STATE OF HAWAIʻI FAMILY COURT FIRST CIRCUIT	**COMPLAINT FOR DIVORCE; AUTOMATIC RESTRAINING ORDER; AND SUMMONS TO ANSWER COMPLAINT [ ] AND EXHIBIT A**	CASE NUMBER FC-D No. _____

(Your Full Name) PLAINTIFF
v.
(Your Spouse's Full Name) DEFENDANT

This document is prepared by: ☐ Attorney for ☐ Plaintiff

Name

Address

City, State, Zip Code

Telephone Numbers

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

1. Jurisdiction

[ ] a. I and/or my spouse, the Defendant, have lived or been physically present in the State of Hawaiʻi for a continuous period of at least six months, since (date) _____ **and** I have lived and/or been physically present on the island of Oʻahu for a continuous period of at least three months immediately preceding this application. HRS §580-1(a).

[ ] b. I am residing on a military or federal base, installation, or reservation within the State of Hawaiʻi or am in the State of Hawaiʻi under military orders. HRS §580-1(a).

[ ] c. My resident state does not recognize same sex marriage. HRS §580-1(a).

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) 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 Defendant is not the biological parent.

[ ] f. Defendant has ___ (how many) child(ren) born during the marriage for whom 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.

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STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**COMPLAINT FOR DIVORCE**	CASE NUMBER FC-D No. _____

4. Custody and Visitation:

a. Legal custody of the minor child(ren) should be awarded to:
[ ] Me, Plaintiff. [ ] My spouse, Defendant. [ ] Both parties jointly.

b. Physical custody of the minor child(ren) should be awarded to:
[ ] Me, Plaintiff. [ ] My spouse, Defendant. [ ] Both parties jointly.

c. The parent not awarded physical custody should have:
[ ] Reasonable visitation [ ] Supervised visitation [ ] _____

d. Child Support should be awarded in accordance to 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 owe 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: Pursuant to HRS section 580-41, I alleged that the following grounds for divorce are as follows: (check one only)

[ ] 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 of separation has expired, and no reconciliation has been effected.

[ ] c. The parties have lived separate and apart for a period of two years or more under a decree of separate maintenance entered by a court of competent jurisdiction and no reconciliation has been effected.

[ ] d. The parties have lived separate and apart for a continuous period of two years or more immediately preceding the application, there is no likelihood that cohabitation will be resumed, and in the particular circumstances of the case, it would not be harsh and oppressive to the Defendant or contrary to public interest to grant a divorce on this ground of the Complaint of the Plaintiff.

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

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

DATE	PLAINTIFF'S SIGNATURE



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

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

STATE OF HAWAIʻI FAMILY COURT FIRST CIRCUIT	**AUTOMATIC RESTRAINING ORDER**	CASE NUMBER FC-D No. _____

(Your Full Name) v.	PLAINTIFF	This document is prepared by: ☐Attorney for ☐Plaintiff Name Address City, State, Zip Code
(Your Spouse's Full Name)	DEFENDANT	Telephone Numbers

AUTOMATIC RESTRAINING ORDER

Pursuant to Act 213 of the 2018 Legislative Session, effective July 1, 2018, and section 571-53, Hawaiʻi Revised Statutes (HRS), IT IS HEREBY ORDERED that:

(1) Each party to a Complaint for annulment, divorce, or separation, shall automatically be subject to a restraining order that **shall be effective on the Plaintiff upon the filing of the Complaint and this Order, and shall be effective on the Defendant upon service of the Summons and Complaint or any other acceptance of service by the Defendant**.

(2) 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 living expenses;
(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;

(3) 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 to reasonable amounts of debt necessary for living and business expenses, including child educational expenses and

reasonable litigation fees and costs for the pending action;

(4) 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;

(5) 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

(6) 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.

(7) 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.

(8) **The language of the Automatic Restraining Order shall be consistent with Act 213 of the 2018 Legislative Session; if not, the *Complaint for Divorce, Automatic Restraining Order; and Summons to Answer Complaint* document shall be reviewed, corrected, modified, or replaced and signed by the Court before being resubmitted for filing by the Clerk of the Court. An Automatic Restraining Order that is inconsistent with Act 213 of the 2018 Legislative Session may result in sanctions.**

DATE	SIGNATURE OF THE CLERK OF THE COURT
[ ] Kapolei, [ ] Honolulu, Hawaiʻi	PRINT CLERK'S NAME:



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

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STATE OF HAWAIʻI FAMILY COURT FIRST CIRCUIT	**SUMMONS TO ANSWER COMPLAINT**	CASE NUMBER FC-D No. _____

(Your Full Name) PLAINTIFF v. (Your Spouse's Full Name) DEFENDANT	This document is prepared by: ☐ Attorney for ☐ Plaintiff Name Address City, State, Zip Code Telephone Numbers

TO THE DEFENDANT

You are hereby summoned and required to file and serve a written answer to the attached *Complaint for Divorce; Automatic Restraining Order, and Summons to Answer Complaint for Divorce* within 20 days after service of this *Summons* upon you, exclusive of the date of service.

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

Ronald T.Y. Moon Kapolei Courthouse 4675 Kapolei Parkway Kapolei, Hawaiʻi 96707	or	Kaʻahumanu Hale 777 Punchbowl Street Honolulu, Hawaiʻi 96813

A copy of your answer should also be served upon the Plaintiff's attorney, or if the Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the *Complaint for Divorce*. If you fail to file your written answer within the 20-day time limit, further action may be taken in this case, including judgment for the relief demanded in the *Complaint for Divorce*, without further notice to you.

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

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

DATE	CLERK OF THE COURT PRINT CLERK'S NAME:

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

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