

INSTRUCTIONS
UNCONTESTED DIVORCE PACKET WITH CHILDREN
(for the Island of Kauai)

WHO CAN FILE FOR DIVORCE?

In order to file a divorce action in the Family Court of the Fifth Circuit (on Kauai), you must meet certain limited residency requirements. You must have been domiciled on the Island of Kauai at the time of the filing of the complaint for divorce. The islands are divided into separate circuits. You must meet these limited residency requirements and file your Complaint for Divorce in the correct circuit.

- First Circuit = Oahu
- Second Circuit = Maui, Lanai and Molokai
- Third Circuit = Hawaii (Hilo and Kona Divisions)
- Fifth Circuit = Kauai, Niihau

BEFORE YOU START

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

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

In the majority of uncontested divorces, the process is conducted through an affidavit, wherein a Judge evaluates the submitted documents. This procedure allows both parties to avoid attending a court hearing, provided that the documents are accurately completed and all requisite steps are adhered to. Consequently, it is crucial to comprehend the necessary documentation and the actions required prior to the Court's approval of the divorce. Should the Court have any inquiries or concerns, both you and your spouse may be obligated to attend a hearing or provide additional documentation or information.

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

IF YOU NEED ASSISTANCE:

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

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require reasonable accommodations for a disability, please contact the ADA Coordinator at the Family Court Office at Phone no. (808) 482-2314, FAX (808) 482-2553, or TTY (808) 482-2533.

LEGAL ASSISTANCE:

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

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

HAWAII STATE BAR ASSOCIATION

Lawyer Referral Service

Telephone: (808) 537-1868

Website: www.hawaiilawyerreferral.com

or www.hsba.org

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

LEGAL AID SOCIETY OF HAWAII

Kauai Office

Intake Hotline Telephone: (800) 499-4302

Monday through Friday, 8:00 a.m. to 4:30 p.m.

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

YWCA Kauai

Telephone: (808) 245-6362

REFERENCE MATERIALS TO GUIDE YOU:

The following materials located at the Kauai Judiciary Complex Law Library, 3970 Kaana St., Lihue, may assist you.

HAWAII DIVORCE MANUAL (9th Edition)

HAWAII REVISED STATUTES

HAWAII FAMILY COURT RULES

ON THE INTERNET:

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

FILING FEES: (Cash or Money Order/Cashier's Check payable to:
CHIEF CLERK, FIFTH CIRCUIT; debit or credit card VISA or
MASTERCARD with picture ID)

DIVORCE

Initial Filing Fee: \$100.00

Surcharge: + 65.00

Computer System Surcharge: + 50.00

TOTAL WITHOUT CHILDREN \$215.00

Parent Education Surcharge: + 50.00

(If either party has children
from this marriage or any prior
relationship)

TOTAL WITH CHILDREN \$265.00

Motions: No Fee

If you feel you cannot afford the filing fees, you may wish to contact the Legal Society of Hawaii (Intake Hotline Telephone: (808) 499-4302) or file an Ex Parte Motion and Affidavit to Waive Filing Fees (form available at the Legal Documents Section).

FILING YOUR DOCUMENTS:

It is essential to have your documents officially filed at the courthouse. Please refer to the Uncontested Divorce (with children) Document Checklist for an overview of the required number of copies for each document that must be presented to the Court. The Court will file-stamp documents at the designated location and during specified hours.

LEGAL DOCUMENT SECTION

3970 Kaana Street, Suite 207

Lihue, Kauai, Hawaii 96766

Hours: 8:00 a.m. to 4:00 p.m. Monday through Friday,
excluding State/County holidays.

PLACING YOUR CASE ON THE COURT CALENDAR:

Once you have finalized and submitted all necessary divorce documents for filing and provided your spouse with copies, you will be prepared to schedule your case for a Judge's review on the court calendar. For a comprehensive overview of the required documents, please refer to the Uncontested Divorce (with children) Document Checklist.

AFTER THE JUDGE REVIEWS YOUR DOCUMENTS:

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

The clerk will contact you if your divorce is "DENIED." You must follow the Judge's instructions before your divorce can be completed.

DOCUMENT CHECKLIST FOR UNCONTESTED DIVORCE (with children)

This is just a checklist. “You” are Plaintiff, and “Spouse” is Defendant.

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

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

	NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
☐	COMPLAINT FOR DIVORCE; AUTOMATIC RESTRAINING ORDER; SUMMONS TO ANSWER COMPLAINT	Original + 3 copies	You	Filing this at the Legal Documents section of the Court starts the divorce process. The documents clerk will assign a case number. Fill in this number on the other documents that you will file later.
☐	MATRIMONIAL ACTION INFORMATION	Original + 1 copy	You	
☐	NOTICE TO ATTEND KIDS FIRST	Original+ 2 copies		Clerk will assign a date for you, your spouse, and your children to attend Kids First.

If your spouse will not sign an Appearance and Waiver, you must properly serve the Complaint for Divorce, Automatic Restraining Order; Summons to Answer Complaint and Notice to Attend Kids First on your spouse and file one of the following:

☐	Proof of Service	Original + 1 copy		This document must be completed by the person who delivers the <i>Complaint for Divorce, Automatic Restraining Order, Summons to Answer Complaint and Notice to attend Kids First</i> to your spouse. It cannot be file-stamped by the clerk until the person who served the documents completes filling it out. <i>*Documents can be served by a process server (a list of Civil Process Servers can be located at www.law.hawaii.gov), or by any responsible person who is over 18 years old and is not a party to the case.</i>
☐	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, Automatic Restraining Order, Summons to Answer Complaint and Notice to Attend Kids First</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 Legal Documents Division.
☐	MOTION FOR SERVICE BY PUBLICATION; AFFIDAVIT OF PLAINTIFF; ORDER FOR SERVICE BY PUBLICATION (AND MAILING OF NOTICE)	Original + 2 copies	You (signed before a notary public)	If you are unable to locate your spouse for service, you will need to publish a Notice of Hearing in the newspaper. This form asks the Court’s permission to do so. You must complete the form and sign the Affidavit before a notary public and submit it to the Legal Documents Division. You will be responsible to deliver a <u>filed</u> copy of the document to the advertising agency for publication.

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

	NAME OF DOCUMENT	How Many	Signed by	Comments
☐	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 2 copies	You	
☐	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	Original + 2 copies	You (and Spouse if both parties)	You and your spouse may prepare and sign a joint Asset and Debt Statement
☐	INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 2 copies	Spouse	If your spouse does not complete these forms, you must tell this to the Court in your <i>Affidavit of Plaintiff</i> , paragraph 9b
☐	ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 2 copies	Spouse	
☐	CHILD SUPPORT GUIDELINES WORKSHEET	Original + 2 copies	You and Spouse	Please fill out the Child Support Guidelines Worksheet ON-LINE.
☐	SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT OF CHILD SUPPORT (OPTIONAL)	Original + 2 copies	Payer of Child support	Use this document only if you elect to have child support payments sent directly to the recipient and the payer of child support can meet the required conditions. This document must be signed before a notary public
☐	APPEARANCE AND WAIVER OR	Original + 2 copies	Spouse	Your spouse must receive a file-stamped copy of the <i>Complaint for Divorce, Automatic Restraining Order, Summons to Answer Complaint and Notice to Attend Kids First</i> before your spouse can sign this document.
☐	PROOF OF SERVICE OR	Original + 1 copy	Process Server	To be completed by server before you can have it file-stamped.
☐	STATEMENT OF MAILING	Original + 1 copy	You	If you served your spouse by mail, complete this document when you receive the return receipt.

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

☐	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 1 copy	You (signed before a notary public)	This document is a sworn statement that you must sign before a notary public. It requires that you provide various information and dates. Do not complete this document until the other documents have been completed.
☐	DIVORCE DECREE (WITH CHILDREN)	Original + 3 copies	You and Spouse	Your spouse's signature is required if you are getting a divorce by agreement (and your spouse has signed an <i>Appearance and Waiver</i>).
☐	ORDER FOR INCOME WITHHOLDING	Original + 3 copies	Judge will sign	Unless certain conditions are met, child support payments must be paid through Child Support Enforcement Agency by way of an Order for Income Withholding.
☐	CERTIFICATE OF SERVICE	Original + 1	You	Proof to Court that Defendant was served a copy of Divorce Decree

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

**STATE OF HAWAII
FAMILY COURT
FIFTH CIRCUIT**

**ADMINISTRATIVE JUDGE'S
MEMORANDUM**

3970 Ka'ana Street, Lihu'e, Kaua'i, Hawai'i 96766-1809 • TEL (808) 482-2330

Randal G.B. Valenciano
CHIEF FAMILY COURT JUDGE

DATE: January 19, 2022

TO: All Attorneys
Pro Se Litigants

RE: Automatic Restraining Orders

Pursuant to ACT 213, which became law effective July 10, 2018, "each party to a complaint for annulment, divorce, or separation shall automatically be subject to a restraining order that shall be effective with regard to the plaintiff upon the filing of the complaint and with regard to the defendant upon service of the summons and complaint or any other acceptance of service by the defendant." (See also Hawaii Revised Statutes **(H.R.S.) §580 Automatic Restraining Order**). It is anticipated that the **Automatic Restraining Order** will eliminate the need for the filing of Motions and Affidavits for Temporary Relief, thus, helping to expedite the case.

Accordingly, all complaints for Divorce, Annulment and/or Separation shall include an AUTOMATIC RESTRAINING ORDER ("ARO"). The ARO is to be served upon the opposing party along with the Complaint.

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

☐ Plaintiff, Pro Se ☐ Defendant, Pro Se
☐ Attorney for ☐ Plaintiff ☐ Defendant

IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

	)	FC-D NO. _____
	)	
	)	
Plaintiff,	)	COMPLAINT FOR DIVORCE;
	)	AUTOMATIC RESTRAINING ORDER;
VS.	)	SUMMONS TO ANSWER
	)	COMPLAINT
	)	
	)	
Defendant.	)	
_____	)	

COMPLAINT FOR DIVORCE

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

1. Jurisdiction:

- a. ☐ Pursuant to H.R.S. Section 580-1(a), I declare that I and/or my spouse was domiciled in the State of Hawai'i, County of Kaua'i at the time the application for divorce was filed.
- b. ☐ I am residing on a military or federal base, installation, or reservation within the State of Hawai'i or am in the State of Hawai'i under military orders. HRS §580-1(a).
- c. ☐ My resident state does not recognize same sex marriage.

2. Marriage: The parties (Plaintiff and Defendant) are lawfully married to each other.

3. Child(ren) :

- a. ☐ The parties have no child(ren) together.
- b. ☐ The parties have _____ how many) child(ren) under age 18 together.
- c. ☐ The parties have _____ how many) child(ren) under age 18 or older together, who are dependent on them for support.
- d. ☐ The parties have _____ how many) child(ren) age 18 or older together, who are **not** dependent on them for support.
- e. ☐ Plaintiff has _____ how many) child(ren) born during the marriage for whom the Defendant is not the biological parent.
- f. ☐ Defendant has _____ how many) child(ren) born during the marriage for whom the Plaintiff is not the biological parent.
- g. ☐ Plaintiff is pregnant ☐ and Defendant is not the biological parent.
- h. ☐ Defendant is pregnant ☐ and Plaintiff is not the biological parent.

4. Custody and Visitation:

- a. Legal custody of the minor child(ren) should be awarded to:
☐ Plaintiff ☐ Defendant ☐ Both parties jointly
- b. Physical custody of the minor child(ren) should be awarded to:
☐ Plaintiff ☐ Defendant ☐ Both parties jointly
- c. The parent not awarded physical custody should have:
☐ Reasonable visitation ☐ Supervised visitation
☐ _____
- d. Child Support should be awarded in accordance with the Child Support Guidelines.

5. Division of Assets: All assets the Defendant and I own should be divided in a just and equitable way.

6. Division of Debts: All debts the Defendant and I own should be divided in a just and equitable way.

7. Spousal Support Alimony :

- a. ☐ I am entitled to an order that the Defendant pay spousal support (alimony) to me.
- b. ☐ The Defendant ☐ is ☐ is not entitled to an order that I pay spousal support (alimony) to him/her.

8. Grounds:

- a. ☐ The marriage is irretrievably broken.
- b. ☐ The parties have lived separate and apart under a decree of separation from bed and board, entered by a court of competent jurisdiction, the term separation has expired, and no reconciliation has been effected.
- c. ☐ The parties have lived separate and apart for a period of two (2) years or more under a decree of separate maintenance entered by a court of competent jurisdiction, and no reconciliation has been effected.

It is requested of the Court that a decree be entered granting a divorce from the bonds of matrimony and granting the relief requested above, all as alleged and as may be appropriate and in accordance with the evidence and the law, and other relief as the Court deems proper in this case.

I declare, under penalty of perjury, that the statements made herein are true and correct to the best of my knowledge, information and belief.

Dated: _____, Hawai'i, _____
City Date

Plaintiff's Signature

IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAI'I

	)	FC-D NO. _____
	)	
	)	AUTOMATIC RESTRAINING ORDER
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
Defendant.	)	
_____	)	

AUTOMATIC RESTRAINING ORDER

A Complaint for [] Divorce [] Annulment [] Separation (check one) is being filed concurrently with this restraining order, and pursuant to ACT 213 (House Bill 1614 HD1 SD1 CD1), which became law and effective July 10, 2018, "each party to a complaint for an annulment, divorce, or separation shall automatically be subject to a restraining order that shall be effective with regard to the plaintiff upon the filing of the complaint and with regard to the defendant upon service of the summons and complaint or any other acceptable of service by the defendant."; (See also Hawai'i Revised Statutes (H.R.S.) §580 Automatic Restraining Order.)

THEREFORE IT IS HEREBY ORDERED that upon the filing of the Complaint by Plaintiff and service upon defendant, the following AUTOMATIC RESTRAINING ORDER applies to both parties:

1. Neither party shall sell, transfer, encumber, conceal, assign, remove, or in any way dispose of any property, real or personal, belonging to or acquired by either party except as:
 - (A) Required for reasonable expenses of living;
 - (B) Occurring in the ordinary and usual course of business;
 - (C) Required for payment of reasonable attorney's fees and costs in connection with the action;
 - (D) Occurring pursuant to a written agreement of both parties or
 - (E) Required by order of the court.
2. Neither party shall incur any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards; provided that this paragraph shall not apply reasonable amounts of debt necessary for living and business expenses, including child education expenses and reasonable litigation fees and costs for the pending action;
3. Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by order of the court;
4. Neither party shall directly or indirectly cause the other party or a minor child to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect; **and**
5. Neither party shall remove a minor child of the parties from the island of that child's current residence nor remove a minor child of the parties from the school that child is currently attending.

IT IS FURTHER ORDERED that after service of the complaint for annulment, divorce, or separation, the Defendant may file a motion to set aside or modify the AUTOMATIC RESTRAINING ORDER and may choose to file the Motion without submitting to the jurisdiction of the court. The court shall proceed to hear and determine the motion as expeditiously as possible.

IT IS A DEFENSE to any enforcement action under this section that an act of domestic abuse as defined in §586-1 has occurred. Any sanction for any violation of this Automatic Restraining Order shall remain within the discretion of the court, which shall take into account any instance of domestic abuse and the best interests of the child for violations of subsection (5).

THIS AUTOMATIC RESTRAINING ORDER shall remain in effect during the pendency of the action, unless it is modified by agreement of the parties or by further order of the court.

The provisions of this **AUTOMATIC RESTRAINING ORDER** shall be issued by the family court and a copy therefor shall be served with every complaint to which it applies.

This **AUTOMATIC RESTRAINING ORDER** shall be vacated upon the entry of an annulment, divorce or separation DECREE.

APPROVED AND SO ORDERED:

/s/ Stephanie R. Char

Judge of the above-entitled court

IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

	)	FC-D NO. _____
	)	
	)	SUMMONS TO ANSWER
	)	COMPLAINT
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
Defendant.	)	
_____	)	

SUMMONS TO ANSWER COMPLAINT

TO THE DEFENDANT

You are hereby summoned and required to seNe a written answer to the attached Complaint within twenty (20) days after seNice of this Summons upon you, exclusive of the date of seNice.

Your written answer must be filed with the Chief Clerk of this Circuit at the following location or address:

Fifth Circuit Court
3970 Ka'ana Street
Lihu'e, Kaua'i, HI 96766

A copy of your answer should also be seNed upon the Plaintiff's attorney, or in the event Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the Complaint.

If you fail to file your written answer within the twenty (20) day time limit, further action may be taken in this case, including judgment for the relief demanded in the Complaint, without further notice to you.

THIS SUMMONS SHALL NOT BE PERSONALLY DELIEVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE PUBLIC, UNLESS A JUDGE OR THE DISTRICT OR CIRCUIT COURTS PERMITS, IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF A DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.

DATE

CLERK OF THE COURT



Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

Call (808) 482-2347 FAX (808) 482-2509 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[] Plaintiff, Pro Se [] Defendant, Pro Se
[] Attorney for [] Plaintiff [] Defendant

IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

	)	CASE NO. _____
	)	
	)	MATRIMONIAL ACTION
Plaintiff,	)	INFORMATION
	)	
vs.	)	
	)	
	)	
	)	
Defendant.	)	

MATRIMONIAL ACTION INFORMATION

ITEM	PLAINTIFF		DEFENDANT	
FULL NAME				
BIRTH OR MAIDEN NAME				
ADDRESS				
STREET, APT. NO.				
TOWN, STATE, ZIP CODE				
COUNTY				
PHONE NUMBERS	HOME/CELL	WORK	HOME/CELL	WORK
SOCIAL SECURITY NUMBER	XXX-XX-____		XXX-XX-____	

ITEM	PLAINTIFF			DEFENDANT		
YEAR OF BIRTH						
PLACE OF BIRTH (STATE OR COUNTY)						
RACE						
HIGHEST GRADE COMPLETED						
HAWAI'I RESIDENT SINCE						
5th CIRCUIT RESIDENT SINCE						
PRIMARY EMPLOYER (Name and Address)						
JOB TITLE						
WORK SCHEDULE						
LENGTH OF SERVICE						
GROSS MONTHLY INCOME (All Sources)	Primary	Secondary	Welfare	Primary	Secondary	Welfare
DATE OF THIS MARRIAGE	DATE			COUNTY/STATE		
DATE OF SEPARATION [] NOT SEPARATED	DATE			COUNTY/STATE		
	FROM	TO	TERMINATED BY			STATE
	MONTH/YEAR	MONTH/YEAR	DIVORCE	ANNULMENT	DEATH	
PLAINTIFF'S PRIOR MARRIAGES OR CIVIL UNIONS						
DEFENDANT'S PRIOR MARRIAGES OR CIVIL UNIONS						
CHILDREN: ALL CHILDREN OF EITHER PARTY FROM YOUNGEST TO OLDEST						
CHILD'S INITIALS	M/F	YEAR OF BIRTH	LEGAL PARENT	PRESENT CUSTODY	SCHOOL AND GRADE	
			(PLAINTIFF, DEFENDANT OR OTHER)			

INFORMATION REQUIRED FOR CUSTODY

CHILD(REN)'S PRESENT ADDRESS:

PLACES WHERE AND PERSON(S) WITH WHOM THE CHILD(REN) HAVE LIVED WITHIN THE LAST FIVE (5) YEARS AND DATES:

ADDRESS	CARETAKERS	FROM MONTH/YR	TO MONTH/YR

PLAINTIFF ☐ IS ☐ IS NOT PREGNANT

EXPECTED DELIVERY DATE:

DEFENDANT ☐ IS ☐ IS NOT PREGNANT

EXPECTED DELIVERY DATE:

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

DATE

SIGNATURE



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 as soon as possible to allow the court time to provide an accommodation.

Call (808) 482-2347, FAX (808) 482-2509 or email adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

STATE OF HAWAII
FAMILY COURT
FIFTH CIRCUIT

**NOTICE TO ATTEND
KIDS FIRST PROGRAM**

(Supersedes April 14, 1997 Memorandum)

3970 Kā'ana Street, Lihue, Hawaii 96766 • Telephone (808) 482-2330

Randal G.B. Valenciano
Chief Judge

TO: All Fifth Circuit Attorneys; parties to divorce actions with minor children from the marriage; parties to contested paternity action in which child custody is contested.

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

SUBJECT: Mandatory Attendance for the Kids First Program

DATE: updated to July 2007

Effective March 3, 1997, all Fifth Circuit divorce action parties who have minor children from the marriage, and parties to contested paternity cases (those with a filed Order to Show Cause, "OSC" regarding child custody) will be ORDERED to attend a session of the Kids First Program. This program is directed by a committee comprised of health professionals, court personnel, attorneys, and other volunteers. Divorce parties are FURTHER ORDERED to bring with them all children from the marriage who are 6 to 17 years of age. Paternity parties are FURTHER ORDERED to bring with them all children who are subject to the custody dispute who are from 6 to 17 years of age.

Attendance is mandatory in divorce cases even if there is no dispute about custody and visitation arrangements. There is a "good cause" exception to the mandatory attendance rule. Parties showing good cause to the Court why they should not be required to attend the program may have their attendance waved. A form is available at the Legal Documents office for this purpose. Persons residing on another island should contact the Family Court where they are residing and make arrangements to attend their program.

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[] Plaintiff/Petitioner, Pro Se [] Defendant/Respondent, Pro Se
[] Attorney for [] Plaintiff/Petitioner [] Defendant/Respondent

IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

	)	CASE NO. _____
	)	
	)	NOTICE TO ATTEND KIDS FIRST
Plaintiff/Petitioner,	)	PROGRAM
	)	
vs.	)	
	)	
	)	
Defendant/Respondent.	)	
_____	)	

NOTICE TO ATTEND KIDS FIRST PROGRAM

You are hereby notified that you are REQUIRED to attend the program on:

DAY: Wednesday
DATE:
TIME: 4:45 - 7:00 P.M.

At the Judiciary Complex located at 3970 Ka'ana Street, Lihu'e, Hawai'i. (See Administrative Judge's Memorandum) Divorce parties are required to bring with them their children from the marriage who are from 6 to 17 years old. Paternity parties are required to bring with them their children who are subject to the custody dispute who are from 6 to 17 years old. **CHILDREN UNDER AGE 6 ARE NOT TO ATTEND.**

GENERAL INFORMATION:

All children are affected by divorce and separation in some way. Many children experience long term emotional problems after their parents separate. If you can recognize and help your child with the special problems associated with separation during this difficult time, you will give your child a lasting gift. Unfortunately, most parents do not have the information about children, separation and divorce that they need to help their children.

The Kids First Program, sponsored by an independent steering committee and the Judiciary, is designed to provide information to parents about how to best help children adjust to separation and divorce. Information about the divorce and separation process is presented through video tapes, lectures by experts and group discussions. Your children will also have a chance to tour the courtroom.

We suggest that you and your children dress informally in light clothing. Do not attend the program while under the influence of alcohol or any illegal drugs. If you have any questions about the program, you need to reschedule your program date, you need special accommodations, or if a restraining order or protective order has been issued that affects you, please contact the court at (808) 482-2330.

The divorce plaintiff and the party filing the Order to Show Cause (OSC) for custody in paternity cases must file a Notice to Attend Kids First Program, using this procedure:

- (1) Pick up a NOTICE TO ATTEND KIDS FIRST PROGRAM form from the Circuit Court Clerk's office (these forms are included in the divorce packets).
- (2) Fill out the KIDS FIRST INFORMATION SHEET.
- (3) Go to the Circuit Court Clerk's office to file the Complaint for Divorce or the OSC; and the Notice to Attend Kids First Program forms.
- (4) Serve the Complaint for Divorce or the OSC upon the opposing party, along with one filed NOTICE TO ATTEND KIDS FIRST PROGRAM, within five (5) days of filing form.

NO COMPLAINTS FOR DIVORCE THAT ALLEGE THAT THE PARTIES HAVE MINOR CHILDREN NOR OSC's CONTESTING CUSTODY IN PATERNITY CASES MAY BE FILED AFTER MARCH 3, 1997, UNLESS ACCOMPANIED BY A COMPLETED NOTICE TO ATTEND KIDS FIRST PROGRAM.

Family Court Judges may refuse to grant a divorce or adjudicate a paternity petition where custody is contested until the parties have attended this program. Attendance is documented in the parties' divorce or paternity case.

STATE OF HAWAII
FAMILY COURT
FIFTH CIRCUIT

**NOTICE TO ATTEND
KIDS FIRST PROGRAM**

(Supersedes April 14, 1997 Memorandum)

3970 Kā'ana Street, Lihue, Hawaii 96766 • Telephone (808) 482-2330

Randal G.B. Valenciano
Chief Judge

TO: All Fifth Circuit Attorneys; parties to divorce actions with minor children from the marriage; parties to contested paternity action in which child custody is contested.

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

SUBJECT: Mandatory Attendance for the Kids First Program

DATE: updated to July 2007

Effective March 3, 1997, all Fifth Circuit divorce action parties who have minor children from the marriage, and parties to contested paternity cases (those with a filed Order to Show Cause, "OSC" regarding child custody) will be ORDERED to attend a session of the Kids First Program. This program is directed by a committee comprised of health professionals, court personnel, attorneys, and other volunteers. Divorce parties are FURTHER ORDERED to bring with them all children from the marriage who are 6 to 17 years of age. Paternity parties are FURTHER ORDERED to bring with them all children who are subject to the custody dispute who are from 6 to 17 years of age.

Attendance is mandatory in divorce cases even if there is no dispute about custody and visitation arrangements. There is a "good cause" exception to the mandatory attendance rule. Parties showing good cause to the Court why they should not be required to attend the program may have their attendance waved. A form is available at the Legal Documents office for this purpose. Persons residing on another island should contact the Family Court where they are residing and make arrangements to attend their program.

STATE OF HAWAII FAMILY COURT FIFTH CIRCUIT	KIDS FIRST INFORMATION SHEET	CASE NUMBER
---	---	--------------------

<u>PLAINTIFF/PETITIONER</u>	<u>DEFENDANT/RESPONDENT</u>
------------------------------------	------------------------------------

NAME: _____	NAME: _____
MOTHER/FATHER(circle)	MOTHER/FATHER(circle)
MAILING ADDRESS: _____ _____	MAILING ADDRESS: _____ _____
TELEPHONE: _____	TELEPHONE: _____
EMAIL ADDRESS: _____	EMAIL ADDRESS: _____

DATE OF PROGRAM: WEDNESDAY,

DO NOT BRING CHILDREN UNDER THE AGE OF 6 YEARS OLD

CHILDREN: List all children ages 6 to 17 years old from this and any other relationship

<u>INITIALS OF CHILDREN</u>	<u>AGE</u>	<u>SEX</u>	<u>LIVING W/WHOM?</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

NOTE: Plaintiff/Petitioner and Defendant/Respondent must attend. Children, ages 6-17, who have lived as a family with this Plaintiff/Petitioner and Defendant/Respondent must attend.

ACTIVE RESTRAINING ORDER BETWEEN PARTIES Yes ☐ No ☐

IF EITHER PARENT LIVES ON THE ISLAND OF OAHU, HAWAII OR MAUI, THAT PARENT MAY ATTEND THAT ISLAND'S SEPARATION/DIVORCE EDUCATION PROGRAM. FOR FURTHER INSTRUCTIONS CALL OAHU KIDS FIRST PROGRAM - 954-8280, HILO - 896-6465, KONA - 987-1046, OR MAUI COUNTY - 244-2770.

<u>ATTENDED</u> (Y/N)	<u>VERIFICATION</u>
---------------------------------	----------------------------

FATHER	_____
MOTHER	_____
CHILD 1	_____
CHILD 2	_____
CHILD 3	_____
CHILD 4	_____

COMMENTS: _____

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[] Plaintiff/Petitioner, Pro Se [] Defendant/Respondent, Pro Se
[] Attorney for [] Plaintiff/Petitioner [] Defendant/Respondent

IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

	)	CASE NO. _____
	)	
	)	PROOF OF SERVICE
Plaintiff/Petitioner,	)	
	)	
VS.	)	
	)	
	)	
	)	
Defendant/Respondent.	)	

PROOF OF SERVICE

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

PERSON(S) SERVED	DATE	TIME	PLACE

DOCUMENT(S) SERVED:

☐ Complaint; Automatic Restraining Order; Summons

☐ Notice to Attend Kids First

☐ Motion and Affidavit for Pre-Decree Relief and Attachments

☐ Motion and Affidavit for Post-Decree Relief and Attachments

☐ _____

PLEASE EXPEDITE RETURN OF SERVICE TO FAMILY COURT

DATE	POLICE OFFICER'S SIGNATURE	BADGE ID NUMBER
DATE	SERVING OFFICER'S SIGNATURE	SERVING OFFICER'S PRINTED NAME

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

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[☐] Plaintiff/Petitioner, Pro Se [☐] Defendant/Respondent, Pro Se
[☐] Attorney for [☐] Plaintiff/Petitioner [☐] Defendant/Respondent

IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

	)	CASE NO. _____
	)	
	)	
Plaintiff/Petitioner,	)	MOTION FOR SERVICE BY
	)	MAIL AND AFFIDAVIT; ORDER
vs.	)	FOR SERVICE BY MAIL
	)	
	)	
	)	
	)	
Defendant/Respondent.	)	

MOTION FOR SERVICE BY MAIL AND AFFIDAVIT

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

Date

Movant's Signature

Subscribed and sworn to me before on this _____
day of _____, 20 _____

Notary Public, Fifth Judicial Circuit
State of Hawai'i

My Commission expires: _____

ORDER FOR SERVICE BY MAIL

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

☐ Complaint; Automatic Restraining Order; Summons

☐ Motion and Affidavit for Pre-Decree Relief and Attachments

☐ Motion and Affidavit for Post-Decree Relief and Attachments

☐ Income and Expense Statement; Asset and Debt Statement

☐ Other: _____

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

DATE

JUDGE OF THE ABOVE-ENTITLED COURT

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

☐ Plaintiff/Petitioner, Pro Se ☐ Defendant/Respondent, Pro Se
☐ Attorney for ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

	)	CASE NO. _____
	)	
	)	Income and Expense Statement
Plaintiff/Petitioner,	)	
	)	
vs.	)	
	)	
	)	
	)	
Defendant/Respondent.	)	

Income and Expense Statement

☐ Plaintiff/Petitioner ☐ Defendant/Respondent

Occupation: _____
Job Title

Employer: _____

Address: _____

Length of service: _____ months/years

Income Tax Withholding based on: _____ dependents

INCOME

Gross Income Paid: [] monthly [] 2 times per month [] every 2 weeks [] weekly [] or other_____

Gross pay per period \$_____ Per Month \$_____

Payroll deductions per pay period:

Federal income tax \$_____

State income tax \$_____

FICA (Social Security) \$_____

Union Dues \$_____

a) Net pay per period \$_____ Per Month \$_____

Other:

Retirement/401K \$_____

Credit Union \$_____

Direct Deposit \$_____

Income Assignments \$_____

Support Payments \$_____

Medical Insurance \$_____

b) Take home per pay period \$_____ Per Month \$_____

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

Gross monthly receipt \$_____

Taxes paid IRS and State on above \$_____

c) Total other income net \$_____

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

EXPENSES

Do not list expenses which are paid by payroll deduction

Housing, expenses per month:

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

Transportation expenses per month:

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

Total Housing and Transportation expenses \$ _____

Debt service (*all monthly payments, e.g. credit cards, finance company, personal loans*) \$ _____

Personal Expenses per month:

	Self	Children No. (____)
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Medical and Dental	\$ _____	\$ _____
Laundry and Cleaning	\$ _____	\$ _____
Personal articles	\$ _____	\$ _____
Recreation (movies, etc.)	\$ _____	\$ _____
School (include food)	\$ _____	\$ _____
Household	\$ _____	\$ _____
Bus (on monthly basis)	\$ _____	\$ _____
Other (_____)	\$ _____	\$ _____
Payment to others for dependent care		\$ _____
Subtotals	\$ _____	\$ _____
Total Personal expenses	\$ _____	

Grand Total Expenses: Housing, Transportation, Debt and Personal \$ _____

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

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

CERTIFICATION

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

Date

Plaintiff's/Petitioner's Signature

Date

Defendant's/Respondent's Signature

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

☐ Plaintiff/Petitioner, Pro Se ☐ Defendant/Respondent, Pro Se
☐ Attorney for ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

**IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

	)	CASE No. _____
	)	
Plaintiff,	)	ASSET AND DEBT STATEMENT
	)	
VS.	)	
	)	
Defendant.	)	
_____	)	

ASSET AND DEBT STATEMENT

☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Both Parties
P = Plaintiff/Petitioner D = Defendant/Respondent J = Joint

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

2. CREDIT UNION ACCOUNTS:

<u>Name</u>	<u>Title (P,DJ)</u>	<u>Credit Balance</u>	<u>Debt Balance</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

<u>Company & Branch</u>	<u>Type of Account</u>	<u>Title</u> <u>(P,DJ)</u>	<u>Current Balance</u>

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

<u>Company</u>	<u>Title</u> <u>(P,DJ)</u>	<u>Date of</u> <u>Acquisition</u>	<u>Cost</u>	<u>Market Value</u>	<u>Debt Owed</u> <u>Against</u>

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

<u>Year</u>	<u>Make</u>	<u>Title</u> <u>(P,DJ)</u>	<u>Current Market Value</u>	<u>Debt Owed Against</u>

6. REAL PROPERTY:

<u>Address</u>	<u>Fee or</u> <u>Lease</u>	<u>Title</u> <u>(P,DJ)</u>	<u>Date of</u> <u>Acquisition</u>	<u>Cost</u>	<u>Current Gross</u> <u>Value</u>	<u>Total Debt</u> <u>Owed</u>

7. LIFE INSURANCE:

<u>Company</u>	<u>Person Insured</u>	<u>Face Amount</u>	<u>Beneficiary</u>	<u>Title (P,DJ)</u>	<u>Cash Value</u>	<u>Debt Owed Against</u>

8. RETIREMENT; PENSION; PROFIT SHARING ACCOUNTS:

<u>Employer or Company</u>	<u>Title (P,DJ)</u>	<u>Type of Plan</u>	<u>Years in Plan</u>	<u>Total Value</u>

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

[illegible]

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

Debt Owed
Against

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

Min. Monthly
Payment[illegible]

Total Debt in Plaintiff's Name Alone: \$_____

Total Debt in Defendant's Name Alone: \$_____

Total Debt in Joint Names: \$_____

CERTIFICATION

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

Date

Plaintiff's/Petitioner's Signature

Date

Defendant's/Respondent's Signature

STATE OF HAWAII FAMILY COURT OF THE FIFTH CIRCUIT	CASE NUMBER:
CHILD SUPPORT GUIDELINES WORKSHEET	
Plaintiff/Petitioner/Parent (A) vs. Defendant/Respondent/Parent (B)	This worksheet, and any attachments, was prepared by: Name (Bar#): Address: Phone/Fax: Email:

PARENTS' INCOMES		Parent (A)	Parent (B)	TOTAL (C)
1. Monthly Gross Income from all sources		\$0	\$0	\$0
2. Monthly Net Income		%	%	Round to nearest %
3. Percentage of Total Net Income on Line 2 from each parent		[Line 2(A) ÷ 2(C)] x 100	[Line 2(B) ÷ 2(C)] x 100	

CHILD SUPPORT NEED		TOTAL (C)
4. Base Primary Support: (\$455) x (# of children)	=	
5. Plus Monthly Child Care Expense (to allow custodial parent to work or attend voc. ed. or training)	+	
6. Plus Monthly Health Insurance Expense (for the child(ren) and paid by parents). If no insurance, use State Cash Medical support amount (10% of Net Income on Line 2) \$0 \$0	+	
7. PRIMARY CHILD SUPPORT NEED (add Lines 4, 5 & 6)	=	

STANDARD OF LIVING ADJUSTMENT		Parent (A)	Parent (B)	TOTAL (C)
8. Parent's SOLA income (from Table of Incomes)		\$0	\$0	\$0
9. Less PRIMARY CHILD SUPPORT NEED (copy from Line 7)	-			
10. Parents' remaining SOLA income (Line 8(c) - Line 9; but if result is negative enter 0)	=			
11. SOLA Percentage (10% per child, up to 30% maximum)	x			%
12. SOLA Amount (Line 10 x Line 11)	=			
13. CHILD SUPPORT CALCULATION (Line 7 + Line 12)	=			

CHILD SUPPORT OBLIGATIONS / CREDITS		Parent (A)	Parent (B)	70% of Net Income:
14. Total Support Obligation for each parent (Line 13 x % in Line 3) <i>Minimum: \$91 per child. Maximum: The Total Support Obligation for a parent should not exceed that parent's Net Income on Line 2, if the Net Income exceeds \$91 per child.</i>				Parent (A): \$0
15. Credit for Child Care Expense (for parent who pays)	-			Parent (B): \$0
16. Credit for Health Ins./Cash Medical amount (for parent who pays)	-			
17. REMAINING CHILD SUPPORT OBLIGATION AFTER CREDITS	=			Round to nearest dollar

SUMMARY OF CHILD SUPPORT PAYMENTS	
Parent (A) Parent (B) pays monthly child support of to other parent, per child per mo. Parent (A) Parent (B) pays health ins./cash medical. Parent (A) Parent (B) pays child care expense.	

ATTACHMENTS	
 EXTENSIVE TIME-SHARING WORKSHEET attached. SELF-EMPLOYED CALCULATION WORKSHEET attached EXCEPTIONAL CIRCUMSTANCES FORM attached.	

CERTIFICATION: I hereby declare, under penalty of perjury, that I have examined this worksheet, and any attached worksheets, and to the best of my knowledge and belief the information provided is true, correct and complete.			
Parent (A) Signature	Date	Parent (B) Signature	Date

STATE OF HAWAII FAMILY COURT OF THE FIFTH CIRCUIT	EXTENSIVE TIME-SHARING WORKSHEET to be attached to CHILD SUPPORT GUIDELINES WORKSHEET (CSGW)	CASE NUMBER:						
<i>This form requires information from your completed CSGW, and you must mark it as an attachment at the bottom of the CSGW.</i>								
EQUAL TIME-SHARING CALCULATION								
LINE		Parent (A)	Parent (B)	(C)				
18	CSGW LINE 17 MONTHLY SUPPORT AMOUNT for each parent							
19	YEARLY SUPPORT OBLIGATION UNDER EQUAL TIME-SHARING [Line 18(A) x 6 months] and [Line 18(B) x 6 months]							
20	Difference between lines 19(A) and 19(B) [larger amount - lesser amount]							
21	EQUAL TIME-SHARING CHILD SUPPORT [Line 20(C) ÷ 12] Enter result in column for parent with larger support obligation on Lines 18 & 19.			Round to nearest dollar.				
EXTENSIVE TIME-SHARING CALCULATION								
IF BOTH PARENTS HAVE MORE THAN 143 OVERNIGHTS PER YEAR, COMPLETE LINES 22 - 29 BELOW.								
		Parent (A)	Parent (B)	(C)				
22	NUMBER OF OVERNIGHTS for <u>only</u> the parent with fewer overnights.							
23	CSGW LINE 17 SUPPORT AMOUNT for the parent with fewer overnights.							
24	EQUAL TIME-SHARING SUPPORT. Enter the amount from Line 21 above.							
25	DIFFERENCE BETWEEN REGULAR & EQUAL TIME-SHARING SUPPORT: If the child support obligations in Lines 23 and 24 are for the <u>same parent</u> , then subtract Line 24 from Line 23. [Line 23 - Line 24] If the child support obligations in Lines 23 and 24 are for <u>different parents</u> , then add Line 23 and Line 24. [Line 23 + Line 24]							
26	ADJUSTMENT RATE (for each night over 143 nights) [Line 25 ÷ 40]							
27	NUMBER OF OVERNIGHTS EXCEEDING 143 PER YEAR. [Line 22 - 143]			x				
28	CREDIT FOR NIGHTS EXCEEDING REGULAR SUPPORT [Line 26 x Line 27]	Round to nearest dollar.		=				
29	EXTENSIVE TIME-SHARING CHILD SUPPORT for the parent with fewer overnights. [Line 23 - Line 28]							
SPLIT CUSTODY CALCULATION								
Number of children with Parent (A):			Number of children with Parent (B):			Parent (A)	Parent (B)	(C)
30	CSGW LINE 17 MONTHLY SUPPORT AMOUNT for each parent							
31	TOTAL NUMBER OF CHILDREN IN THIS CASE [from CSGW Line 4]							
32	EACH PARENT'S SUPPORT PER CHILD [Line 30 ÷ Line 31]							
33	NUMBER OF CHILDREN EACH PARENT IS OBLIGATED TO PAY SUPPORT FOR (the number of children with the other parent)							
34	SUPPORT OBLIGATION OF EACH PARENT [Line 32 x Line 33]							
35	REMAINING SUPPORT OBLIGATION AFTER OFFSET Subtract the smaller amount in Line 34 from the larger amount; enter the result in the column of the parent with the larger amount on Line 34.							Round to nearest dollar.
SUMMARY OF CHILD SUPPORT PAYMENTS								
___ Parent (A) ___ Parent (B) pays monthly child support of _____ to the other parent, _____ per child per month.								
___ Parent (A) ___ Parent (B) pays health insurance/cash medical. _____ Parent (A) _____ Parent (B) pays child care expense.								

STATE OF HAWAII FAMILY COURT OF THE FIFTH CIRCUIT	EXCEPTIONAL CIRCUMSTANCES FORM to be attached to CHILD SUPPORT GUIDELINES WORKSHEET (CSGW)	CASE NUMBER:
---	--	--------------

This form requires information from your completed CSGW, and you must mark it as an attachment at the bottom of the CSGW.

Payor Parent: _____ No. of children in this case: 0 CS amount from Line 14: \$0

After considering the best interests of a child(ren), a deviation is requested because application of the Guidelines amount would be unjust or inappropriate for the following reasons:

EXCEPTION REQUESTED BECAUSE CALCULATED CHILD SUPPORT EXCEEDS 70% OF NET INCOME

Payor's total monthly child support obligation as calculated on Line 14 of the CSGW (_____) exceeds the minimum support amount of \$91 per child and is greater than 70% of Payor's net income from the Table of Incomes (_____).

I request a finding that an exceptional circumstance exists and that Payor's total monthly child support obligation on Line 14 of the CSGW be limited to either 70% of Payor's net income or \$91 per child, whichever is greater. Using the higher of the two numbers the total support for the ____ children in this case would be _____ per month. After deductions for monthly child care expenses listed on Line 15 (_____) and health insurance costs listed on Line 16 (_____), which are paid directly by Payor, the remaining child support obligation of Payor will be _____ per month

EXCEPTION REQUESTED BECAUSE PAYOR SUPPORTS ADDITIONAL LEGAL CHILD(REN)

A) Payor's total monthly child support obligation as calculated on Line 14 of the CSGW (_____), divided by the number of children to be supported on Line 4 of the CSGW (____), equals _____ per child.

Is this amount per child greater than \$91 per child (the minimum support amount)? Yes ____ No ____

B) Payor supports 0 additional legal child(ren). If all of Payor's Net Income on Line 2 of the CSGW (\$0) is divided by the total number of children Payor is required to support (0), each child would receive 0.

Is this amount per child less than the amount per child calculated on line A) above? Yes ____ No ____

If the answers to both questions above is 'Yes,' you may request that the Court make the following finding:

Due to Payor's obligation to support (and Payor's actual support of) additional children, I request a finding that an exceptional circumstance exists and that the support per child in this case be limited to the greater of the amount per child shown in line B) above, _____, or the State minimum per child of \$91. Using the higher of the two numbers the total support for the ____ children in this case would be _____ per month.

After deductions for monthly child care expense listed on Line 15 (_____) and health insurance/cash medical cost listed on Line 16 (_____), which are paid directly by Payor, the remaining child support obligation of Payor will be _____ per month.

EXCEPTION REQUESTED DUE TO OTHER CIRCUMSTANCES

SUMMARY OF CHILD SUPPORT PAYMENTS (IF EXCEPTION IS GRANTED)

____ Parent (A) ____ Parent (B) pays monthly child support of _____ to other parent, _____ per child per mo.

____ Parent (A) ____ Parent (B) pays health insurance/cash medical. ____ Parent (A) ____ Parent (B) pays child care expense.

STATE OF HAWAII FAMILY COURT OF THE FIFTH CIRCUIT	CASE NUMBER:
---	--------------

CHILD SUPPORT GUIDELINES WORKSHEET

Plaintiff/Petitioner/Parent (A)
vs.

Defendant/Respondent/Parent (B)

This worksheet, and any attachments, was prepared by:

Name (Bar#):

Address:

Phone/Fax:

Email:

*This form should be used if a parent has (a) income not subject to tax (e.g., non-taxable alimony/spousal support, VA disability compensation, disability insurance payments, military benefits, etc.) and/or (b) **net** self-employment income as calculated in the Child Support Guidelines that should not be further taxed by using Line 1 (or Line 1.a. herein) of the Child Support Guidelines Worksheet.*

PARENTS' INCOMES

	Parent (A)	Parent (B)	TOTAL (C)
1a. Monthly Taxable Income from all sources			
1b. Monthly Non-Taxable Income (see paragraph II.B.3.a. in Guidelines)			
1c. Monthly Net Self-Employment Income (see paragraph II.B.3.b. in Guidelines)			
2. Monthly Net Income	\$0	\$0	\$0
3. Percentage of Total Net Income on Line 2 from each parent	%	%	Round to nearest %
	[Line 2(A) ÷ 2(C)] x 100	[Line 2(B) ÷ 2(C)] x 100	

CHILD SUPPORT NEED

	TOTAL (C)
4. Base Primary Support: (\$455) x (# of children)	=
5. Plus Monthly Child Care Expense (to allow custodial parent to work or attend voc. ed. or training)	+
6. Plus Monthly Health Insurance Expense (for the child(ren) and paid by parents). If no insurance, use State Cash Medical support amount (10% of Net Income on Line 2) \$0 \$0	+
7. PRIMARY CHILD SUPPORT NEED (add Lines 4, 5 & 6)	=

STANDARD OF LIVING ADJUSTMENT

	Parent (A)	Parent (B)	TOTAL (C)
8. Parent's SOLA income (from Table of Incomes)	\$0	\$0	\$0
9. Less PRIMARY CHILD SUPPORT NEED (copy from Line 7)			-
10. Parents' remaining SOLA income (Line 8(c) - Line 9; but if result is negative enter 0)			=
11. SOLA Percentage (10% per child, up to 30% maximum)			x %
12. SOLA Amount (Line 10 x Line 11)			=
13. CHILD SUPPORT CALCULATION (Line 7 + Line 12)			=

CHILD SUPPORT OBLIGATIONS / CREDITS

	Parent (A)	Parent (B)	70% of Net Income:
14. Total Support Obligation for each parent (Line 13 x % in Line 3)			Parent (A): \$0
<i>Minimum: \$91 per child. Maximum: The Total Support Obligation for a parent should not exceed that parent's Net Income on Line 2, if the Net Income exceeds \$91 per child.</i>			
15. Credit for Child Care Expense (for parent who pays)			Parent (B): \$0
16. Credit for Health Ins./Cash Medical amount (for parent who pays)			
17. REMAINING CHILD SUPPORT OBLIGATION AFTER CREDITS			Round to nearest dollar

SUMMARY OF CHILD SUPPORT PAYMENTS

Parent (A) Parent (B) pays monthly child support of _____ to other parent, _____ per child per mo.
 Parent (A) Parent (B) pays health ins./cash medical. Parent (A) Parent (B) pays child care expense.

ATTACHMENTS

EXTENSIVE TIME-SHARING WORKSHEET attached. SELF-EMPLOYED CALCULATION WORKSHEET attached
 EXCEPTIONAL CIRCUMSTANCES FORM attached.

CERTIFICATION: I hereby declare, under penalty of perjury, that I have examined this worksheet, and any attached worksheets, and to the best of my knowledge and belief the information provided is true, correct and complete.

Parent (A) Signature

Date

Parent (B) Signature

Date

STATE OF HAWAII FAMILY COURT OF THE FIFTH CIRCUIT	SELF-EMPLOYED CALCULATION WORKSHEET CHILD SUPPORT GUIDELINES WORKSHEET (CSGW)	CASE NUMBER:
---	--	--------------

INPUT DATA INTO THE YELLOW BOXES BELOW

[1] Gross Monthly Earned Income (excluding any W-2 wage; input W-2 income on Line 1a. of Self-Employed Worksheet)	
[2] Ordinary and Necessary Expenses (express as a negative number)	
[3] Business Interest Income	
[4] Business Dividend Income	
[5] Other Business Income	

STEP ONE

Gross Monthly Earned Income (excluding any W-2 wage)		-	
Ordinary and Necessary Expenses		-	
Net Self Employment Income	=	-	
Multiply by 92.35%		92.35%	
Amount Subject to Self Employment Tax		-	
Self Employment Tax			
Tax on net earned income up to \$12,250 per month	15.30%	-	
Tax on net earned income above \$12,250 per month	2.90%	-	
Total Self Employment Tax		-	

STEP TWO

Net Self Employment Income		-	
Other income:			
Business Interest		-	
Business Dividends		-	
Other Business Income		-	
Total Income	=	-	
Less Business Dividends, taxed separately		-	
Total Income less Business Dividends	=	-	

STEP THREE

Self Employment Tax		-	
Subtract one-half of self employment tax		-	
Tax on dividends only (at 15%)		-	
State of Hawaii Tax			
Income up to but not over \$200		-	
Income over \$200 but not over \$400		-	
Income over \$400 but not over \$800		-	
Income over \$800 but not over \$1,200		-	
Income over \$1,200 but not over \$1,600		-	
Income over \$1,600 but not over \$2,000		-	
Income over \$2,000 but not over \$3,000		-	
Income over \$3,000 but not over \$4,000		-	
Income over \$4,000 but not over \$12,500		-	
Income over \$12,500 but not over \$14,583		-	
Income over \$14,583 but not over \$16,667		-	
Income over \$16,667		-	
Federal Tax			
Income up to but not over \$856		-	
Income over \$856 but not over \$3,481		-	
Income over \$3,481 but not over \$7,423		-	
Income over \$7,423 but not over \$14,171		-	
Income over \$14,171 but not over \$17,996		-	
Income over \$17,996 but not over \$44,992		-	
Income over \$44,992		-	
Monthly Net Income for CSG Worksheet (input this amount on Line 1c. of the Self-Employed Worksheet)		-	

Name, Address & Phone Number

**IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

	)	CASE NO. _____
	)	
Plaintiff,	)	APPEARANCE AND WAIVER
	)	
vs.	)	
	)	
	)	
	)	
Defendant.	)	

APPEARANCE AND WAIVER

I, Defendant, acknowledge receipt of a filed copy of the Complaint for Divorce/Civil Union Divorce ("Complaint"); Automatic Restraining Order; and Summons to Answer Complaint in the above-entitled action, submit myself to the Court's jurisdiction, and have agreed with the Plaintiff on matters set forth in:

- ☐ a signed Agreement Incident to Divorce
- ☐ a form of the Divorce Decree which I have approved by signature

I consent to a hearing on the Complaint by a judge at any time without further notice and without my presence so long as the Divorce Decree issued incorporates the provisions I have approved. If such Decree is not entered by the Court, I request to be notified. I understand that I am not required to sign this paper and that by doing so I am permitting the court, without opposition from me, to proceed with the above-entitled matter at this time unless there is reason for the court to alter our agreement.

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

_____ I am in the military service of the United States, but I do not request a stay of proceedings herein, and I do waive any rights I may have under the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501-597b (2003).

DATED: Lihu'e, Kaua'i, Hawai'i, _____

Signature of Defendant

STATE OF HAWAII
FAMILY COURT
FIFTH CIRCUIT

ADMINISTRATIVE JUDGE'S
MEMORANDUM

3970 Ka'ana Street, Lihu'e, Kaua'i, Hawai'i 96766-1809 • TEL (808) 482-2330

Randal G.B. Valenciano
CHIEF JUDGE

DATE: July 21, 1999 (Updated July 2007)

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

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

PROOF OF UNCONTESTED DIVORCE THROUGH AFFIDAVIT

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

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

1. The Affidavit of Plaintiff must be filed before the case is set.
2. The Affidavit of Plaintiff must contain legal proof of every point required. Be sure to include any other information in the affidavit which is necessary or would be helpful to the judge.

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

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

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

- (1) Appearance and Waiver. The Appearance and Waiver must be filed in all non-default uncontested cases. It must be both hand-dated and signed by the Defendant after the complaint has been filed. Family Court Rule 8(g) requires that the Appearance and Waiver "shall be filed within a reasonable time before the date of hearing." If the Appearance and Waiver is not current within six months of the time of setting, the Plaintiff must submit a Notice of Hearing to the Defendant and file the Notice of Hearing with the Family Court clerk at the time the case is set.
- (2) Proof of Service, Statement of Mailing or Affidavit of Publication:
 - (a) Upon Defendant. If no appearance and Waiver is filed, Proof of Service of the Complaint by personal service, Statement of Mailing with a return receipt signed by Defendant, or Affidavit of Publication must be provided if proceeding either by Default or by agreement.

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

- b. Income and Expense Statement and Asset and Debt Statements of Plaintiff and Defendant: Current financial statements must be filed by Plaintiff and Defendant if possible, as stated below. Each party must hand-date and sign in black ink each of his/her statements.
- (1) Plaintiff. Plaintiff's filed Income and Expense Statement and Asset and Debt Statement must reflect financial information that is current within 60 days of the setting date (not the hearing date) of the case. Plaintiff's statements should reflect all known assets held in the joint or sole names of the parties.
- (2) Defendant. Plaintiff must submit to the counter clerk either: (a) Defendant's filed Income and Expense Statement and Asset and Debt Statement current within 60 days of the setting of the case, or (b) A letter addressed to the Presiding Judge explaining why current financial statements are not available.
- c. Child Support Guidelines Worksheet (if applicable): Plaintiff must submit a filed copy of the child support guidelines worksheet in all cases where the parties have minor and/or dependent children. The worksheet must be signed by Plaintiff and Plaintiff's attorney and Defendant and Defendant's attorney if possible.
- d. Kids First Information Sheet (if applicable): Plaintiff must submit a Kids First Information Sheet in all cases where the parties have minor children between the ages of 6 and 17, reflecting that both parties and applicable children have attended the Kids First Program.
- e. Agreement Incident to Divorce (if applicable): All agreements must be filed, hand-dated and signed by both parties in black ink. The agreement should be signed before a notary or signature of counsel should appear on the agreement.
- f. Paternity Judgment (if applicable): If any minor children born during the marriage are not fathered by the husband, the case must be placed on the contested divorce calendar unless the paternity of the natural father has already been adjudicated in a paternity action. See Hawaii Divorce Manual, 5th ed., Section 7 for appropriate procedures.
- g. Proposed Decree: A signed original decree and copies must be provided to the Family Court counter clerk.

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

- h. Order for Income Assignment (if applicable): Plaintiff shall submit an original of the Order for Income Assignment (OIA) and copies to the Family Court counter clerk together with the decree. If no OIA is submitted because the obligator has no periodic income, or the parties have elected direct payments to the custodial parent, and the defendants of the obligor parent are not receiving public assistance benefits, this should be explained in the Affidavit of Plaintiff. The Degree should nevertheless order that child support will be paid by OIA as soon as the obligor receives periodic income, and should further require the obligor to notify the Child Support Enforcement Agency in writing of the name and address of the employer or other payor as soon as he receives such income.
 - i. Order Granting Motion: If Plaintiff is proceeding by default, a filed copy of the Order Granting Motion for Default must be submitted in all affidavit cases at the time the case is set. Otherwise, a hearing on a motion for default should be scheduled at the time of the uncontested divorce and the Notice of Motion will reflect the same date and time as the uncontested divorce.
- 4. In the affidavit only cases, the case file including all documents will be reviewed by the assigned judge on or about the date of the hearing. The judge, after a hearing without appearances, will note the disposition on the court's calendar as follows: a) granted; b) decree to be resubmitted (with corrections); or c) court hearing with appearances required.

Copies of the rejected decrees to be returned to attorneys (with the judge's notations) will be placed in the attorney's jacket for corrections. Copies of the rejected decrees to be returned to pro se parties (with judge's notations) will be mailed to Plaintiff for corrections and resubmittal to the court.

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[] Plaintiff, Pro Se [] Attorney for Plaintiff

**IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

	)	CASE NO. _____
	)	
	)	AFFIDAVIT OF PLAINTIFF
Plaintiff,	)	(Uncontested Divorce)
	)	
vs.	)	
	)	
	)	
	)	
	)	
Defendant.	)	

AFFIDAVIT OF PLAINTIFF

STATE OF HAWAII	)	
	)	SS.
COUNTY OF KAUAI	)	

Plaintiff in the above-entitled action, being first duly sworn on oath, deposes and says that:

1. Plaintiff's full name and address is:

2. Plaintiff is [] representing him/herself
[] represented by: (attorney's name and address)

3. Service of process on Defendant was made by:

☐ Personal Service: A *Proof of Service* or *Affidavit of Service* has been filed showing that Defendant was personally served with a filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce* on _____ by a person authorized to serve legal documents.

☐ Certified or Registered Mail: A filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce* were served upon Defendant by certified or registered mail. A *Statement of Mailing or Affidavit of Mailing* and an original receipt signed by the Defendant on _____ have been filed. Plaintiff recognizes Defendant's signature on the return receipt.

☐ Appearance and Waiver. Defendant acknowledged receipt of a filed copy of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce*; and signed an *Appearance and Waiver* on _____. Plaintiff recognizes Defendant's signature on the *Appearance and Waiver*.

☐ Publication. The *Affidavit of Publication* was filed on _____.

☐ Default. More than twenty (20) days have passed since the service of the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint for Divorce* upon Defendant. No responsive pleading has been filed. Neither Plaintiff nor Plaintiff's attorney has received any communication from Defendant or Defendant's attorney concerning this case since the *Complaint for Divorce; Automatic Restraining Order; and Summons to Answer Complaint* was served.

☐ An order granting the *Motion for Entry of Default* was filed on _____.
(Month/Day/Year)

4. Jurisdiction:

☐ Plaintiff was domiciled on the Island of Kauai, State of Hawaii, at the time of the filing of the *Complaint for Divorce/Civil Union Divorce* was filed.

☐ Plaintiff's marriage was solemnized on the Island of Kauai, State of Hawaii.

Defendant resides in (City, State) _____.

The parties were married in _____
(Place)

The parties separated/last lived together on (if applicable) _____
(Date)

5. Child(ren):

A. ☐ Plaintiff and Defendant have no children together.

B. ☐ The parties have _____ child(ren) together. The child(ren)'s initials and year(s) of birth is/are listed as follows from oldest to youngest child, *including* adult children:

CHILD(REN)'S INITIALS

YOB

C. ☐ There is/are child(ren) conceived during this marriage who were fathered by someone other than my spouse. The child(ren)'s initial(s) and birth year(s) are listed below:

CHILD(REN)'S INITIALS

YOB

A Judgment of Paternity ☐ has ☐ has not been entered.

B. Defendant's *Income and Expense* and *Asset and Debt Statements* were filed on _____. Plaintiff recognizes Defendant's signature on said documents.

10. Plaintiff has carefully reviewed the proposed *Divorce Decree* and agrees to the alimony, division of property and other provisions as provided in the proposed *Decree*.

☐ There are no substantial deviations from the marital partnership principles regarding property division.

☐ The reason for substantial deviations from the marital partnership principles are as follows:

11. Plaintiff signed the proposed decree and recognizes Defendant's signature on the decree.

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

_____.

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

_____.

13. ☐ . Plaintiff fully understands the English language.

☐ Although Plaintiff does not fully comprehend written English, this document has been explained to him/her by _____ and based on that explanation Plaintiff understands this document.

14. Plaintiff request that the court grant this divorce and enter the Decree without his/her appearance in court.
15. Plaintiff has read this document and signs voluntarily and without coercion and duress and not because he/she was told to sign it.
16. Plaintiff declares that he/she understands that his/her signature under oath before a notary public is his/her solemn statement that he/she read this Affidavit and knows and understands the contents and that these statements are true, correct and completed to the best of his/her knowledge and belief.

Date: _____

Plaintiff's Signature

Subscribed and sworn to me before on
this _____ day of _____, 20____.

Notary Public, State of Hawai'i

My commission expires: _____

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

☐ Plaintiff, Pro Se ☐ Defendant, Pro Se
☐ Attorney for ☐ Plaintiff ☐ Defendant

**IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

	)	CASE NO. _____
	)	
	)	DIVORCE DECREE
Plaintiff,	)	(With Children)
	)	
vs.	)	Presiding Judge: _____
	)	
	)	Date of Hearing/Review by Judge:
	)	_____
Defendant.	)	

DIVORCE DECREE (With Children)

A hearing was held before the Presiding Judge or an affidavit was submitted. After full consideration of the evidence, the Court finds the material allegations of the Complaint for Divorce to be true. Plaintiff is entitled to a divorce from the bonds of matrimony on the grounds that:

☐ the marriage is irretrievably broken

☐ the parties have lived separate and apart for a period of two (2) years or more.

The Court has jurisdiction to enter this Divorce Decree.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. **Decree:** A decree of divorce is granted to Plaintiff. The bonds of matrimony between Plaintiff and Defendant are hereby dissolved. The parties are restored to the status of single persons. Either party is permitted to marry after the effective date of this Divorce Decree. This Divorce Decree is effective after it is signed and filed by the Court.

2. The parties have _____ child(ren) together.

<u>Child(ren)'s Initials</u>	<u>Year of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- A. Legal custody of the above-named minor child(ren) is:

1. ☐ Awarded to Plaintiff and Defendant jointly.
2. ☐ Awarded to Plaintiff
3. ☐ Awarded to Defendant

- B. Physical custody of the above-named minor child(ren) is:

1. ☐ Awarded jointly to Plaintiff and Defendant, with a visitation/time sharing schedule as described in paragraph C below.
2. ☐ Awarded to Plaintiff with a visitation/time sharing schedule as described in paragraph C below.
3. ☐ Awarded to Defendant with a visitation/time sharing schedule as described in paragraph C below.

C. **Visitation/Time Sharing Schedule** shall be as follows:

1. ☐ The parties shall arrange reasonable visitation.

2. ☐ Visitation/Time Sharing schedule shall be as follows:

3. ☐ Supervised Visitation/Time Sharing schedule shall be as follows:

3. **Child Support** (Pursuant to Child Support Guidelines Worksheet attached hereto or previously filed):

- ☐ A. Beginning with a first payment on the ____ day of _____
(Month/Year)
Plaintiff shall pay to Defendant for the support of the parties' child(ren)
\$_____ per child, for a total of \$_____ per month.
- ☐ B. Beginning with a first payment on the ____ day of _____
(Month/Year)
Defendant shall pay to Plaintiff for the support of the parties' child(ren)
\$_____ per child, for a total of \$_____ per month.
- ☐ C. Payments of child support shall continue for each child until the child attains the age of eighteen (18) years, or graduates from high school, or discontinue high school, whichever occurs last.
- ☐ D. Child support shall further continue uninterrupted (including during regular school vacation periods) until the age of twenty-three (23) as long as the child(ren) continues his or her education post-high school on a full-time basis at an accredited college or university or in a vocational or trade school.
- ☐ E. The Child Support Enforcement Agency (CSEA) is made a party for the limited issue of child support.
- ☐ F. Based on Exceptional Circumstances (Appendix A-3 of the Child Support Guidelines Worksheet signed by both parties, including the statement "the parties agree that waiver of child support is in the best interest of the child(ren)", must be attached/filed) child support is waived.

4. **Method of Child Support** Payment (Check A **OR** B)

- ☐ A. All payments shall be made payable to and through:
Child Support Enforcement Agency (CSEA), P.O. Box 1860, Honolulu, Hawai'i
96805-1860, and pursuant to the Order of Income Withholding which shall be filed with this decree.
- ☐ B. Direct payment (Supplemental Affidavit Re: Direct Payment for Child Support form **must** be attached/filed)
- ☐ Child support payments shall be paid by Plaintiff directly to Defendant.
- ☐ Child support payments shall be paid by Defendant directly to Plaintiff.

In all direct payment cases, either Husband or Wife may void the direct payment arrangement at any time and apply for services from the CSEA to receive payments through the agency. If the child(ren) of the parties receive public assistance from the Department of Human Services, foster care payments, or Social Security or if either parent applies to the CSEA, CSEA may immediately void a direct payment arrangement by sending notice by regular mail to both parents at their last known addresses as set forth in this decree.

5. **Child Health Care:** For so long as Plaintiff or Defendant has an obligation to pay child support.

- ☐ A. Plaintiff shall maintain medical and dental insurance for the benefit of the child(ren).
- ☐ B. Defendant shall maintain medical and dental insurance for the benefit of the child(ren).
- ☐ C. Any additional medical and dental expenses not covered by insurance shall be paid _____% by Plaintiff and _____% by Defendant.
- ☐ D. Not applicable

6. **Life Insurance for the Benefit of the Child(ren):**

- ☐ A. Plaintiff shall maintain life insurance on his/her life with a minimum death benefit of \$_____ for the benefit of the child(ren) so long as there is a child support obligation.
- ☐ B. Defendant shall maintain life insurance on his/her life with a minimum death benefit of \$_____ for the benefit of the child(ren) so long as there is a child support obligation.

If Plaintiff or Defendant dies without the required insurance, Plaintiff's or Defendant's estate shall be liable to the child(ren) to the extent that the required insurance was not maintained. Such obligations on the part of Plaintiff's or Defendant's estate shall be accorded the highest priority.

- ☐ C. Not applicable.

7. **Alimony:**

- ☐ A. Neither party shall be required to pay alimony to the other party.

- ☐ B. Beginning with a first payment on the ____ day of _____
Month/Year

☐ Plaintiff ☐ Defendant shall pay to ☐ Plaintiff ☐ Defendant alimony of \$_____ per month, to be paid

☐ in one amount of \$_____ by the ____ day of each month.

☐ in two equal installments of \$_____ by the ____ and ____ day of each month.

Alimony shall continue for _____ months and terminate with the payment due _____(Month/Day/Year).

Alimony shall terminate upon the death of either Plaintiff or Defendant or upon the recipient's remarriage.

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

☐ A. There are none.

☐ B. Each is awarded those titled in his/her name alone.

☐ C. Plaintiff is awarded: _____

☐ D. Defendant is awarded: _____

9. **Vehicles** (Autos, Trucks, Motorcycles, Campers, Boats, etc.):

☐ A. There are none.

☐ B. Each is awarded the vehicles titled in his/her name alone.

☐ C. Plaintiff is awarded: _____

☐ D. Defendant is awarded: _____

Necessary transfer documents shall be signed no later than ten (10) days following the filing of this Divorce Decree. If either party fails to do so, the Director of Finance of the County of Kaua'i is authorized and directed to transfer the ownership of vehicle(s) if requested to do so.

10. Real Property:

☐ A. Neither party owns any interest of any kind in any real property.

☐ B. The real property shall be divided as follows (identify the addresses):

11. Life Insurance Policy(ies):

☐ A. There are none.

☐ B. Each party is awarded the life insurance policy(ies) held on his/her life, together with any cash value therein and subject to any debt thereon.

12. Retirement Accounts/Benefits:

☐ A. There are none.

☐ B. Each party shall keep their own.

☐ C. The retirement accounts/benefits of both parties shall be divided as follows:

☐ D. If a QDRO is required, ☐ Plaintiff ☐ Defendant shall be responsible and pay for it and the other party shall not delay in approving it as to form and content.

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

☐ A. Each party is awarded the personal belongings and the household effects in his/her possession.

☐ B. Plaintiff is awarded: _____

☐ C. Defendant is awarded: _____

14. **All Outstanding Debts:**

☐ A. Each party shall pay all of the credit card and other debt in his/her name.

☐ B. Plaintiff shall pay: (specify which debts and amounts) _____

☐ C. Defendant shall pay: (specify which debts and amounts) _____

15. **Name Change:**

☐ A. Plaintiff shall resume the use of his/her ☐ birth surname ☐ former married name and shall be known hereafter as: _____

☐ B. Defendant shall resume the use of his/her ☐ birth surname ☐ former married name and shall be known hereafter as: _____

Failure of Party to Perform: If either party fails to execute any document in compliance with this decree, the other party may submit a motion to the Court, requesting that the Court appoint the Chief Clerk of the Fifth (5th) Circuit, to execute said document on behalf of the non-compliant party. Said motion may be done without further notice to the non-compliant party. Such execution by the Chief Clerk shall have the same effect as if executed by the non-compliant party.

16. **Other:** _____

Date

Judge

APPROVED AS TO FORM AND CONTENT:

Signature of Plaintiff
SS# XXX-XX-_____
Address: _____

Signature of Defendant
SS# XXX-XX-_____
Address: _____

Date Plaintiff signed Decree: _____

Date Defendant signed Decree: _____

APPROVED AS TO FORM:

Signature of Attorney for Plaintiff

Name: _____

Signature of Attorney for Defendant

Name: _____

Name, Address & Phone Number

☐ Plaintiff/Petitioner, Pro Se
☐ Defendant/Respondent, Pro Se
☐ Attorney for ☐ Petitioner(s) ☐ Respondent(s)

**IN THE FAMILY COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

_____	)	CASE NO. _____
	)	
Plaintiff/Petitioner,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
_____	)	
Defendant/Respondent.	)	
	)	
_____	)	

CERTIFICATE OF SERVICE

Comes now _____, herein and hereby certifies that on
_____ he/she caused to be ☐ mailed or ☐ delivered to
_____ at his or her last known address, _____
_____ certified copy/copies of the

_____.

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

DATED: Lihue, Hawaii, _____.

Signature

Americans with Disabilities Act Notice



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation. Call (808) 482-2347, FAX (808) 482-2509 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

*Relationship of Caretaker/Other to the child(ren)_____

[] CHILD SUPPORT ENFORCEMENT AGENCY,
STATE OF HAWAI'I,

_____,
(Name: First Middle Last) [] Mother [] Father

Plaintiff(s)/Petitioner(s),
VS.

_____,
(Name: First Middle Last) [] Mother [] Father [] Caretaker

_____,
(Name: First Middle Last) [] Mother [] Father [] Caretaker

[] and CHILD SUPPORT ENFORCEMENT AGENCY,
STATE OF HAWAI'I,

Defendant(s)/Respondent(s).

☐ This is the plan for before relocation ☐ This is the plan for after relocation

☐ I am not relocating

1. **CHILD(REN):** ☐ See attached sheet for additional children

	Child's Initials	Year of Birth	Gender	School/Grade	Is CPS* Involved?
Child 1	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No
Child 2	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No
Child 3	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No
Child 4	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No
Child 5	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No
Child 6	_____	_____	☐ M ☐ F	_____	☐ Yes ☐ No

*CPS stands for Child Protective Services

2. **Legal Custody should be awarded to** (person(s) making the major decisions, such as, school enrollment, medical, driver's license):

☐ Mother ☐ Father ☐ Jointly to Mother and Father ☐ Caretaker

3. **Physical Custody should be awarded to** (the child(ren) will primarily live with this person):

☐ Mother ☐ Father ☐ Jointly to Mother and Father ☐ Caretaker
(State Parenting Time Below*)

- * **Joint custody with the child(ren) will be shared between Mother and Father as follows**
(even if you are suggesting joint custody, you can also use the checklists in Section 5 and 6.):

4. **Special Concerns** (i.e. breastfeeding infant, special needs of child(ren) or disability of either parent):

5. **Visitation Schedule:**

☐ Father ☐ Mother (*check one*) shall have visitation, which shall commence on _____ (*fill in date*) as follows:

☐ Reasonable visitation as agreed to by parties

☐ Every other weekend ☐ Every weekend
from _____ (*day of the week*) at _____ ☐ A.M. ☐ P.M.
to _____ (*day of the week*) at _____ ☐ A.M. ☐ P.M.

☐ Midweek dinner visits on _____ (*day of the week*) from
_____ ☐ P.M. to _____ ☐ P.M.

(Note: For Friday and Monday holidays, the child(ren) will stay with the parent who has the child(ren) for that weekend)

Summer Vacation:

☐ Should be split as agreed to by Father and Mother

☐ Father and Mother shall each have one-half (1/2) of the summer vacation with alternate weekends to the other parent. The child(ren) should be returned to the custodial parent at least one (1) week prior to the start of school.

☐ Other:

Christmas and New Year Vacation:

☐ Should be split as agreed to by Father and Mother

☐ Father and Mother shall each have one-half (1/2) of the Christmas/New Year vacation.

☐ Other:

Intersession Vacations (Spring Break and Fall Break):

- ☐ Each intersession break should be split as agreed to by Father and Mother.
- ☐ Each intersession break should be alternated yearly between Father and Mother.
- ☐ Father and Mother shall each have one-half (1/2) of each intersession break.
- ☐ Other:

Child(ren)'s Birthday:

- ☐ The child(ren)'s birthday(s) should be celebrated as agreed to by Father and Mother.
- ☐ A child's birthday will be spent with the parent who has the child on that day.
- ☐ ☐ Father ☐ Mother should have the child(ren) on the child(ren)'s birthday on even-numbered years. The other parent should have the child(ren) on the child(ren)'s birthday on odd-numbered years.
- ☐ Father and Mother will share the child(ren) for at least half the day on the child(ren)'s birthday.
- ☐ Other:

Extensive Visitation (if applicable) should be as follows:

Out-of State Visitation (if applicable) should be as follows:

6. **Detailed Holiday Schedule:** Some cases work better if more details are listed. Use this as a checklist. You do not have to fill in everything. Anything that is left blank means that the child(ren) will spend the day with the parent who has the child(ren) on that day. (Note: For Friday and Monday holidays, the child(ren) will stay with the parent who has the child(ren) for that weekend. Check “M” for Mother and “F” for Father.

Holiday	Time (Put a.m. or p.m.)	Every Year	Even Years	Odd Years
New Year's Eve		[] M [] F	[] M [] F	[] M [] F
New Year's Day		[] M [] F	[] M [] F	[] M [] F
Martin Luther King, Jr. Day	MONDAY HOLIDAY (see above note)			
President's Day	MONDAY HOLIDAY (see above note)			
Prince Kuhio Day		[] M [] F	[] M [] F	[] M [] F
Good Friday	FRIDAY HOLIDAY (see above note)			
Memorial Day	MONDAY HOLIDAY (see above note)			
King Kamehameha Day		[] M [] F	[] M [] F	[] M [] F
Independence Day		[] M [] F	[] M [] F	[] M [] F
Statehood/Admissions Day	FRIDAY HOLIDAY (see above note)			
Labor Day	MONDAY HOLIDAY (see above note)			
Veterans' Day		[] M [] F	[] M [] F	[] M [] F
Thanksgiving Day		[] M [] F	[] M [] F	[] M [] F
Christmas Eve		[] M [] F	[] M [] F	[] M [] F
Christmas Day		[] M [] F	[] M [] F	[] M [] F
Mother's Day		[] M [] F	[] M [] F	[] M [] F
Father's Day		[] M [] F	[] M [] F	[] M [] F
Mother's Birthday		[] M [] F	[] M [] F	[] M [] F
Father's Birthday		[] M [] F	[] M [] F	[] M [] F
Halloween		[] M [] F	[] M [] F	[] M [] F
Other:		[] M [] F	[] M [] F	[] M [] F
Other:		[] M [] F	[] M [] F	[] M [] F

7. **Childcare:**

These are the arrangements for childcare when I am at work (if you agreed to joint custody, also state the arrangements of the other parent)

8. **Parents covering each other:**

- ☐ If we cannot care for the child(ren) during a time assigned to us, we will ask the other parent to take care of the child(ren) before we ask anybody else.
- ☐ It will be up to each parent who they ask for help during their assigned times.

9. **Transportation:**

- ☐ The parents will agree to who can transport the child(ren)
- ☐ Only the following people can help the parents with transportation:

10. **Communication and Information Sharing:**

- ☐ The parent without the child(ren) shall call the child(ren) (*check only one*)
- ☐ At reasonable hours OR
- ☐ Every day from _____ [] a.m. [] p.m. to _____ [] a.m. [] p.m.
- ☐ Email at this email address: _____ Other: _____
- ☐ Parents will share information with each other
- ☐ Parents must get information from the source (e.g. Doctor, School)

11. **Supervised Visitation/No Visitation:** [] Father [] Mother

- ☐ Will have Supervised visitation with the child(ren) at:
- ☐ PACT Visitation Center
- ☐ Under the supervision of:

- ☐ Will have no visitation (*State the reason why supervised or suspended visitation is necessary*)

12. **Modifications to the visitation schedule:**

- ☐ Any additional visitation or changes to the visitation schedule can be agreed upon by the parents/caretaker with at least 24 hour notice.
- ☐ If the non-custodial parent fails to arrive at the appointed time, then the custodial parent/caretaker will wait for _____ minutes before considering the visitation cancelled.
- ☐ Other: _____

- ☐ No modifications allowed to this order.

13. **Mediation and Solving Disagreements:**

- ☐ The parties should mediate any unresolved issues or further disagreements at:
☐ The Mediation Center of the Pacific
☐ Other: _____
- ☐ Mediation is inappropriate because:
☐ Domestic Violence/TRO
☐ Other: _____
- ☐ Before going to court, the parents will ask the following person to help them solve disagreements:

(name and relationship)

(address and phone number)

14. **Counseling:**

List present counselors for:

- ☐ Mother: _____
- ☐ Father: _____
- ☐ Child(ren): _____

Under penalty of perjury, I/we declare that this plan is proposed in good faith and is in the best interest of the child(ren) listed in Section 1.

Print Attorney's Name

Party's Signature Date

Attorney's Signature Date

Party's Signature Date