



LEGAL AID SOCIETY OF HAWAI'I



PATERNITY/ CUSTODY/VISITATION:

HOW TO SERVE THE OTHER PARENT IF THEY ARE ON THE SAME ISLAND AS YOU

This brochure will help you if you have started or will be starting a paternity/custody/visitation action and need information on how to serve the other parent if s/he is on the same island as you.

IMPORTANT:

- Filing for paternity/custody can be a very dangerous time for abuse victims. If you fear for your safety, talk to an attorney before filing for paternity/custody.
- If the other parent lives on a different island from you OR lives on the mainland, **do not use this brochure.**
- If you cannot find the other parent, **do not use this brochure.**
- This brochure only tells you how to **serve** the other parent in a paternity action. It is not informative on the entire paternity court process.

Contact the Legal Aid Society of Hawaii's Intake Hotline for more information on these topics.



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Revised June 2015. F19a Paternity How to Serve Spouse on Same Island as You.

I. What does Service mean?

- “Service” means delivering certain court papers to the opposing party in a legal action. The purpose of service is to inform the opposing party of an upcoming court action.
- In a paternity/custody case, the opposing party is the other parent. Proper service is required at the beginning of every paternity/custody action because:

#1 it tells the other parent what is going on, and
#2 it gives them a chance to respond to the court papers.

There are four types of service:

1. Personal Service
2. Service by Mail
3. Service by Publication
4. Service by Mail in lieu of Publication

- ❖ This brochure will teach you how to serve the other parent if they are on the same island- Personal Service.
- **Types 2-4 will help if the other parent is on a different island, in a different State, or their whereabouts are unknown. Call Legal Aid for more info on Types 2-4.**

II. Steps to Serving the Other Parent

- The following steps should be carefully followed in order for the courts to move your case forward.

1. Prepare Court Forms

- Find forms at Family Court or on the Hawaii State Judiciary website.
- ❖ Only the 1st and 2nd circuit (Oahu and Maui) have forms available online for Paternity/Custody. The 3rd and 5th circuit (Big Island and Kauai) do not have their own forms online, but you may obtain a “paternity packet” from the Family Court Services Desk. These packets have been converted from the 1st and 2nd circuit forms to reflect the appropriate circuit and court.

a. The other parent must be served with the following:

- I. **Petition** for Paternity or for Custody, Visitation, or Support Orders after Voluntary Establishment of Paternity.
- II. **Attachments** to the Petition, including:
 1. Birth certificates (for the all of the children that you and the other party have together)
 2. Paternity Financial Information Sheet
 3. Child Support Guidelines Worksheet
 4. Hawaii Paternity Action Information Sheet
 5. Proposed Parenting Plan
 6. Kids First Paperwork, and
- III. **Summons** to Answer and to Appear in Court.

b. Make three (3) copies of the forms and keep them with the originals.

c. After the other parent is served, the server must fill out a **Proof of Service** form that needs to be filed with the Court. This is so the Court knows that the other party was properly served.

2. File documents at Family Court

- Once you have completed the above forms and made 3 sets of copies, you must then file the forms at the Family Court on the island that your child has lived for the past 3 months.
- The Family Court Clerk will accept the documents and will review them. If something about the forms is unacceptable, the court clerk will return them to the filing party.
- If the documents are accepted, they will be filed with Family Court. “Filed” means that a case will be opened for you and your documents will be stamped with a file number in the top right corner, and the date and time the forms were filed with the Court.
- The Family Court will charge a fee for filing the forms. Court filing fees may be waived for those who meet designated financial criteria.

3. Have the Other Parent Served



Personal Service means that the required documents are personally hand-delivered to the other parent. You cannot serve the other parent yourself, but anyone else can as long as he or she is 18 years or older. You can choose a reliable friend or relative OR hire a Process Server to deliver the papers.

❖ **The server cannot serve the other parent between 10pm and 6am unless it's at a place open to the public during those hours, such as a restaurant, service station, convenience store, etc.**

1. The server doesn't need to communicate with the Defendant; however, they do need to ensure that the documents are personally hand-delivered to them. Leaving the papers at the door or in the mailbox is **not** proper service.
2. Ask the Server to write down the place, date, and time so that the Proof of Service form can be completed.
3. Service by Process Server is another option if it would be inappropriate for a friend or relative to serve the other parent.
 - **While the Department of Safety issues a list of civil process servers, a process server is hired independently and is NOT a law enforcement officer.**
4. Proof of Service is the court form that needs to be filled out after the documents have been delivered to the other parent. The following must be included on a Proof of Service:
 - Name of the person served (the other parent)
 - Date and time of service
 - Exact address where the other parent was served
 - Signature of server (the person who receives the papers isn't required to sign.)

III. What happens after Service?

➤ By this time the court should have scheduled a hearing that both parties will be expected to come to. The filing party is only responsible for properly serving the other parent. It is the Summons that instructs the other parent what to do and expect next.

1. Answer

- The Summons instructs the defendant to *answer* the Petition. An answer is a written response to the Petition received from the plaintiff.

This is the point where a case may become:

a. Uncontested

If the other parent agrees with the petition and its attachments and has nothing further to add, then the both parties can complete the "Stipulated Judgment of Paternity" and bring it with them to their court hearing.

b. Contested

If the other parent disagrees with the petition or any of its attachments, the Summons instructs them to file an Answer with Family Court. This Answer should be served to the plaintiff so that they are aware of what the other party wants to contest by the time they appear in court.

2. No Answer/ Default

- If the other parent is properly served but fails to respond to the court papers and misses the hearing date, then the Family Court may enter a default judgment against the other parent.
- A default judgment entails that the judge may grant whatever relief is requested in the Petition without further notice to the defendant.

IV. Legal Document Filing | Family Court Contact

<p style="text-align: center;">OAHU</p> <p>Ronald T.Y. Moon Family Court 4675 Kapolei Parkway Kapolei, HI 96707 Oahu Family Court Services Center: 808-954-8290</p>	<p style="text-align: center;">OAHU</p> <p>Ka’ahumanu Hale 777 Punchbowl Street Honolulu, HI 96813 Information/Court Concierge Desk: 808-539-4767</p>
<p style="text-align: center;">KAUAI</p> <p>Pu`uhonua Kaulike Building 3970 Ka`ana Street Lihue, HI 96766 Legal Documents Filing: 808-482-2330</p>	<p style="text-align: center;">MAUI</p> <p>Maui Family Court Clerks: 808-244-2700 Hoapili Hale 2145 Main Street 1st Floor Wailuku, HI 96793 Legal Documents Filing: 808-244-2969</p>
<p style="text-align: center;">HILO</p> <p>Hale Kaulike 777 Kilauea Avenue Hilo, HI 96720 Hilo Family Court Documents & Forms: 808-961-7500</p>	<p style="text-align: center;">KONA</p> <p>Keakealani Building 79-1020 Haukapila Street Kealakekua, HI 96750 Kona Family Court Documents & Forms: 808-443-2112</p>

- **Listing of For-Hire Process Servers in the State of Hawai`i:**
<http://dps.hawaii.gov/about/divisions/law-enforcement-division/sheriff-division/>
-See link for “Civil Process Server List
- **Hawaii State Judiciary | Online Court Forms**
http://www.courts.state.hi.us/self-help/courts/forms/court_forms.html

V. Definitions

❖ Serve/Service	Notification of a legal complaint, answer, summons, or other document, to the opposing party of a court action.
❖ Process Server	An independent civil worker who may be hired to serve someone who is involved in a lawsuit.
❖ Paternity	A legal action that establishes or fails to establish a man as the natural father of a child.
❖ Petition	A legal document that an interested party would use to open a case with the court.
❖ Summons	A legal document that the Judge signs which asks the served person to take action; either by filing an answer, appearing in court, or both.
❖ Default Judgment	The result of a court action when the Defendant, who has been properly notified by the Plaintiff, fails to respond to a court summons.
❖ Answer	A written response that is filed with the court by a part after service; the response can acknowledge or disagree with whatever they got served with.

Legal Aid Society of Hawai'i
924 Bethel Street
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www.legalaidhawaii.org

Legal Aid's Hotline:

O'ahu: 808.536.4302

Neighbor Islands: 1.800.499.4302

Islands:

REMEMBER:

This brochure is meant to provide general information, and does not provide specific legal advice about your individual case. The law often changes. Each case is different.

Hawai'i Immigrant Justice Center *at the*
Legal Aid Society of Hawai'i

www.hijcenter.org
www.legalaidhawaii.org

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