
Name

Address

Telephone Number

Plaintiff Pro Se

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

_____	)	FC-D No. _____
_____)	
Plaintiff,	)	EX PARTE MOTION FOR SERVICE BY
	)	MAIL AND POSTING IN LIEU OF
v.	)	PUBLICATION; AFFIDAVIT OF PLAINTIFF;
	)	[ ] EXHIBIT "A" [] EXHIBIT "B";
	)	ORDER [] GRANTING [] DENYING
_____	)	EX PARTE MOTION FOR SERVICE BY
Defendant.)	MAIL AND POSTING IN LIEU OF
_____)	PUBLICATION

EX PARTE MOTION FOR
SERVICE BY MAIL AND POSTING IN LIEU OF PUBLICATION

I, Plaintiff, move for an order authorizing service of the *Complaint for Divorce, Summons to Answer Complaint, this Ex Parte Motion for Service by Mail and Posting in Lieu of Publication; Affidavit of Plaintiff; and Order*, and other appropriate documents herein on Defendant at his /her last known address by registered or certified mail, with return receipt requested and a directive to deliver to the addressee only, and posting at the courthouse in which said documents are filed, in place of service by publication. This *Ex Parte Motion* is made pursuant to Hawai'i Revised Statutes section 601-13 and is based on the attached affidavit(s), exhibit(s), files, and records herein.

DATED: _____, Hawai'i, _____.
(City) (Date)

Signature of Plaintiff



In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a 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 regarding forms or procedures.

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

_____,) FC-D No. _____
Plaintiff,)
v.) AFFIDAVIT OF PLAINTIFF;
_____,) [] EXHIBIT "A"; [] EXHIBIT "B"
Defendant.)
_____)

AFFIDAVIT OF PLAINTIFF

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) ss.
_____)

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

1. Financial Information: I am impoverished and cannot afford to publish legal notice of this divorce in the newspaper, as noted below:

a. My gross monthly income from all sources is \$ _____. I receive money from:

(check all that apply)

[] Job \$ _____
[] Welfare \$ _____
[] Food Stamps \$ _____
[] Unemployment Benefits \$ _____
[] Social Security \$ _____
[] Child Support \$ _____
[] Other: _____ \$ _____

b. I help to support _____ (fill in number) people in my household, not including myself.

c. Within the past twelve months, I received money from the following sources:

(check all that apply)

- ☐ Business, profession or self-employment \$ _____
- ☐ Rent payments, interest, or dividends \$ _____
- ☐ Pensions, investments, annuities, or life insurance \$ _____
- ☐ Gifts or inheritance \$ _____
- ☐ Disability payments, lawsuit damages, etc. \$ _____
- ☐ Other: _____ \$ _____

d. My total assets (including, but not limited to, cash, savings and checking accounts, cars, car, etc.) are: \$ _____.

e. I own the following:

(check all that apply)

- ☐ House, townhouse, condominium, other real property worth: \$ _____
- ☐ Pager, cell phone, computer, etc., worth: \$ _____
- ☐ Jewelry worth: \$ _____
- ☐ Firearms, collectibles, sports equipment, etc., worth: \$ _____
- ☐ Car, van, truck, motorcycle, boat, etc., worth: \$ _____
- ☐ Other: _____ \$ _____

f. I have a total amount of \$ _____ in debts, owed on the following:

- ☐ Mortgage \$ _____
- ☐ Credit cards \$ _____
- ☐ Loans \$ _____
- ☐ Other: _____ \$ _____

g. The following factors also affect my ability to pay for publication of legal notice:

2. Due and Diligent Search: I have conducted a due and diligent search for the Defendant, as noted below, for at least fifteen (15) days either before or after the filing of the *Complaint for Divorce*, and still do not now where my spouse presently lives and receives mail.

a. I last saw or had any contact with my spouse on _____
(month, day, year)

b. The last known address of my spouse as of _____ is
(month, day, year)

c. Spouse's Current Address: I made the following efforts to locate my spouse:

(check all that apply)

- ☐ On (date) _____, I mailed the *Complaint for Divorce* and *Summons to Answer Complaint* to my spouse at my spouse's last known address noted in (b) above, but the Post Office returned the letter to me stating:
- ☐ that my spouse no longer lived at that address
- ☐ that it was undeliverable.
- ☐ The returned envelope is attached as Exhibit "A."
- ☐ I gave a *Request for Change of Address or Boxholder Information Needed for Service of Legal Process* to the (city, state) _____ Post Office. They did not have my spouse's current address.
- ☐ This Request is attached as Exhibit "B."

d. Spouse's Current Phone Number: I do not have a current phone number for my spouse and made the following efforts:

- ☐ I called the last known phone number for my spouse, which is: _____ and ☐ was told that my spouse no longer lives there
- ☐ it has been disconnected.
- ☐ I called the Directory Assistance for (city, state) _____ where my spouse last lived and there is no current listing for my spouse.
- ☐ My spouse is not listed in the telephone book for (city, state) _____

e. Current Employment: I do not know where my spouse presently works and have made the following effort:

- ☐ I contacted my spouse's last known employer and my spouse no longer works there.

f. Contacts with Spouse's Parents, Relatives, and Friends:

- ☐ I do not know any of my spouse's ☐ friends ☐ relatives.
- ☐ I contacted the following parent/relative/friend of my spouse and none of them could give me any information on my spouse's present whereabouts.

Parent's Name: _____

Date/Time of Contact: _____

Relative's Name: _____

Date/Time of Contact: _____

Friend's Name: _____

Date/Time of Contact: _____

☐ g. I also made the following attempts to locate my spouse: _____

3. Name and Address of Spouse's Closest Relative: The name and address of my spouse's closest relative is:

Name: _____

Address: _____

Relationship: _____

4. I swear under penalty of perjury that everything I have stated in this affidavit is true to the best of my knowledge. I realize that it is against the law for me to state any lies in this document. I also realize that this is a public document and that my spouse may be able to read this document.

FURTHER AFFIANT SAYETH NAUGHT.

PLANTIFF'S SIGNATURE

(Must be signed before a notary)

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

Date of Document: _____ Number of Pages: _____

Document Title: Ex Parte Motion for Service by Mail and Posting in Lieu of Publication; Affidavit of Plaintiff; ☐ Exhibit "A"
☐ Exhibit "B"; Order ☐ Granting ☐ Denying Ex Parte Motion for Service Mail and Posting in Lieu of Publication

SIGNATURE OF NOTARY PUBLIC

State of Hawai'i, First Circuit

Print Name: _____

My commission expires: _____

(Place Notary Seal Here)

EXHIBIT “A”

EXHIBIT “B”

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

_____	)	FC-D No. _____
_____)	
Plaintiff,	)	ORDER <input type="checkbox"/> GRANTING <input type="checkbox"/> DENYING
	)	EX PARTE MOTION FOR SERVICE BY
v.	)	MAIL AND POSTING IN LIEU OF
	)	PUBLICATION
_____)	
Defendant.)	
_____)	

ORDER ☐ GRANTING ☐ DENYING EX PARTE MOTION
FOR SERVICE BY MAIL AND POSTING IN LIEU OF PUBLICATION

The Court has reviewed the Plaintiff's *Ex Parte Motion for Service by Mail and Posting in Lieu of Publication*, filed concurrently herewith, and the supporting material. Upon consideration of that Motion and the supporting material, and with good cause therefore,

IT IS HEREBY ORDERED as follows:

☐ Plaintiff's *Ex Parte Motion for Service by Mail and Posting in Lieu of Publication* is DENIED because ☐ Plaintiff is not impoverished
☐ Plaintiff has not made a due and diligent search for Defendant.

☐ Plaintiff's *Ex Parte Motion for Service by Mail and Posting in Lieu of Publication* is GRANTED.

1. Plaintiff shall mail, by registered or certified mail, return receipt requested, with a directive to deliver to addressee only to:

☐ A. Defendant at Defendant's last known address which is:

☐ B. Defendant's closest known relative whose name and address is:

certified copies of the following documents:

- A. Complaint for Divorce
 - B. Summons to Answer Complaint
 - C. Ex Parte Motion for Service by Mailing and Posting in Lieu of Publication; Affidavit of Plaintiff; ☐ Exhibit "A" ☐ Exhibit "B"; and Order ☒ Granting ☐ Denying Ex Parte Motion for Service by Mail and Posting in Lieu of Publication
 - D. Notice to Attend Kids First (if the parties have minor child(ren)).
2. Plaintiff shall arrange for the posting of a copy of the pleadings and process at the courthouse in which said documents were filed.
3. Service shall be considered complete thirty (30) days after the date of mailing. By law, the Defendant has an additional twenty (20) days after that date to file an *Answer to Complaint for Divorce*.
4. Plaintiff shall attest to the fact of mailing and the date thereof by affidavit, attaching the sender's receipt for that mail and, if available, the return receipt and envelope.
5. **Court Hearing: No sooner than fifty (50) days after these documents are mailed to the Defendant, Plaintiff shall submit all necessary documents (including the (proposed *Divorce Decree* and *Certificate of Divorce*), *Plaintiff's Affidavit of Mailing in Lieu of Publication* and a copy of the *Declaration of Posting* to this Court for the setting of a court hearing on this matter.**

DATED: _____, Hawai'i, _____.
(City) (Date)

JUDGE OF THE ABOVE-ENTITLED COURT

Print Judge's Name: _____