

INSTRUCTIONS for UNCONTESTED DETERMINATION OF PARENTAGE

This process may only be used if there is an agreement between yourself and the other party/parent. If there is no agreement you must file the appropriate paperwork to request a hearing. This process may be used if there is an agreement to determine parentage of the child(ren) in question and/or there is an agreement as to custody, visitation, and support.

STEP 1: OPENING A CASE

1. To open a parentage case, the person filing (Petitioner) will need to complete, sign and date the following documents:
 - a. *Complaint for Determination of Parentage; Summons to Answer Complaint*
 - b. *Parentage Action Information Form*
 - c. *Notice of Confidential Information*

If you do not have an attorney, it is suggested that your documents be reviewed at the Family Court Service Center located on the first floor of the Ronald T. Y. Moon Courthouse or on the first floor of Kaahumanu Hale. The Service Center staff will review your documents for completeness and make sure that all necessary documents have been submitted. Please note: the Service center does not provide legal advice.

2. The Petitioner must file these completed, signed and dated documents, plus pay the required filing fees with the Court.
 - If **filing in person** (self-represented Petitioners must file in person): bring the original, completed, signed and dated documents along with the filing fee to the Courthouse to be filed by the Court.
 - If **filing through the Judiciary Electronic Filing and Service System (JEFS)**: upload the required documents into JEFS. See Appendix 1 for directions on how to correctly file your documents into JEFS. Failure to correctly file your documents in JEFS may result in delays.
3. Upon filing, the Petitioner will receive a case number which will need to be included on all subsequent documents filed in the case. Self-represented Petitioner's will also receive details on how to register for a JEFS account.

STEP 2: COMPLETE AND FILE REQUIRED DOCUMENTS

After completing Steps 1 and 2, the following documents must be completed, signed, dated and filed for an uncontested parentage case to be granted (approved) by the Court:

1. *Paternity Financial Information Sheet*
 - Required for both Petitioner and Respondent
 - The information should be current within the past six (6) months
2. *Child Support Guidelines Worksheet* (if applicable)

- The Child Support Guidelines Worksheet and instructions can be found on the Judiciary website: <https://www.courts.state.hi.us/child-support-guidelines>
- Both the Petitioner and Respondent must sign and date the worksheet.
- Child support is paid in two ways: (1) through the Child Support Enforcement Agency (CSEA) or (2) directly.
 - If **paying through the CSEA**, and *Order/Notice to Withhold Income for Support* will need to be completed.
 - If **paying directly**, a *Supplemental Affidavit RE: Direct Payment of Child Support* will need to be completed.
- The Child Support Guidelines Worksheet will not be necessary if you have an intact family (ie. both parents live together and with the children).

3. *Affidavit of Birthing Parent*

- The birthing parent must sign before a notary and under the penalty of perjury that one of the following applies:
 - The Petitioner and Respondent are the biological parents of the child(ren) in question; and
 - You waive your right to have a genetic test to determine parentage of the child(ren) in question.

OR

 - You do not know who the non-birthing biological parent of the child(ren) is(are); and
 - You are requesting that the non-birthing party be named as the parent for the child(ren) in question.

4. *Affidavit of Intended Parent*

- The intended parent must sign before a notary and under the penalty of perjury that one of the following applies:
 - The Respondent and Petitioner are the biological parents of the child(ren) in question; and
 - They waive their right to have a genetic test to determine parentage of the child(ren) in question.

OR

 - They do not know who the non-birthing biological parent of the child(ren) is(are); and
 - They are requesting to be named as the parent for the child(ren) in question.

5. *Appearance and Waiver*

- Complete, sign and date the *Appearance and Waiver* (signature and date from the Respondent is required).

6. *Proposed Stipulated Judgment of Parentage or Stipulated Order Re: Custody, Visitation and Support Orders*

- If determining parentage use the *Proposed Stipulated Judgment of Parentage*
- If parentage has already been determined use the *Proposed Stipulated Order Re: Custody, Visitation and Support Orders*

STEP 3: JUDGE REVIEWS DOCUMENTS FOR APPROVAL

- Once set for hearing, a Judge will review your uncontested parentage documents.
- **If the Judge grants (approves) your Judgment/Order** and signs your *Stipulated Judgment of Parentage* or *Stipulated Order Re: Custody, Visitation and Support Orders*, certified copies will be sent to you and the Respondent.
 - **If you filed in person:** Certified copies will be mailed to you and the Respondent in the envelopes provided by you within six (6) and ten (10) weeks of the Judge's review and approval.
 - If you do not provide envelopes, certified copies are available for you and the Respondent to download on *eCourt Kokua* or to pick up from the Courthouse.
 - **If you filed through JEFS:** Certified copies will be available for you and the Respondent to download on *eCourt Kokua*.
- **If the Judge denies your Judgment/Order**, you will receive a copy of the Court's reasons for denying your paperwork with instructions from the Judge. You must follow the Judge's instructions before your proposed judgment/order can be resubmitted to the Court.

STEP 4: IF CHILD SUPPORT PAYMENTS ARE BEING MADE THROUGH THE CHILD SUPPORT ENFORCEMENT AGENCY

This step is to be completed after the Judge reviews, signs, and filed the documents that you submitted.

1. Mail one (1) certified copy of the *Judgment of Parentage* or *Stipulated Order Re: Custody, Visitation and Support Orders* and *Order/Notice to Withhold Income for Child Support* to the Child Support Enforcement Agency (CSEA).
 - Send via certified mail with a return receipt requested.
2. Mail one (1) certified copy of the *Order/Notice to Withhold Income for Child Support* to the employer of the parent who will be paying child support.
 - Send via certified mail with a return receipt requested.
3. Complete the *Statement of Mailing: Exhibits "1" and "2" (Re: Order for Income Withholding)* for the employer mailout.
 - Exhibit 1: white and green receipt for Certified Mail received upon mailing.
 - Exhibit 2: green card Domestic return receipt signed by the employer.
 - Completion serves as proof that a certified copy of the *Order/Notice to Withhold Income for Child Support* was mailed to the employer.
4. File the *Statement of Mailing: Exhibits "1" and "2" (Re: Order for Income Withholding)*.
 - **If filing in person**, bring the original to the Courthouse.
 - **If filing through JEFS**, upload the required documents into JEFS.

5. Mail one (1) file-stamped copy of the *Statement of Mailing: Exhibits "1" and "2" (Re: Order for Income Withholding)* for the employer mailout to the (1) Child Support Enforcement Agency (CSEA) and (2) to the Respondent.

- If this document was **filed in person**, you will receive a file-stamped copy immediately upon filing at the courthouse.
- If this document was **filed through JEFIS**, you will need to print-off through *eCourt Kokua* a copy of the *Statement of Mailing: Exhibits "1" and "2" (Re: Order for Income Withholding)* to mail.

APPEARANCE AND WAIVER

I, the Defendant, acknowledge receipt of a filed copy of the *Complaint for Determination of Parentage; Summons to Answer Complaint*, in the above-entitled action, submit myself to the Court's jurisdiction and have agreed with the Plaintiff on the matters set forth in:

Proposed Stipulated Judgment of Parentage

Stipulated Order Re: Custody, Visitation and Support Orders

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 Judgment/Order issued incorporates the provisions I have approved. If such Judgment/Order 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: _____, _____, _____

Defendant's Signature

AFFIDAVIT OF BIRTHING PARENT

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

1. Full name and address is: _____

2. Legal Representation:

Birthing parent is representing themselves represented by attorney
_____.

3. Appearance and Waiver: Respondent acknowledged receipt of a filed copy of the *Complaint for Parentage* and *Summons to Answer Complaint*; and signed an *Appearance and Waiver* on _____. Petitioner recognizes signature on the *Appearance and Waiver*.

4. Jurisdiction: (check all that apply)

4a. Birthing Parent has been domiciled on the Island of Oahu, State of Hawaii, at the commencement of this action.

4b. Sexual intercourse or assisted reproduction that lead to the conception of the subject child(ren) occurred in the State of Hawaii.

4c. The subject child(ren) was/were born in the on the Island of Oahu, State of Hawaii.

5. I am the birthing parent of the minor child(ren) listed below:

_____ (name) _____ (sex) _____ (birth date)

6. As the birthing parent I acknowledge the following: (check all that apply)

that Petitioner Respondent is the genetic parent of the minor child(ren). Petitioner Respondent waives their right to genetic testing.

the birthing parent was not married at the time of birth or at least 300 days prior to birth of the subject child(ren).

a Voluntary Establishment of Paternity has been signed by the Petitioner Respondent and their name and the birthing parent's name appears on the subject child(ren)'s birth certificate.

a Voluntary Establishment of Paternity has not been signed and no one other than the birthing parent is named on the subject child(ren)'s birth certificate.

no individual other than the Petitioner Respondent resided in the same household with the child prior to the child reaching the age of majority, including any period of temporary absence, and openly held out the child as the individual's child.

the birthing parent is not aware of any person who was determined to be the genetic parent of the minor child(ren) following court-ordered genetic testing.

the birthing parent is not aware of the identity of the other genetic parent the minor child(ren), because

the subject child(ren) was conceived by assisted reproductive technology and the use of a gamete bank.

the birthing parent requests the Petitioner Respondent be deemed to be the legal parent of the minor children listed above.

7. Petitioner Respondent has carefully reviewed the proposed *Stipulated Judgement of Parentage* *Stipulated Order Re: Custody, Visitation, and Support Orders* and agrees to the provisions included in the documents.

8. Petitioner Respondent signed the proposed *Judgment/Order*. Petitioner Respondent recognizes Respondent's signature on the *Judgment/Order*.

9. Language Comprehension:

Petitioner Respondent fully understands the English language.

Although Petitioner/Respondent does not fully comprehend written English, this document has been explained to them by _____ and based on that explanation Petitioner/Respondent understands this document.

10. Petitioner Respondent requests that the court grant and enter this *Judgment/Order* without their appearance in court.

11. Petitioner Respondent has read this document and signs it voluntarily and without coercion and duress and not because he/she/they was told to sign it.

12. Prior or Pending Custody/Support Proceedings

12a. I have not participated in any capacity in any lawsuit or proceeding in any state concerning custody of the minor child(ren) involved in this action. I have no information of any pending custody or support proceeding or of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights concerning any minor child(ren) of this action.

12b. Prior court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date Filed: _____

Date Concluded: _____

Type of Case: _____

12c. Other pending court case involving the subject child(ren):

13. Child Support (select one)

13a. Petitioner and Respondent are an intact family, as such child support orders are not necessary.

13b. Petitioner Respondent believes that the information provided in the completed Child Support Guidelines Worksheet is accurate to the best of the Petitioner's knowledge and the proposed child support is consistent with the Child Support Guidelines Worksheet.

13c. The proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstance(s): _____

14. Other: _____

Petitioner Respondent declares that they understand that their signature under oath before a notary public is their solemn statement that they read this Affidavit and knows and understands the contents and that these statements are true, correct, and completed to the best of their knowledge and belief.

AFFIDAVIT OF INTENDED PARENT

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

1. Full name and address is: _____

2. Legal Representation:

Intended parent is representing themselves represented by attorney
_____.

3. Appearance and Waiver: Respondent acknowledged receipt of a filed copy of the *Complaint for Parentage* and *Summons to Answer Complaint*; and signed an *Appearance and Waiver* on _____. Petitioner recognizes signature on the *Appearance and Waiver*.

4. Jurisdiction: (check all that apply)

4a. Intended Parent has been domiciled on the Island of Oahu, State of Hawaii, at the commencement of this action.

4b. Sexual intercourse or assisted reproduction that lead to the conception of the subject child(ren) occurred in the State of Hawaii.

4c. The subject child(ren) was/were born in the on the Island of Oahu, State of Hawaii.

5. I am the intended parent of the minor child(ren) listed below:

_____ (name) _____ (sex) _____ (birth date)

6. As the intended parent I acknowledge the following: (check all that apply)

that Petitioner Respondent is the genetic parent of the minor child(ren). Petitioner Respondent waives their right to genetic testing.

the birthing parent was not married at the time of birth or at least 300 days prior to birth of the subject child(ren).

a Voluntary Establishment of Paternity has been signed by the Petitioner Respondent and both parents' names appears on the subject child(ren)'s birth certificate.

a Voluntary Establishment of Paternity has not been signed and no one other than the birthing parent is named on the subject child(ren)'s birth certificate.

no individual other than the Petitioner Respondent resided in the same household with the child prior to the child reaching the age of majority, including any period of temporary absence, and openly held out the child as the individual's child.

the intended parent is not aware of any person who was determined to be the genetic parent of the minor child(ren) following court-ordered genetic testing.

the intended parent is not aware of the identity of the other genetic parent the minor child(ren), because

the subject child(ren) was conceived by assisted reproductive technology and the use of a gamete bank.

the intended parent requests the Petitioner Respondent be deemed to be the legal parent of the minor children listed above.

7. Petitioner Respondent has carefully reviewed the proposed *Stipulated Judgement of Parentage* *Stipulated Order Re: Custody, Visitation, and Support Orders* and agrees to the provisions included in the documents.

8. Petitioner Respondent signed the proposed *Judgment/Order*. Petitioner Respondent recognizes Respondent's signature on the *Judgment/Order*.

9. Language Comprehension:

Petitioner Respondent fully understands the English language.

Although Petitioner/Respondent does not fully comprehend written English, this document has been explained to them by _____ and based on that explanation Petitioner/Respondent understands this document.

10. Petitioner Respondent requests that the court grant and enter this *Judgment/Order* without their appearance in court.

11. Petitioner Respondent has read this document and signs it voluntarily and without coercion and duress and not because he/she/they was told to sign it.

12. Prior or Pending Custody/Support Proceedings

12a. I have not participated in any capacity in any lawsuit or proceeding in any state concerning custody of the minor child(ren) involved in this action. I have no information of any pending custody or support proceeding or of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights concerning any minor child(ren) of this action.

12b. Prior court case involving the subject child(ren):

Case Name: _____

Case Number: _____

Location (City, State) of Court: _____

Date Filed: _____

Date Concluded: _____

Type of Case: _____

12c. Other pending court case involving the subject child(ren):

13. Child Support (select one)

13a. Petitioner and Respondent are an intact family, as such child support orders are not necessary.

13b. Petitioner Respondent believes that the information provided in the completed Child Support Guidelines Worksheet is accurate to the best of the Petitioner's knowledge and the proposed child support is consistent with the Child Support Guidelines Worksheet.

13c. The proposed child support varies from the Child Support Guidelines Worksheet because of the following exceptional circumstance(s): _____

14. Other: _____

Petitioner Respondent declares that they understand that their signature under oath before a notary public is their solemn statement that they read this Affidavit and knows and understands the contents and that these statements are true, correct, and completed to the best of their knowledge and belief.