped copies to you and your spouse in the stamped and addressed envelopes you provide. If you haven't received the *Divorce Decree* back within 10 working days after the review date, you must go to the Court Management Office and check the disposition calendar which will tell you if your divorce has been granted or not.

Child support payments checklist:

Do the following when you receive your file-stamped *Divorce Decree* from the Court.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	DIVORCE DECREE (With Children)	1 certified copy	JUDGE	Even if child support payments will be made directly to the recipient, you must mail (certified mail, return receipt requested) a certified copy of your <i>Divorce Decree</i> to Child Support Enforcement Agency P.O. Box 1860 Honolulu HI 96805-1860.

Unless certain conditions are met, child support payments must be paid through the Child Support Enforcement Agency (CSEA). **If child support payments are through the CSEA, do the following** when you receive your file-stamped *Divorce Decree* from the Court.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING	1 certified copy	JUDGE	Mail (certified mail, return receipt requested) to Child Support Enforcement Agency P.O. Box 1860 Honolulu HI 96805-1860.
<input type="checkbox"/>	ORDER FOR INCOME WITHHOLDING	"	"	Mail (certified mail, return receipt requested) to the employer of the child support payor. Save the white Receipt for Certified Mail that the postal clerk gives you.

When you receive the green Domestic Return Receipt (signed by the employer) for the *Order For Income Withholding*, attach it and the white Receipt for Certified Mail to the Statement of Mailing.

	NAME OF DOCUMENT	How Many	Signed by	Comments
<input type="checkbox"/>	STATEMENT OF MAILING; EXHIBITS 1 AND 2	Original + 2 copies	You	First take the original and copies to the Legal Documents Branch to have it file-stamped.
<input type="checkbox"/>		1 file-stamped copy		Then mail one of the copies to: Child Support Enforcement Agency P.O. Box 1860 Honolulu HI 96805-1860

We highly recommend that you keep your decree and a copy of all documents you file, along with correspondence with the Child Support Enforcement Agency (including receipts, etc.) together in a safe place. These are important documents and should be treated as such.