

# HAWAI‘I REENTRY LEGAL & RESOURCE GUIDE

## About the Authors:

**Root & Rebound** is the primary author, which assisted **Hawai‘i Friends of Restorative Justice** in helping develop this resource that is modeled after the guide **Root & Rebound** developed and provides for people in California <http://www.rootandrebound.org/roadmap-to-reentry-guide>

**Root & Rebound** is a nonprofit reentry legal education and resource center that originally drafted and provided the model and assistance for this resource. **Roots & Rebound**’s mission is to increase access to justice and opportunity for people in reentry from prison and jail, and to educate and empower those who support them, fundamentally advancing and strengthening the reentry infrastructure. Its model combines public education, direct services, and systems reform. Learn more at [www.rootandrebound.org](http://www.rootandrebound.org)

**Hawai‘i Friends of Restorative Justice (HFRJ)** is a nonprofit organization established in 1980 in Honolulu that is committed to advancing civic behavior and improving the justice system. HFRJ trains, advocates, develops programs, researches, and educates on evidence-based practices that rehabilitate, heal, and give hope. Its work has been researched and published in 50 articles and several books. More at [www.hawaiifriends.org](http://www.hawaiifriends.org)

## Acknowledgements

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## Purpose of the Hawai‘i Reentry Legal & Resource Guide:

This guide is designed to help people understand the legal rights and responsibilities of incarcerated people and people with criminal records, and provide possible resources to assist their transition back into Hawaiian Island communities. It is meant to provide basic information and be a general resource for reentry. **Hawai‘i Friends of Restorative Justice** provides this resource freely. This guide is not meant to provide definitive legal information, or meant to take the place of a lawyer’s advice, and include all available resources, but only attempts to provide basic and general knowledge. If you find inaccurate information or if you know of other information that can assist others that missing here, please contact us at P.O. Box 489, Waialua, Hawai‘i 96791 or [lorenn@hawaiifriends.org](mailto:lorenn@hawaiifriends.org)

## LEGAL DISCLAIMER:

### ***YOUR RESPONSIBILITY WHEN USING THIS GUIDE:***

When putting the *Hawai'i Reentry Legal & Resource Guide* together, we did our best to give you useful and accurate information because we know that people who are currently or formerly incarcerated often have difficulty getting legal information. However, the laws change frequently and are subject to differing interpretations. This Guide is not updated every time the law changes. If you use information from the *Hawai'i Reentry Legal & Resource Guide*, **it is your responsibility** to make sure that the law has not changed and applies to your particular situation. If you are incarcerated, most of the materials you need should be available in your institution's law library. The *Hawai'i Reentry Legal & Resource Guide* is not intended to give legal advice, but rather general legal information. No attorney-client relationship is created by using any information in this Guide. You should always consult your own attorney if you need legal advice specific to your situation.



*“Each of us is more than the worst thing we’ve ever done.”*

Bryan Stevenson, *Just Mercy*

# FOREWORD

by Ian Crabbe & Daphne Ho'okano  
Hawai'i Friends of Restorative Justice,  
Board of Directors Members

Aloha!

In 2005, Hawai'i Friends gave me the opportunity to make amends with my family while I was in prison for addiction related offenses. In 2015 Governor Neil Abercrombie pardoned me.

I was in the first restorative justice class that Hawai'i Friends provided for people in prison, and also one of the first people to have a *huikahi reentry circle*.

Hawai'i Friends gave me the chance to try and make amends with my beloved family. I was also able to forgive myself for my addiction and harmful behavior, and make plans for the future.

After spending three years in prison, I was unsure how I would make it back in the community. I was worried about potential mistakes and relapsing. But with the help of Hawai'i Friends, and my Huikahi reentry circle with my family, I was got the chance to work on repairing damaged relationships and make solid plans for employment, housing, transportation, and my other needs for independence.

Today, I am so happy to introduce this reentry legal guide and resources for people coming from incarceration back into the community in Hawai'i. We hope the guide helps you in your journey back into your family and community. We hope it helps you find and create a happy and healthy life.

You deserve better than prison. You have the power to stay out of lock up through your personal choices. Yes, it will be tough and you have been through a lot, but you are strong, and will make it. Just remember:

*In the depths of every wound we have survived is the strength we need to live. The wisdom our wounds can offer us is a place of refuge. Finding this is not for the faint of heart. But then, neither is life.*

~ Rachel Remen, *My Grandfather's Blessings*

Much aloha,

*Ian*

November 20, 2017



Aloha and Mahalo for allowing me to share my mana`o.

I remember when I was first released from prison. I needed to get my state ID and Social Security (SS) card again for the hundredth time. Things had changed since the last time I had been at the state ID office. They wanted my marriage license, divorce decree, birth certificate, and said that I need my Social Security card in order to get this. I went back and forth to the state and federal offices (by city bus...ugh!) many times before finally getting my state ID and SS card. Then, I wanted to get my license again, but time had lapsed and I needed to pay fines, get clearance, and take the permit and driving tests all over again. It took many hours and a lot of calls to answering machines that never gave me the answers to my questions. I didn't have any help in finding the right resources. It was frustrating and confusing, and I was getting discouraged.

But, I told myself *I've been through worse.*

Just because I couldn't navigate my way through all these legalities didn't mean give up, and go back. It reminded me of the saying "any lengths."

We go to "any length" in our addiction so why not go to "any length" in our recovery?

I had to have patience. I had to learn what I needed to do in order to get to the next step. This process was challenging, but I didn't give up. I only wish I had a guidebook that could have answered my questions.

This guidebook will help answer your questions and give you resources to call that can help you on your journey. It is my hope that your re-entry will be smoother than mine and that this guidebook will serve you well.

Aloha,

*Daphne Ho'okano*

MSW candidate 2018  
School of Social Work University of Hawai'i

November 26, 2017

(Note: In May 2018 Daphne received her masters in social work!)

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# GETTING ID AND LEGAL DOCUMENTS

## SUMMARY

Identification (“ID”) is proof of who you are – your *identity*. Government agencies, workplaces, service providers, schools, and other institutions issue ID cards. Many forms of ID include a photo and important information about you, such as your address or physical characteristics.

Getting your ID and legal documents is usually one of the first, and most important steps in the reentry process. In this section, you will learn how to get your:

- Birth Certificate and/or Certificate of Naturalization
- Social Security Card and Number
- Hawai‘i State ID
- Hawai‘i Driver’s License

Under Hawai‘i law, the Hawai‘i Department of Public Safety, in collaboration with the Hawai‘i Department of Transportation and other appropriate agencies, must inform you one year or less before your parole or release date that assistance is available to help you get your state ID card, birth certificate, Social Security card, and other relevant identification documents that are important to reentry.<sup>1</sup>

## BIRTH CERTIFICATES

### How do I get my Birth Certificate?

#### **In-state birth:**

#### ***How do I get a copy of my birth certificate if I was born in the state of Hawai‘i?***

The State Department of Health, Office of Health Status Monitoring handles vital records for events that occurred in Hawai‘i. Vital records include birth, death, marriage, and divorce certificates. You can apply for certified copies of vital records in person or by mail. On a limited basis, you can apply for certified copies of birth and marriage records online. The Office does not accept applications made by telephone, fax, or email. You can request the records online at [health.hawaii.gov](http://health.hawaii.gov). The fees for certified copies of vital records are: \$10 for the first copy of each certificate and \$4 for each additional copy of the same certificate ordered at the same time.<sup>2</sup>

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<sup>1</sup> HAW. REV. STAT. § 353H-32.

<sup>2</sup> [HTTP://HEALTH.HAWAII.GOV](http://health.hawaii.gov)

For more information, please see the Legal Aid Society of Hawai'i's brochure "[How to obtain in-state vital records](#)" such as birth, death, marriage, and divorce certificates, available [online](#).<sup>3</sup>

### **Out-of-state birth:**

***I was born out-of-state. How do I get an authorized copy of my birth certificate from another state?***

The federal government does not keep a centralized database of birth records, so you will need to contact the Vital Records Office for the state in which you were born. Every state's Vital Records Office has its own procedure: different forms, fees, and requirements. Below are some initial steps you can take:

- **STEP 1: Find the contact information for the Vital Records Office in your birth state.**

Each state has a **Vital Records Office**, sometimes called a Vital Statistics Office that is in charge of birth records for that state. **Centers for Disease Control and Prevention (CDC)** has a list of the address and phone number for each state's Vital Statistics Office, as well as basic information about each state's procedures.

Learn more by visiting the CDC's website: <http://www.cdc.gov/nchs/w2w.htm>; call the CDC at 1-800-CDC-INFO (1-800-232-4636); or writing the CDC at:

Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30329-4027

- **STEP 2: Contact the Vital Records/Vital Statistics Office for the state in which you were born.**

Call or write your birth state's Vital Records Office in the state and ask what they need from you to receive a **certified copy** of your birth certificate.<sup>4</sup>

**Hawai'i Vital Statistics Office** phone number any day or time is (808) 586-4533 and online information can be obtained at: <http://health.hawaii.gov/vitalrecords/>

### **If there is no record of your birth:**

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<sup>3</sup> [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOW-TO-APPLY-FOR-CERTIFIED-COPIES-OF-VITAL-RE?REF=W4BwF](https://www.lawhelp.org/hi/resource/how-to-apply-for-certified-copies-of-vital-re?ref=W4BwF)

<sup>4</sup> ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, P. 34 (2D ED. 2017).

### ***What can I do if I was born in the United States, but there is no record of my birth?***

If you request a copy of your birth certificate from the state or county in which you were born, but the Vital Records Office sends you a response that there is no record of your birth available, you will have to locate a secondary record of your birth to serve the same identifying purpose as a birth certificate does. A secondary record of birth is not considered as reliable as a certified birth certificate, but it may still help you prove your identity to obtain other forms of ID.

*Secondary records of birth could include:*

- Hospital records
- Census records
- Religious records confirming your birth date (such as a baptism certificate or family bible record)
- Statement from the midwife who delivered you
- Early school records
- Records of immunization<sup>5</sup>

### **If you were born in a foreign country:**

#### ***What can I do if I was born in another country, but adopted in Hawai'i?***

If you born in a foreign country and then legally adopted in the state of Hawai'i, you can apply for an **amended certificate of birth**.

Learn about other situations where you could apply for an amended certificate of birth on the Hawai'i Department of Health, Vital Records, website at <http://health.hawaii.gov/vitalrecords/amended-certificate-of-birth/>.

#### ***I was born outside of the United States, but I am a U.S. citizen because one or both of my parents was a U.S. citizen. How do I get certification of my birth and citizenship?***

If you are a U.S. citizen who was born in a foreign country to U.S. Citizen parent(s), then your parent(s) should have reported your birth to the nearest U.S. Consulate or Embassy as soon as possible after you were born.<sup>6</sup> Under federal law, your parents should have applied for a **“Consular Report of Birth Abroad of a Citizen of the United States of America”** (also called “CRBA,” or Form FS-240) in your name.<sup>7</sup>

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<sup>5</sup> U.S. DEPARTMENT OF STATE, BUREAU OF CONSUMER AFFAIRS, *CITIZENSHIP EVIDENCE: SECONDARY EVIDENCE OF U.S. CITIZENSHIP*, (LAST VISITED OCT. 31, 2017)., AVAILABLE AT

<HTTPS://TRAVEL.STATE.GOV/CONTENT/PASSPORTS/EN/PASSPORTS/INFORMATION/CITIZENSHIP-EVIDENCE.HTML> .

<sup>6</sup> CENTER FOR DISEASE AND CONTROL PREVENTION, *WHERE TO WRITE FOR VITAL RECORDS* (FEB. 2014)., <HTTP://STACKS.CDC.GOV/VIEW/CDC/22310>.

<sup>7</sup> CENTER FOR DISEASE AND CONTROL PREVENTION, *WHERE TO WRITE FOR VITAL RECORDS* (FEB. 2014)., <HTTP://STACKS.CDC.GOV/VIEW/CDC/22310>.

If your parents did register your birth with a U.S. Consulate or Embassy in the foreign country in which you were born, the **U.S. Department of State** should have given them a CRBA in your name. Similar to a U.S. birth certificate, your CRBA is proof of your U.S. citizenship, and you can use it as official ID to get other key forms of ID, including a U.S. passport.<sup>8</sup>

The only people who can legally request a copy of your CRBA are: (1) you, (2) an authorized government agent, and (3) a person with written authorization. Below are steps you can take to request a copy of your CRBA:

- **STEP 1: Prepare a written (or typed) request. Include all of the following:**
  1. Your full name at birth, and any adoptive names you had.
  2. Your birthdate and birthplace.
  3. Your parents' full names.
  4. The serial number of your Consular Report of Birth Abroad (also called Form FS-240), if you know it.
  5. Any available passport information.
  6. Your mailing address and phone number.
  7. Your signature. (Leave space for this, but don't actually sign until Step 2, when you're with a Notary Public.)
  
- **STEP 2: Get your request notarized by a Notary Public.**
  
- **STEP 3: Prepare a check or money order for \$50 (no cash). Make it payable to "Department of State."**
  
- **STEP 4: Mail your request and fee.**

Address the envelope to:  
Department of State, Passport Vital Records Sections  
1150 Passport Services Pl, 6th Floor  
Dulles, VA 20189-1150<sup>9</sup>

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<sup>8</sup> NOTE: UNTIL JANUARY 3, 2011, THE DOCUMENT ISSUED FOR THIS PURPOSE WAS "CERTIFICATE OF REPORT OF BIRTH ABROAD," OR "FORM DS-1350," ALSO CALLED "CRBA." THE DEPARTMENT OF STATE NO LONGER ISSUES FORM DS-1350 FOR NEW BIRTHS. HOWEVER, IF THIS WAS THE DOCUMENT ISSUED WHEN YOUR PARENTS REGISTERED YOUR BIRTH, IT IS STILL VALID FOR THE SAME PURPOSES AS A FORM FS-240, AND YOU CAN STILL REQUEST A COPY BY TAKING THE SAME STEPS YOU WOULD TO REQUEST A FORM FS-240. SEE FOREIGN BIRTH AND DEATH CERTIFICATES, CDC, [HTTP://WWW.CDC.GOV/NCHS/W2W/FOREIGN.HTM](http://www.cdc.gov/nchs/w2w/foreign.htm); BIRTH OF U.S. CITIZENS ABROAD, U.S. DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS, [HTTP://TRAVEL.STATE.GOV/CONTENT/PASSPORTS/ENGLISH/ABROAD/EVENTS-AND-RECORDS/BIRTH.HTM](http://travel.state.gov/content/passports/english/abroad/events-and-records/birth.htm)

<sup>9</sup> CENTER FOR DISEASE AND CONTROL PREVENTION, *FOREIGN BIRTH AND DEATH CERTIFICATES: BIRTH RECORDS OF PERSONS BORN IN FOREIGN COUNTRIES WHO ARE U.S. CITIZENS* (SEP. 14, 2015), [HTTPS://WWW.CDC.GOV/NCHS/W2W/FOREIGN.HTM](https://www.cdc.gov/nchs/w2w/foreign.htm). [HTTP://TRAVEL.STATE.GOV/CONTENT/PASSPORTS/ENGLISH/ABROAD/EVENTS-AND-RECORDS/BIRTH/REPLACE-OR-AMEND-CONSULAR-REPORT-OF-BIRTHABROAD.HTML](http://travel.state.gov/content/passports/english/abroad/events-and-records/birth/replace-or-amend-consular-report-of-birthabroad.html)

If the Embassy or Consulate for your birth country is unable to provide assistance, U.S. citizens may obtain assistance by writing to the Office of Overseas Citizens Services, U.S. Department of State, Washington, D.C. 20520-4818. Non-citizens residing in the United States may be able to obtain assistance through the Embassy or Consulate of their country of nationality.

***I was born outside of the United States, and I am not a U.S. Citizen. How do I get my birth certificate from a foreign country?***

Most foreign countries record births and will provide certifications of births occurring within their boundaries. You can contact your birth country's nearest Embassy or Consulate in the United States. Find a list of their addresses and telephone numbers in the **U.S. Department of State's Publication 7846, "Foreign Consular Offices in the United States,"** which is available in many local libraries. Copies of this publication may also be purchased from the U.S. Government Printing Office, Washington, D.C. 20402.

***I am a naturalized citizen. Do I need my birth certificate?***

If you were born in a foreign country, but later immigrated to the United States and became a U.S. citizen, then you are a **naturalized citizen**. You should have been issued a **Certificate of Naturalization** at the time you became a U.S. citizen. A Certificate of Naturalization is similar to a Birth Certificate for how it can be used to obtain other types of ID documents.<sup>10</sup> Learn more about Certificates of Naturalization in the next section

## CERTIFICATES OF NATURALIZATION

### How do I get a Certificate of Naturalization?

#### **Applying for naturalization:**

To apply for naturalization, you will need to file [Form N-400, Application for Naturalization](#). Before applying, be sure to meet all eligibility requirements.

- Check if you qualify for any [exceptions and accommodations](#).
  - You can use the [naturalization eligibility worksheet \(PDF, 301 KB\)](#) and [document checklist \(PDF, 178 KB\)](#) to help you prepare.
- Download the application [form](#) and read the instructions.
- Collect the necessary documents to demonstrate your eligibility for naturalization. If you reside outside the United States, get 2 passport-style photos taken.
- Use the [document checklist \(PDF, 178 KB\)](#) to make sure you collect all the required documents.

Further steps to complete the process can be found at

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<sup>10</sup> 8 C.F.R. § 301.

[www.uscis.gov/citizenship/learners/apply-citizenship](http://www.uscis.gov/citizenship/learners/apply-citizenship)

You must pay a **\$555 fee** to file Form N-565. Certain low-income naturalization applicants may pay a **filing fee** of \$320 plus the \$85 biometric services **fee**.

If you live in Hawai'i, mail Form N-565 and your filing fee to the following address:

DHS/USCIS  
Nebraska Service Center  
P.O. Box 87565  
Lincoln, NE 68501-7565

Learn more on the U.S. Citizenship and Immigration Services website at:

[my.uscis.gov/helpcenter/article/how-do-i-replace-a-lost-naturalization-certificate](http://my.uscis.gov/helpcenter/article/how-do-i-replace-a-lost-naturalization-certificate)

For a potential Hawai'i legal resource for immigration issues contact *Na Loio*

<http://naloio.org/>

## GETTING A DOCUMENT NOTARIZED

### What is notarization and why is it important?

Notarization is when a government-approved person (called a “notary public” or just a “notary”) validates an important document. The notary must witness signatures to that document. It is best to get an authorized certified copy of your birth certificate because only an authorized copy can be used as proof of your identity in order to gain access to other forms of identification, such as your state identification card.<sup>11</sup>

### What do I bring to get a document notarized?

Bring the following:

- The document you need notarized. *Don't sign it before you go—the notary needs to witness your signature.*
- Proof of who you are. *The notary can verify who you are by one of 3 ways:*
  1. **Photo ID issued within the last 5 years.** This photo ID can be a state ID or driver's license from any state; a passport from any country; a U.S. Military ID; a Canadian or Mexican driver's license; or a Hawai'i government employee ID card.
  2. **IF YOU ARE CURRENTLY INCARCERATED:** You can use **your prison ID card** while you are still incarcerated, but not after you get out. This is one reason why it is important to get your birth certificate before you are released, if possible.

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<sup>11</sup> HAW. REV. STAT. § 338-13, HAW. REV. STAT. § 286-303.

3. You need **one witness** whom the notary knows and who knows you. This witness will need to show one of the forms of acceptable ID listed above and verify who you are under oath; **OR** in the alternative, you need **2 witnesses** who know you (but the notary does not need to know them). Both witnesses will also be required to show one of the forms of acceptable photo ID listed above and verify who you are under oath.

### ***Where do I find a notary?***

To find a notary, try your local bank, credit union, public library, City Hall, courthouse, Post Office, FedEx or UPS store, senior center, or public school. Always call the location and check its website to make sure a notary exists, what times it is available, and the cost for notary services.

### **IF YOU ARE CURRENTLY INCARCERATED:**

- State prisons must provide notary services. Contact your corrections counselor to make an appointment as the services may only be available on certain days and times.
- There is an administrative fee, which varies by facility, and is taken out of your inmate trust account. If you would rather use a mobile notary, you'll need to find one in your area that does jail/prison visits. You may need to ask a family member or friend to help arrange the visit.

### ***How much will a notary cost?***

In Hawai'i, every notary public is entitled to demand and receive as much as \$5 for each signature.<sup>12</sup>

## SOCIAL SECURITY

### **How do I get my Social Security card or Social Security number?**

If you were born in the U.S., and your birth was reported, the government assigned you a Social Security number (SSN). Your SSN is a 9-digit number that is unique to you. The government uses it primarily to identify you, but a variety of other institutions require that you have one. For example, most financial institutions require that you have a SSN to open a bank account or to apply for a federal loan. Having a SSN makes it easier to apply for school, public benefits, and other resources that you need to aid you in the reentry process.

Your Social Security Card is just one way of showing documentary proof of your social security number.

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<sup>12</sup> HAW. REV. STAT. § 456-17.

Go to <http://hidot.hawaii.gov/hawaiiid/> for a list of acceptable documentary proof of your social security number.

If none of these apply, you can get or replace a social security card by completing a form SS-5 and taking or mailing your completed form to your local Social Security office. The form is available online at <http://www.ssa.gov/ssnumber/>.

\* Please note that because the Honolulu Social Security office is located inside the Federal Building, individuals without an ID can only enter the building escorted by a security guard at 10am or 2pm. Arrive at 9:30am or 1:30pm and wait to be escorted into the office.

For more information, see the Legal Aid Society of Hawai'i's brochure: [How to Obtain a Hawai'i State ID](#).<sup>13</sup>

### ***Why do I need to know my Social Security Number (SSN)?***

Like your birth certificate, your SSN proves who you are. You must bring your SSN card with you when you are filling out the final application forms for employment. You'll need to provide your 9-digit SSN to access government services and to apply for jobs, public benefits, housing, a driver license, health care, education programs, and financial aid.

### ***I forgot my Social Security Number (SSN). What do I do?***

If you were assigned a SSN at some point in your life, but you don't know it now, you need to request a replacement card. This is the only way to get your number because the Social Security Administration (SSA) does not give out Social Security numbers any other way. You can apply for a replacement card by mail or in person at a local SSA Field Office. For more information on getting a replacement card, see page 17 if you're incarcerated, or page 17 if you're out.

### ***I never got a Social Security Number (SSN). Can I get one now?***

Yes. If you were never assigned a SSN, you will need to apply for an original card. See page 14 for more information on getting an original card.

### ***How do I get a Social Security card while I am incarcerated (before release)?***

Under Hawai'i's offender reentry and identification law, the Department of Public Safety must inform you of the availability of departmental assistance to obtain your social security card one year or less prior to your parole or release date remaining on your sentence.<sup>14</sup> Ask

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<sup>13</sup> LEGAL AID SOCIETY OF HAWAII, HOW TO OBTAIN A HAWAII STATE ID (JUL. 2013), [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOW-TO-OBTAIN-A-HAWAII-STATE-ID?REF=P6oTQ](https://www.lawhelp.org/hi/resource/how-to-obtain-a-hawaii-state-id?ref=P6oTQ) [SEE ALSO APPENDIX FF]

<sup>14</sup> HAW. REV. STAT. § 353H-32(B).

your case manager, or whoever assists you in prison, for assistance in obtaining your social security card.

If for some reason you are having trouble receiving help and would like to be proactive, the steps for requesting a replacement card while you are incarcerated is fairly straightforward. However, due to conflicting rules and practices within the Social Security Administration (SSA), it's hard to say whether your request will succeed. You should try anyway. **Here are key factors that may affect your chances of success:**

- **The facility you are in:** Where you are incarcerated may affect your ability to get a Social Security card while you are incarcerated.
- **MOUs:** According to the SSA's official policy, before the SSA will accept "certification" (proof) of your identity from a correctional facility, that facility must enter a special agreement with the SSA called a Memorandum of Understanding (MOU). The MOU's purpose is to ensure that corrections officials follow the same rules as SSA officials do when verifying people's identities. If your facility has a MOU with the SSA, the SSA will accept the facility's certification of your identity as proof that you are who you say you are. However, if your facility does not have a MOU with the SSA, the SSA Field Office reviewer that evaluates your application can choose to deny a certification from the facility as definitive proof of your identity. In other words, your facility's certification carries less weight without an MOU with the SSA, and your application for a replacement Social Security card is more likely to get denied.
- **Your local Field Office and application reviewer:** The practices of your local Field Office in reviewing applications from incarcerated people will affect your ability to get a Social Security Card while you are incarcerated.

If your facility does not have a MOU with the SSA, the local Field Office should still evaluate your application as it would any other application. This means that your reviewer can consider your correctional facility's certification, even if he or she can't rely on it 100%. How much weight your reviewer gives to the certification will depend on that particular Field Office's practices. Some Field Offices accept certifications without a hassle; others do not. It's always worth a try!

### ***How do I find out if my facility has an MOU with the Social Security Administration?***

Unfortunately, this information is not readily available, but the state of Hawai'i as of November 2017 was the only state in the country that does not have an MOU with the SSA. If you are incarcerated in another state, it may be best to just apply for a replacement Social Security card and see if it works!

### ***How do I apply for my replacement Social Security card while I am in prison or jail?***

The process for requesting a replacement Social Security card while you are incarcerated is the same whether your facility has a MOU with the SSA or not. Follow these steps:

- **STEP 1: Get and fill out the application for a Social Security card (Form SS-5).**

The recommended way to get this form is by calling the Social Security Administration (SSA) at 1-800-772-1213 and asking to have the form mailed to you. You may also be able to get the form by writing to your local Field Office or the closest Social Security Administration Regional Office. The Regional Office that serves Hawai'i is:

SSA  
Regional Public Affairs Office P.O. Box 4201  
Richmond, CA 94804

Keep in mind that this office also serves Arizona, Nevada, California, Hawai'i, Guam, American Samoa, and the Commonwealth of the Mariana Islands, so it may take some time to process your request. You might also try asking your correctional counselor or other prison services staff if they have the form on hand. (For reference, we have included a sample Form SS-5 in Appendix A).

- **STEP 2: Gather the documents you will need.**

You will need to submit 2 documents with your application:

- Certification of Inmate Identity: If your facility has a MOU agreement with the SSA, a designated prison official should verify your identity through prison records and issue a certification to the SSA (explanation of MOUs on page 16 above). If your facility does not have a MOU agreement with the SSA, you should still ask for a certification. Talk to your correctional counselor; he or she should know who is the best person at the prison to give you a certification.
- Information Release: You need to sign an information release form, giving the SSA permission to send your Social Security card to your facility. Ask your correctional counselor for this form.

*Whether or not your institution has a MOU agreement with the SSA, you should include the prison staff's certification of your identity, as well as a copy of your prison ID card, if possible. In fact, you should include any and all documents related to your identity, because the SSA must consider everything. Start gathering documents while you're incarcerated. If you don't have primary forms of ID, you can use these types of proof after you get released, as well. Along with your birth certificate, these documents will probably be enough. For more information on other proof of identity, see below.*

### ***How do I get my Social Security Card in person? (Recommended)***

- **STEP 1: Gather the documents you need to prove your identity.**

Proof of identity must show 3 key facts about you (which you may be able to pull off with just one document):

- Proof of your age;
- Proof of your citizenship or legal presence in the United States;
- Proof that you are still alive.

You may need to show only one “primary” ID document, if that one document shows all 3 key facts about you by itself. Primary ID documents that are accepted as proof of identity for a replacement Social Security card are:

- U.S. state-issued driver license;
- U.S. state-issued ID card;
- U.S. passport.

The documents you submit must show your legal name AND provide biographical information (date of birth, age, or parents’ names) as well as physical information (a photograph or physical description — height, eye and hair color, etc.). Generally, ID without an expiration date are acceptable if they were issued in the past 2 years. If you don’t have these documents, refer back to the sections above

- **STEP 2: Find your local Social Security Administration (SSA) Field Office or Card Center.**

Below is a list of Hawai'i Social Security field office, but you should confirm the location in case there are changes since the time this guide was published.

- **Hawai'i Social Security field offices:**
  - **Hilo**  
111 E Puainako St.  
Hilo, HI 96720  
<http://www.ssofficelocation.com/hilo-social-security-office-so378>
  - **Honolulu**  
300 Ala Moana Blvd.  
Honolulu, HI 96850  
<http://www.ssofficelocation.com/honolulu-social-security-office-so379>
  - **Kapolei**  
970 Manawai Street  
Kapolei, HI 96707  
<http://www.ssofficelocation.com/kapolei-social-security-office-so380>
  - **Lihue**  
4334 Rice Street  
Lihue, HI 96766  
<http://www.ssofficelocation.com/lihue-social-security-office-so381>
  - **Wailuku**  
2200 Main Street  
Wailuku, HI 96793  
<http://www.ssofficelocation.com/wailuku-social-security-office-so382>

For more information search online at <http://www.socialsecurity.gov> or call the SSA at 1-800-772-1213.

- **STEP 3: Go to your local SSA Field Office or Card Center and fill out the application.**

- **STEP 4: Meet with an SSA employee to verify your identity.**

Remember, the SSA agent will evaluate the evidence you bring in and make a judgment call as to who you are. If you are there in person with as much identifying documentation as possible, hopefully all of your documents combined will be enough to prove your identity (even if each of your documents, considered separately, might not be enough).<sup>15</sup>

## STATE ID

### How do I get my State ID?

In order to obtain a Hawai'i State ID, you must present documented proof of legal name, date of birth, social security number, legal presence and proof of principal residence. Documents presented for proof of name, date of birth, legal presence, and Social Security Number must be valid originals or certified copies.

If you have the required documents, you can go to any of the following Driver License locations listed below. Bring \$20 cash or \$15 if you are 65 years of age and older. Please call or check online for current fees as these may have changed. The application for a State ID is also available online.

#### City and County of Honolulu

- Kalihi-Kapalama – 1199 Dillingham Blvd., Driver Licensing A-101, (808) 532-7730
- Wahiawa – 330 North Cane St., (808) 621-7255
- Wai'anae – 85-670 Farrington Hwy., (808) 768-4222
- Kapolei – 1000 Ulu'ohi'a St., (808) 768-3100 Ko 'olau – 47-388 Hui Iwa St., Suite 19, (808) 239-6301

#### Maui County

- Kahului – 70 E. Kaahumanu Ave., Suite A-17 (Maui Mall Shopping Center), (808) 270-7363
- Kihei – 303 East Lipoa St., (808) 270-7363
- Lahaina – 900 Front St., Unit I-17, (808) 270-7363
- Pukalani – 91 Pukalani St. (Hannibal Tavares Community Center), (808) 270-7363 4
- Hana – Hana Hwy. and Uakea Rd. (County Public Works Office), (808) 248-7280
- Lanai – 309 Seventh St. #101, (808) 565-7878
- Moloka'i – 100 Ailoa St. (Mitchell Pauole Center), (808) 553-3430'

#### Hawai'i County

- Hilo – 349 Kapiolani St., (808) 961-2222
- Kona – 74-5044 Ane Keohokalole Hwy. (West Hawai'i Civic Center), (808) 323-4800

#### Kaua'i County

- Lihue – 4444 Rice St., Suite A-480, (808) 241-4242

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<sup>15</sup> ADAPTED FROM ROOT & REBOUND, ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE, P. 39-40 (2D ED. 2017).

## DRIVER'S LICENSE

### How do I get my state Driver's License?<sup>16</sup>

To apply for your driver's license, you will need to visit your local [Hawai'i DMV office](#) with:

- A completed [State of Hawai'i Driver License Application](#).<sup>17</sup>
- Proof of your **identity and legal U.S. presence**, such as your:
  - U.S. [passport](#).
  - U.S. [birth certificate](#) (certified copy).
  - Foreign passport with valid U.S. visa.
- Proof of your **Hawai'i residential address** (2 documents), such as your:
  - Recent bank statement.
  - W-2 form.
  - Mortgage agreement.
- Proof of your **Social Security number** (SSN), such as your:
  - Social Security card.
  - W-2 form.
  - 1099 form from a previous year.
- Proof of your name change (if applicable), such as your:
  - [Marriage certificate](#).
  - Court order.
  - Divorce decree.
- Payment for the [required fees](#).

For a complete list of [accepted and required documents](#), please see the Hawai'i Department of Transportation (DOT) website.<sup>18</sup>

You will also be required to pass the following tests:

- Vision exam.
- Written knowledge. \*
- Road (driving) test.

**\*NOTE:** If you're an **out-of-state transfer** to the county of Hawaii, you **will not** be required to pass a written knowledge exam as long as you turn in your old out-of-state driver's license.

**\*\*NOTE:** If you're a teenager, you will need to meet the requirements of the graduated driver's licensing (GDL) program before you will be eligible for a driver's license. Please see our [Applying for a New License \(Teen Drivers\)](#) page for more information.<sup>19</sup>

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<sup>16</sup> ADAPTED FROM DEPARTMENT OF MOTOR VEHICLES, APPLYING FOR A NEW LICENSE (18+) IN HAWAII (LAST VISITED NOV. 2, 2017), <HTTPS://WWW.DMV.ORG/HI-HAWAII/APPLY-LICENSE.PHP>

<sup>17</sup> <HTTP://WWW.HONOLULU.GOV/REP/SITE/CSD/ONLINEFORMS/CSDDLAPPLICATIONFORM.PDF>

<sup>18</sup> <HTTP://HIDOT.HAWAII.GOV/HAWAHS-LEGAL-PRESENCE-LAW/>

<sup>19</sup> <HTTPS://WWW.DMV.ORG/HI-HAWAII/TEEN-DRIVERS.PHP>

## **How do I get my Driver's License back if it was suspended or revoked?**

If your Hawai'i driver's license was suspended or revoked, you'll need to satisfy your suspension requirements to reinstate it with your local driver license agency.

- **Honolulu County:** Department of Customer Services.
- **Hawai'i County:** Department of Finance.
- **Kaua'i County:** Treasury Division of Finance, Driver Licensing.
- **Maui County:** Department of Finance, Motor Vehicle Registration and Licensing Division.

The duration of your suspension/revocation and your reinstatement requirements will vary depending on your offense and **whether or not you also face court penalties and fines.**

Your HI driver's license may be suspended/revoked for violations including:

- **Driving under the influence (DUI/DWI) of alcohol** and other alcohol-related offenses.
- **Drug-related offenses.**
- **Failing or refusing to submit to a blood alcohol content (BAC) test.**
- **Accumulating too many driving record points.**
- **Committing major traffic violations.**
- **Violating Hawai'i insurance laws.**
- **Being at fault in a car accident without insurance coverage.**

For information about your **specific suspension and your reinstatement requirements**, contact your Hawai'i county DMV:

- **Honolulu:**
  - **Phone:** (808) 532-7730.
  - **E-mail:** [csd@honolulu.gov](mailto:csd@honolulu.gov).
  - **Fax:** (808) 768-3750.
  - **Mail:**  
City Square Driver License Section  
Attn: Correspondence Desk  
P.O. Box 30340  
Honolulu, HI 96820
- **Hawai'i:**
  - **Phone:**
    - **Hilo:** (808) 961-2222.
    - **Waimea:** (808) 881-3488.
    - **West Hawai'i:** (808) 323-4800.
    - **Na'alehu:** (808) 854-7214.
  - **E-mail:** [vehiclerl@co.hawaii.hi.us](mailto:vehiclerl@co.hawaii.hi.us).
- **Kaua'i:**
  - **Phone:** (808) 241-4256.

- **Maui:**
  - **Phone:** (808) 270-7363.
  - **E-mail:** [maui.dmv@co.maui.hi.us](mailto:maui.dmv@co.maui.hi.us).

You can **order your Hawai'i driving record** to:

- View your **traffic violations, offenses, and accidents**.
- Check your **driver's license status**.
- Check your **driving record points** and see **actions taken against your driver's license**.

### **Hawai'i Suspension Hearings and Appeals**

Depending on your offense, you may be able to request an administrative hearing to contest your revoked or suspended license.

You'll need to contact your [local Hawai'i DMV](#) for more information. (See phone numbers and email addresses on page 21)

NOTE: If you'd like to appeal a court-ordered suspension/revocation, you must contact the court that served your suspension.

### **Reinstate Your Suspended Hawai'i License**

Your suspended license reinstatement requirements will vary depending on the circumstances of your offense. If you were convicted of a crime, you may also face additional court penalties and fines, including suspensions.

To reinstate your HI driver's license, you may need to:

- File an SR21/SR22/**proof of insurance** with the HI DMV, if necessary.
- Satisfy your court requirements, if applicable.
- Retake and pass the **driving skills and knowledge tests**.
- Complete an **alcohol education/treatment program**, if applicable.
- Complete a driver improvement course, if necessary.
- Reapply for a driver's license.
- Pay a reinstatement or licensing fee. (See "Fees to Reinstate Your Suspended License" below.)<sup>20</sup>

### ***How do I replace a lost or stolen Hawai'i Driver's License?***

If your license is lost, damaged, or—even worse—stolen, you can easily obtain a replacement driver's license through applying directly with one of the following departments (depending on your county):

- **Honolulu:** Department of Customer Services.

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<sup>20</sup> ADAPTED FROM DEPARTMENT OF MOTOR VEHICLES, SUSPENDED LICENSE IN HAWAII (LAST VISITED NOV. 2, 2017), [HTTPS://WWW.DMV.ORG/HI-HAWAII/SUSPENDED-LICENSE.PHP](https://www.dmv.org/hi-hawaii/suspended-license.php).

- **Hawai'i:** Department of Finance.
- **Kaua'i:** Treasury Division of Finance.
- **Maui:** Department of Finance.

NOTE: If your driver's license will be expiring within 6 months, you may want to consider processing a driver's license renewal application instead. For more details, read this page about [Renewing Your Driver's License](#) on Department of Motor Vehicle (DMV) website.<sup>21</sup> The process for applying for a replacement driver's license will depend on which Hawai'i County you reside in.

- **Hawai'i County**

**In Hawai'i County**, you will need to appear at a local HI driver's license office **in person** to request a replacement HI driver's license. You'll need to:

- Complete a State of Hawai'i Driver's License Application (Form CSD-DL).
- Bring 2 documents proving your **identity**, such as your:
  - Social Security card.
  - Birth certificate.
  - Military ID.
- Submit payment for the driver's license replacement fee. Fees vary by county. See "**Fees for a Duplicate HI Driver's License**" below for more information.

A complete list of required and approved identification documents is available from each county's DMV office. Your duplicate HI driver's license will have the same expiration date as it did before it was lost or stolen.

- **Honolulu County**

You can apply for a duplicate **by mail** or **in person** at your local DMV office. If you decide to apply by mail, you must:

- Send a letter with your request for a duplicate HI driver's license.
- Include your **name, Social Security number** or **driver's license number, e-mail address** (optional), and the **reason** why you need a duplicate.
- Submit a certified check or money order for the \$6 fee (made payable to "City and County of Honolulu") to the following address:

Driver License Section  
P.O. Box 30340  
Honolulu, HI 96820

NOTE: If you apply in person, you may need to have your vision checked, and fingerprints and photograph taken.

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<sup>21</sup> [HTTPS://WWW.DMV.ORG/HI-HAWAII/RENEW-LICENSE.PHP](https://www.dmv.org/hi-hawaii/renew-license.php)

- **Maui County**  
The replacement process in Maui County is similar to that of Hawai'i County. You'll need to visit your [local DMV office](#) and:
  - Complete the application form (available for pick-up in person).
  - Show proof of identity, such as your:
    - Birth certificate.
    - Social Security card.
    - Hawai'i ID card.
    - Pay the appropriate [driver license duplicate fee](#).
- **Kaua'i County**
  - During the process of replacing your driver's license in Kaua'i, you may also be required to show 2 documents to prove your residency. The fee will be \$7. For complete details about what you'll need to apply for a duplicate driver's license in Kaua'i, you will need to contact your local [HI DMV office](#).

### ***How do I replace my license while out-of-state?***

If you lose your HI driver's license while out of state, please follow the steps below for your county of residence.

NOTE: Follow the same instructions below if you need to replace a HI motorcycle license. If you are currently out of state due to military obligations, visit this page [Drivers in the Military](#) for more information.<sup>22</sup>

#### *Honolulu and Hawai'i County Residents*

To replace your HI driver's license while out of state, compose a letter that includes the following information:

Your **name** as it appears on your HI driver's license.

- Either your **Social Security number (SSN)** OR your HI **driver's license number**.
- Your **date of birth**.
- A **telephone number** where you can be reached.
- Your mailing **address**.
- An **e-mail** address, if you have one.
- Your **signature**.
- You will also need a check for \$6.

If you live in **Hawai'i County**, mail this letter and your \$6 certified check or money order (payable to "County Director of Finance") to:

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<sup>22</sup> [HTTPS://WWW.DMV.ORG/HI-HAWAII/MILITARY-DRIVERS/](https://www.dmv.org/hi-hawaii/military-drivers/)

Driver License Section  
349 Kapiolani Street  
Hilo, HI 96720

If you live in **Honolulu County**, mail this letter and your \$6 certified check or money order (made out to the "City & County of Honolulu") to:

Driver License Section  
P.O. Box 30340  
Honolulu, HI 96820

Upon receiving your request, a temporary duplicate Hawai'i driver's license will be mailed to you within 10 days. You will need to go to your local county DMV office to receive a new driver's license upon your return to Hawai'i.

#### *Kaua'i and Maui County Residents*

If you're a resident of Kaua'i, you will have to contact the Driver License Division at (808) 241-4242 to request a replacement driver's license.

If you're a Maui county resident, you will need to call (808) 270-7363 for information on requesting a replacement HI driver's license.

#### **Fees for a Duplicate HI Driver's License**

The cost to receive a duplicate driver's license in Hawai'i or Honolulu Counties is \$6. For Kaua'i or Maui county residents, please contact your local DMV office and ask for fee details.

Fee payments must be made by:

- Cash.
- Check.
- Money order.
- Credit/debit card (Honolulu only).

If you're submitting your duplicate driver's license request by mail, payment must be made by a certified check or money order for the exact fee amount.<sup>23</sup>

## ADDITIONAL RESOURCES

### **How can I get a phone?**

Some potential resources to obtaining a phone

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<sup>23</sup> ADAPTED FROM DEPARTMENT OF MOTOR VEHICLES, REPLACING A LOST LICENSE IN HAWAII (LAST VISITED NOV. 2, 2017), [HTTPS://WWW.DMV.ORG/HI-HAWAII/REPLACE-LICENSE.PHP](https://www.dmv.org/hi-hawaii/replace-license.php).

- Known as the Obama phone, SafeLink Wireless will provide Free Wireless Program to go to <https://www.safelinkwireless.com/Enrollment/Safelink/en/NewPublic/index.html>
- For information on Hawai'i Free Government Cell Phones go to <https://freegovernmentcellphones.net/states/hawaii-government-cell-phone-providers>
- If you have family or friends who can add you to their existing plans and purchase your phone on a plan, there are always a 4-line plan in offering with T-Mobile.
- Verizon and AT&T have their own specials. Check their kiosks and outlets.
- If your funds are limited, start off with a “no contract” flip phone, which is actually making a comeback.
- There are kiosks and outlets in larger stores i.e. Don Quijote, Costco, etc., that sell many brand and lines.
- Shop around.

## **How do I get an email address?**

There are many free email servers including but not limited to; gmail.com, yahoo.com, aol.com, etc.

### ***Why do I need to create an email address?***

Having an email address in today's world is a necessity especially when wanting to apply for jobs. Most of your job searches and applications will be done online. There are many resources that can be found for example:

- O'ahu WorkLinks <https://www.indeed.com/cmp/Oahu-Worklinks>
- WorkNet, Inc. <https://www.worknetinc.org/contact> (who can assist you in building up your online skills while doing a job search)

## **How do I get a Hawai'i State Library Card?**

Once you have obtained your State ID or a valid Hawai'i Driver's License, you will be eligible for a Library card at no charge. \$5.00 for a replacement card. A library card may sound a bit dated, but don't be fooled by this long-standing institution of knowledge. Your library offers a wealth of services:

- Free wireless internet access
- Free internet and computer programs
- E-mail notifications
- Statewide access to all library collections

For more information go to [www.librarieshawaii.org](http://www.librarieshawaii.org) or you can visit one of the over 20 state libraries on the island of O'ahu and 50 libraries throughout the state.

To find out more about the services offered by your local library one can call or mail to the following people:

<b>Role</b>	<b>Number</b>
State Librarian	808-586-3704
Special Assistant to State Librarian	808-586-3700
Public Libraries Branch	808-483-7188
Library Development Services	808-831-6878
Library for the Blind and Physically Handicapped	808-733-8446
Hawai'i State Library	808-586-3555
General Mailing Address	Hawai'i State Public Library System Office of the State Librarian 44 Merchant Street Honolulu, Hawai'i 96813

# HOUSING

## SUMMARY

Housing is a critical part of the reentry process. Housing options need to be explored well in advance of leaving incarceration. If you are going to be paroled, a release date will not be set unless housing accommodations are approved by the parole investigator. Without suitable housing in a law abiding, and positive environment for you, it is difficult to follow conditions of supervision and parole. Failure to follow your parole and/or probation conditions can result in re-incarceration.

In this section, you will learn useful information for steps in your housing search, including:

- The first steps you should take to find housing
- Different types of housing
- Housing resources
- Your housing rights
- Public Housing Authority considerations (PHA), including housing bans for certain convictions
- What to do if you think you've been illegally denied housing
- Your housing rights as a Veteran
- Eviction process

## FIRST STEPS

1. Begin researching your housing options at least three months prior to your release, whether you are being paroled or you are maxing out your term.
2. Research available housing resource guides in your prison's law library through your case manager.
3. Communicate with your case manager about furlough opportunities, which can provide a period of transition and help finding subsequent housing.
4. Consider your environment carefully--do not seek housing in areas and neighborhoods that have been part of the negativity in your past.

## **What are the types of housing I should consider?**

Here are the main types of housing you may consider after getting out of prison or jail:

- Short-term housing (staying short-term with a family member or friend, staying in transitional housing, staying in a shelter or other emergency housing)
- Long-term permanent housing (finding an apartment, moving in with family or friends permanently)
- Special needs housing (which could be short- or long-term)
- Government-assisted housing

## **Housing resources for reentry include:**

*In alphabetical order*

### **O'ahu:**

1. [Catholic Charities Hawai'i: Ma'ili Land Transitional Housing Program: short term residential facility](#)<sup>24</sup>  
87-190 Maliona Street  
Wai'anae, HI 96792  
808-696 4885
2. Holomua Na 'Ohana Weinberg Village Waimanalo: Transitional housing program for those with small children<sup>25</sup>  
41-490 Saddle City Road  
Waimanalo, HI – 96795  
808-259-6658
3. Institute for Human Services, Inc.: Housing support services, finding housing solutions<sup>26</sup>  
546 Kaaahi Street  
Honolulu, Hawai'i 96817  
808-447-2800
4. [Kahumana Community: Transitional community housing programs](#)<sup>27</sup>  
Ulu Ke Kukui Site: 808-620-9011  
'Ohana Ola Site: 808-696-4095
5. [Salvation Army Adult Rehabilitation Center: Six month \(minimum\) rehabilitation program](#)<sup>28</sup>  
322 Sumner Street  
Honolulu, Hawai'i 96817  
808-522 8400

### **Hawai'i:**

1. [Hope Services Hawai'i: Emergency, transitional and veteran housing programs](#)<sup>29</sup>  
808-935-3050

### **Maui:**

1. [Maui Economic Opportunity \(MEO\) Inc.](#) - Community Services Department - Rental Assistance

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<sup>24</sup> [HTTP://WWW.CATHOLICCHARITIESHAWAII.ORG/ABOUT-US/OFFICES-FACILITIES/MAILI-LAND-TRANSITIONAL-HOUSING/](http://www.catholiccharitieshawaii.org/about-us/offices-facilities/maili-land-transitional-housing/)

<sup>25</sup> [HTTP://HOLOMUANAohana.ORG/INDEX.PHP?OPTION=COM\\_CONTENT&VIEW=ARTICLE&ID=5&ITEMID=3](http://holomuanaohana.org/index.php?option=com_content&view=article&id=5&Itemid=3)

<sup>26</sup> [HTTPS://IHSHAWAII.ORG/WHAT-WE-DO/HOUSING-PROGRAMS#](https://ihshawaii.org/what-we-do/housing-programs#)

<sup>27</sup> [HTTPS://WWW.KAHUMANA.ORG/HOMELESSNESS](https://www.kahumana.org/homelessness)

<sup>28</sup> [HTTPS://HAWAII.SALVATIONARMY.ORG/HAWAII/ARC](https://hawaii.salvationarmy.org/hawaii/arc)

<sup>29</sup> [HTTP://HOPE SERVICESHAWAII.ORG/FIND-HELP-TODAY/RESIDENTIAL-HOUSING-PROGRAMS/](http://hopeserviceshawaii.org/find-help-today/residential-housing-programs/)

MEO serves as one of the administrators of the County of Maui Rental Assistance Program grant to help individuals and families in Maui County security deposits, utilities and rent for up to 6 months.<sup>30</sup>

808-249-2970

#### **Other:**

You can also call **Aloha United Way at 211** to inquire about additional resources.

### **Housing Rights**

#### ***Can a private landlord refuse to rent to me because I have a criminal record?***

It depends on the circumstances in which the landlord makes that decision. It could be lawful or it could be illegal discrimination. It is good to talk to a housing attorney (contact the Hawai'i State Bar Association phone: (808) 537-1868 for lawyer referral information).

Generally speaking, the law does not protect you from housing discrimination based on your criminal record alone.<sup>31</sup> Your landlord can use legal criteria in the application process such as, past housing history, credit history, **criminal history**, and income.<sup>32</sup>

However, in 2016, the federal Department of Housing and Urban Development (HUD) issued guidelines on how housing discrimination laws apply to people with criminal records. Although they view it as a violation of federal law to refuse to rent or sell to any person with any criminal convictions<sup>33</sup>, this is yet to be made law.

#### ***Can a Public Housing Authority (PHA) deny me housing because I have a criminal record?***

It depends. PHA can deny housing because of a criminal record if required by law or if the PHA believes the person would “risk the health and safety of other tenants.” PHA can also accept someone with a conviction history if they receive evidence that you have changed since the time of your conviction.<sup>34</sup>

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<sup>30</sup> [HTTP://WWW.MEOINC.ORG/CONTENT/5320CBEDDDC66/HOUSING\\_ASSISTANCE\\_.HTML](http://www.meoinc.org/content/5320CBEDDDC66/HOUSING_ASSISTANCE_.HTML)

<sup>31</sup> ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, P. 352 (2D ED. 2017).

<sup>32</sup> LEGAL AID SOCIETY OF HAWAII, *LEARN ABOUT TENANTS RIGHTS AND RESPONSIBILITIES* (MAR. 16, 2017), [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOUSING-TENANT-RIGHTS-AND-RESPONSIBILITIES?REF=290cP](https://www.lawhelp.org/hi/resource/housing-tenant-rights-and-responsibilities?ref=290cP). [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOUSING-TENANT-RIGHTS-AND-RESPONSIBILITIES?REF=290cP](https://www.lawhelp.org/hi/resource/housing-tenant-rights-and-responsibilities?ref=290cP).

<sup>33</sup> U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS* (APRIL 4, 2016), [HTTPS://PORTAL.HUD.GOV/HUDPORTAL/DOCUMENTS/HUDDOC?ID=HUD\\_OCGUIDAPPFHASTANDCR.PDF](https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OCGUIDAPPFHASTANDCR.PDF); ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, P. 353 (2D ED. 2017).

<sup>34</sup> THE BRONX DEFENDERS, *SEE KNOW YOUR RIGHTS: HOUSING AND ARRESTS OR CRIMINAL CONVICTIONS*, THE BRONX DEFENDERS (OCT. 2, 2010), [HTTP://WWW.BRONXDEFENDERS.ORG/HOUSING-AND-ARRESTS-OR-CRIMINAL-CONVICTIONS/](http://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/); ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, P. 354 (2D ED. 2017).

When you apply to government-assisted housing through a Public Housing Authority (PHA), the PHA runs a criminal background check on:

- You
- Everyone currently living with you
- Everyone 16 or older who might live with you and
- Any biological parent of any children who will be living in the household, even parents who do not plan to live with you and are not part of the application to the PHA

However, it is illegal for a PHA to deny you housing based on race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection.<sup>35</sup>

### **IMPORTANT!**

*There are a lot of rules about who can and cannot live in government-assisted housing. Every program has its own set of rules that you should be aware of BEFORE you apply.* Even if your family already lives in government-assisted housing, failure to get approval for you to join the household could risk your family losing their housing. Some of the PHA's bans are required by law, while others are optional. You can advocate for your local PHA to get rid of the bans on people with records that are not required by the federal government. Housing is critical to reentry success. Remember: You should look at the policies BEFORE you apply.

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<sup>35</sup>HAW. REV. STAT. § 515-3.

Chart Summarizing Criminal Record Bans in Government-Assisted Housing

BELOW IS A CHART THAT SUMMARIZED THE CRIMINAL RECORD-RELATED BANS IN GOVERNMENT-ASSISTED HOUSING

**SUMMARY OF REQUIRED VS. ALLOWED CRIMINAL RECORD [SCT. 1] BANS IN GOVERNMENT-ASSISTED HOUSING**

TYPE OF BAN (REQUIRED VS. ALLOWED)	CONVICTION OFFENSE	LENGTH OF BAN	WHICH GOVERNMENT-ASSISTED HOUSING PROGRAMS THIS BAN APPLIES TO	WHO IT WILL AFFECT	HOW TO CHALLENGE THE BAN (IF IT'S APPROPRIATE- -GET LEGAL ADVICE)
REQUIRED ("MANDATORY")	Methamphetamine Production on Federally-Assisted Property	BANNED FOR LIFE	Federal government-assisted housing programs run by PHAs (public housing, voucher program, Section 8 moderate rehabilitation program)	Anyone living in the government-assisted household	If it's a mistake, bring it to the PHA/owner's attention and explain why the information is wrong. If it's not a mistake, ask for a review hearing and contact housing attorney for help ASAP. Show mitigating circumstances & rehabilitation.
REQUIRED ("MANDATORY")	Sex Offense Convictions requiring LIFETIME Registration	BANNED FOR LIFE	Most federal government-assisted housing programs (doesn't apply to LIHTC and RD)	Anyone living in the government-assisted household	If you're not required to register, tell the PHA/owner and explain that their information is wrong. If you are required to register: Ask for a review hearing and contact a housing attorney for help ASAP. Show: <ol style="list-style-type: none"> <li>1. You're not required to register for life, just a limited period of time, so ban does not apply.</li> <li>2. Ban does not apply to LIHTC or RD housing.</li> </ol>
REQUIRED ("MANDATORY")	Past eviction from federally-assisted property due to drug-related criminal activity	BANNED FOR 3 OR MORE YEARS (from date of eviction) <u>unless</u> person engaged in drug-related criminal activity successfully completes a supervised drug rehabilitation program OR circumstances leading to the eviction no longer exist.	Federal government-assisted housing programs run by PHAS (public housing voucher program, Section 8 moderate rehabilitation program)	Anyone living in the government-assisted household (unless person who was engaged in drug-related activity completes a supervised drug rehabilitation program)	If it's a mistake, bring it to the PHA/owner's attention and explain why the information is wrong. If it's not a mistake, ask for a review hearing and contact a housing attorney for help ASAP. <ol style="list-style-type: none"> <li>1. If the ban is more than 3 years, show it is unreasonably long b/c of mitigating circumstances &amp; rehabilitation.</li> <li>2. Ban does not apply to LIHTC or RD housing. Show mitigating circumstances &amp; rehabilitation.</li> </ol>

<p>REQUIRED (“MANDATORY”)</p>	<p>Current illegal drug use</p>	<p>While it’s current BUT if the person stops using drugs, the PHA/owner could still reject you for a reasonable time after the illegal drug use—see permissive bans below.</p>	<p>ALL federal government-assisted housing</p>	<p>Anyone living in government-assisted household</p>	<p>If it’s mistake, bring it to the PHA/owner’s attention and explain why the information is wrong. If it’s not a mistake, ask for a review hearing and contact a housing attorney for help ASAP. If person illegally using drugs is kicked out/incarcerated/getting treatment, show mitigating circumstances &amp; rehabilitation</p>
<p>ALLOWED BUT NOT REQUIRED (“PERMISSIVE”)</p>	<p>Criminal activity that would harm the health safety, or right of peaceful enjoyment to the government assisted property owner, or PHA staff or agents/contractors. <i>This applies to both: Convictions AND Arrests that did not result in a conviction</i></p>	<p>The criminal activity must be “reasonably recent”</p>	<p>ALL federal government-assisted housing</p>		<p>If it’s a mistake, bring it to the PHA/owner’s attention and explain why the information is wrong. If it’s not a mistake, ask for a review hearing and contact a housing attorney for help ASAP. Show:  <ol style="list-style-type: none"> <li>1. Significant time has passed (not reasonably recent).</li> <li>2. Does not pose a risk to other residents; doesn’t fall within the ban.</li> </ol></p>
<p>ALLOWED BUT NOT REQUIRED (“PERMISSIVE”)</p>	<p>Other drug-related criminal activity</p>	<p>The criminal activity must be “reasonably recent”</p>	<p>ALL federal government-assisted housing</p>		<p>If it’s a mistake, bring it to the PHA/owner’s attention and explain why the information is wrong. If it’s not a mistake, ask for a review hearing and contact a housing attorney for help ASAP. Show:  <ol style="list-style-type: none"> <li>1. Significant time has passed (not reasonably recent). If the past drug crime is related to a past addiction, it may qualify for a disability and you should ask for a reasonable accommodation</li> </ol></p>
<p>ALLOWED BUT NOT REQUIRED (“PERMISSIVE”)</p>	<p>Violent crime activity</p>	<p>The criminal activity must be “reasonably recent”</p>	<p>ALL federal government-assisted housing</p>		<p>If it’s a mistake, bring it to the PHA/owner’s attention and explain why the information is wrong. If it’s not a mistake, ask for a review hearing and contact a housing attorney for help ASAP. Show:  <ol style="list-style-type: none"> <li>1. Significant time has passed (not reasonably recent).</li> <li>2. Mitigating circumstances &amp; rehabilitation</li> </ol></p>

**WARNING:** Read carefully

In the chart above, we summarize 4 situations where a Public Housing Authority (PHA) and the owners of federal government-assisted housing **MUST** reject you under law based on particular types of convictions.

PLEASE NOTE:

- These required (“mandatory”) bans apply only to **SOME** types of federal government-assisted housing, but not **ALL** types. There are government-assisted housing programs where these bans do not apply.
- Also, some of these required bans will last for the rest of your life, but others are only temporary bans.
- Refer back to page 32 for an overview of required vs. allowed bans.

**SO READ CAREFULLY!** Don’t assume the ban applies to you. Try to match your exact situation and conviction/criminal record with this chart to see how your criminal record will impact your ability to get into federal government-assisted housing.

***How do I know if I am applying to or already living in government-assisted housing?***

Walk through these questions to help figure out if you are applying to or living in government-assisted housing:

- **Did you apply for the housing through a Public Housing Association (PHA)?**
  - If yes, the rules and criminal record exclusions that apply to federal government assisted housing apply to you.
- **Do you have a “Section 8” Housing Choice Voucher?**
  - If yes, the rules and criminal record exclusions that apply to federal government assisted housing apply to you.
- **Look up the property online at <http://www.hud.gov/apps/section8/index.cfm>**
- **If you still don’t know, ask the owner of the property.**

***What protections do I have against being denied government-assisted housing because of my criminal record?***

The Public Housing Authority (PHA) or owner of government-assisted housing must follow certain laws and rules when considering your past arrests or convictions. They may only reject you for criminal activity that *threatens the health, safety, or peace of other residents or staff AND the criminal activity must be “reasonably recent.”*

**RULE 1:** A PHA or owner may only reject you for certain criminal activity--not everything: A PHA can exclude you for:<sup>36</sup>

- *Currently posing a threat* to the health, safety or peace of other residents, local PHA staff, or PHA agents or contractors;

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<sup>36</sup> 42 U.S.C § 13661(c); 24 C.F.R. §§ 5.855(A), 882.518(B), 982.553(A)(2)(ii).

- Drug-related offenses<sup>37</sup>; and
- Violent offenses.<sup>38</sup>

**RULE 2:** PHAs and owners of government-assisted housing may only reject you for criminal activity that is pending or “reasonably recent.”<sup>39</sup> The length of any ban cannot be “unconscionable,” which means the ban cannot be unreasonable and excessive, drastic beyond what’s really needed, or extremely unfair.<sup>40</sup>

**What is considered a “reasonably recent period”?**

The federal housing agency HUD suggests that “5 years may be reasonable for serious offenses” (like making or dealing drugs).<sup>41</sup> HUD suggests that PHAs and owners should set reasonable time periods for different types of criminal activity in their **written policies**. See below for Hawai‘i-specific rules regarding criminal activity that is “reasonably recent.”<sup>42</sup> As an example, HUD has suggested that a conviction for illegal drug use that happened 1 year ago could still be considered “recent.”<sup>43</sup>

**RULE 3:** If the behavior that led to your conviction was the result of a legally protected disability (like past substance abuse or mental illness), you can ask for an exception to the PHA’s criminal record ban. You can ask for a “reasonable accommodation.” You will need to explain that you have a disability that caused the conviction, and ask for an exception to the PHA’s ban so that you can have equal opportunity to access the housing as a person with a disability.<sup>44</sup>

<sup>37</sup> SEE 42 U.S.C. § 1437A(B)(9) (DEFINITION OF DRUG-RELATED CRIMINAL ACTIVITY); 24 C.F.R. § 5.100.

<sup>38</sup> 24 C.F.R. § 5.100 [THE REGULATIONS DEFINE “VIOLENT CRIMINAL ACTIVITY” AS “ANY CRIMINAL ACTIVITY THAT HAS AS ONE OF ITS ELEMENTS THE USE, ATTEMPTED USE, OR THREATENED USE OF PHYSICAL FORCE SUBSTANTIAL ENOUGH TO CAUSE, OR BE REASONABLY LIKELY TO CAUSE, SERIOUS BODILY INJURY OR PROPERTY DAMAGE.”]

<sup>39</sup> SEE MADISON, WIS. CODE OF ORDINANCES CH. 39.03(1) AND (4) (RENUMBERED BY ORD. 12,039, ADOPTED 2-17-98) (ORDINANCE PROHIBITING DISCRIMINATION AGAINST INDIVIDUALS WITH A CRIMINAL RECORD IS APPLICABLE FOR MOST OFFENSES TWO YEARS AFTER THE INDIVIDUAL HAS COMPLETED OR COMPLIED WITH THE PENALTY)

<sup>40</sup> *THOMAS V. HOUS. AUTH. OF LITTLE ROCK*, 282 F. SUPP. 575, 580 (E.D. ARK 1967) (UNWED MOTHER ADMISSION POLICY IS DRASTIC BEYOND REASONABLE NECESSITY); SEE ALSO *UNITED STATES V. ROBINSON*, 721 F. SUPP. 1541, 1544-45 (FORFEITURE OF TENANT’S APARTMENT AND HER FEDERAL HOUSING ASSISTANCE PAYMENTS, WHICH WERE THE ONLY MEANS BY WHICH THE DEFENDANT COULD PROVIDE SHELTER FOR HER CHILDREN, WAS DISPROPORTIONATELY SEVERE TO THE OFFENSE OF KNOWINGLY AND INTENTIONALLY DISTRIBUTING A MIXTURE CONTAINING COCAINE BASE); *IN THE MATTER OF ELAINE SICARDO V. PETER SMITH, ETC.* NO. 2007-03609, INDEX NO. 219067/06 (N.Y. APP. DIV. SECOND JUD. DEPT., MARCH 18, 2008) (PENALTY IN TERMINATION CASE SO DISPROPORTIONATE TO THE OFFENSE AS TO BE SHOCKING TO ONE’S SENSE OF FAIRNESS).

<sup>41</sup> HUD, PUBLIC HOUSING OCCUPANCY GUIDEBOOK, ¶ 4.6, (JUNE 2003); SEE ALSO 24 C.F.R. § 982.552(c)(1)(ii) (FIVE-YEAR BAN ON ADMISSION TO VOUCHER PROGRAM FOR EVICTION FROM FEDERALLY ASSISTED HOUSING).

<sup>42</sup> SCREENING AND EVICTION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY; FINAL RULE, 66 FED. REG. 28,776, 28,779 (MAY 24, 2001).

<sup>43</sup> HUD, VOUCHER PROGRAM GUIDEBOOK, HOUSING CHOICE, 7420.10G, ¶ 5.7, P. 5-37 (APR. 2001). BUT SEE SCREENING AND EVICTION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY; FINAL RULE, 60 FED. REG. 34,660, 34,688 (JULY 3, 1995) (CODIFIED AT 24 C.F.R. § 982.553(B)) (HUD REGULATIONS FORMERLY STATED THAT TO DENY ADMISSION, DRUG USE OR POSSESSION SHOULD HAVE OCCURRED WITHIN PRIOR YEAR).

<sup>44</sup> 42 U.S.C. § 3604(F)(3)(B); JOINT STATEMENT OF THE DEP’T OF HOUS. & URBAN DEV. AND THE DEPARTMENT OF JUSTICE, REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT, 6 (MAY 17, 2004); ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, P. 365-366 (2D ED. 2017).

## **Hawai'i-Specific Rules:**

### ***Am I eligible to participate in Hawai'i's public housing program?***

It depends. To determine admission, Hawai'i Public Housing Authority (HPHA) reviews current and one year past behaviors. To be eligible for participation in their public housing program, during the pre-application phase an applicant must meet the following requirements:

- Qualify as a family;<sup>45</sup>
- Be income eligible;<sup>46</sup>
- Not have outstanding debt owed to the “corporation;”<sup>47</sup>
- Not have outstanding liability for unpaid rent or damages incurred while previously participating in any section 8 rental subsidy program;
- Provide a social security number for all family members at least 6 years old or certify that the person does not have a social security number;
- Not have been evicted from a public housing program administered by the corporation or the Hawai'i housing authority since March 1, 1985;
- Not have been terminated for assistance under the program;
- Not have committed fraud, bribery, or any other criminal act in connection with any federal housing program;
- Not have been engaged in drug-related or violent activity that would adversely affect the health, safety, or right of peaceful enjoyment of the premises by other residents, the owner, corporation, or employees within one year of the projected voucher date;
- Not be illegally using a controlled substance or abuse of alcohol that would interfere with the health, safety, or right to peaceful enjoyment of a rental by other residents;
- Not be engaged in drug-related or violent criminal activity that would adversely affect the health, safety, peaceful enjoyment of the premises of other residents, the owner, or corporation employees;
- Not have been convicted of a meth related crime;
- Not subject to lifetime sex-offender status.<sup>48</sup>

During the final application phase, an applicant and all adult members of the household must meet the requirements above along with the following requirements:

- Not engaged in threatened or abusive behavior towards the corporation's personnel;<sup>49</sup>
- Present evidence of citizenship or eligible immigrant status.<sup>50</sup>

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<sup>45</sup> SEE HAW. CODE R. § 15-185-3 FOR DEFINITION OF “FAMILY.”

<sup>46</sup> SEE HAW. CODE R. § 15-185-6 FOR INCOME REQUIREMENTS. [“INCOME LIMITS FOR A FAMILY'S PARTICIPATION IN THE PROGRAM SHALL BE THE SAME INCOME LIMITS ESTABLISHED BY HUD FOR ITS SECTION 8 TENANT-BASED HOUSING CHOICE VOUCHER PROGRAM.”]

<sup>47</sup> HAW. CODE R. § 15-185-3. [“CORPORATION” MEANS THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAI'I, THE SUCCESSOR TO THE HAWAI'I HOUSING AUTHORITY.]

<sup>48</sup> HAW. CODE R. § 15-185-22.

<sup>49</sup> HAW. CODE R. § 15-185-22(A)(2)(A). [“THREATENED” MEANS AN ORAL OR WRITTEN THREAT OR PHYSICAL GESTURES THAT COMMUNICATE AN INTENT TO COMMIT A VIOLENT ACT.”]

### **City and County of Honolulu Section 8:**

Related to criminal activity and/or criminal records, families are ineligible for City and County Honolulu Section 8 relating to criminal activity or criminal record if:

1. Any household member has committed fraud, bribery, or any other criminal act in connection with the agency or federal housing program. This ineligibility lasts for 3 years from the date of termination or determination of ineligibility.<sup>51</sup>
2. Any household member has been evicted from federally subsidized housing for any reason, including drug related criminal activity. This ineligibility lasts for 3 years from the date of termination or determination of ineligibility.
3. Any household member is currently using illegal drugs; or there is reasonable cause to believe that a household member's illegal drug / alcohol use or pattern of use threatens the health, safety, or right to peaceful enjoyment of other residents. This ineligibility lasts for 3 years from the date of termination or determination of ineligibility; or until the situation that caused denial or termination no longer exists, whichever occurs latest.
4. Any household member has been convicted of drug related criminal activity for manufacturing, producing, or selling methamphetamine. This ineligibility is permanent.
5. Any household member is currently engaging in drug related criminal activity, violent criminal activity, or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents, persons in the immediate vicinity, or management / agency staff. This ineligibility lasts for 3 years from the date of termination or determination of ineligibility.
6. Any household member is subject to a lifetime registration requirement under a State or U.S. Federal sex offender registration program. This ineligibility is permanent.
7. Any household member has engaged in or threatened abusive behavior toward the agency or staff. This ineligibility lasts for 3 years from the date of termination or determination of ineligibility.

In determining if an applicant may be admitted, HPHA may use sources of information which include, but are not be limited to, HPHA records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, **parole officers, criminal and court records, clinics, physicians or the police department**, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.<sup>52</sup>

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<sup>50</sup> HAW. CODE R. § 15-185-22.

<sup>51</sup> CITY AND COUNTY OF HONOLULU. SECTION 8 RENTAL ASSISTANCE PROGRAM. RULE AND REGULATIONS OF THE SECTION 8 HOUSING ASSISTANCE PROGRAMS CITY AND COUNTY OF HONOLULU. HONOLULU, 2008. PRINT.

<sup>52</sup> HAWAI'I PUBLIC HOUSING AUTHORITY, *ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)*, P. 12 (APR. 13, 2017), [HTTP://WWW.HPHA.HAWAII.GOV/REFERENCEINFORMATION/ACOP.HTML](http://www.hpha.hawaii.gov/referenceinformation/acop.html).

See pages 7-13 of [Chapter 2 of the HPHA Admissions and Continued Occupancy Policy \(ACOP\)](#) for further information on screening for criminal records.<sup>53</sup>

Also see Hawai'i Public Housing Authority (HPHA) **Admissions and Continued Occupancy Policy (ACOP)** for more information.

### **What can I do if I believe I was illegally denied housing?**

- **File a Hawai'i Civil Rights Complaint**

A person with a criminal record is not a federally protected class, nor is it protected in the state of Hawai'i. However, the federal housing agency HUD has issued official guidance seeking to stop the practice of “blanket bans” targeted on individuals with criminal records as it violates fair housing law because of the unfair impact on people of color. There is currently no remedy for housing discrimination based solely on your criminal record.<sup>54</sup>

Before being denied, or having assistance terminated, you must be provided with a copy of the criminal record used in making the decision and the opportunity to dispute the accuracy and relevance of that record.<sup>55</sup> If you believe you were illegally denied housing for other reasons, take the following steps:

**FILE A COMPLAINT:** You may file a Hawai'i Civil Rights Commission (HCRC) complaint if you can connect the discrimination based on your criminal record to a protected class such as race, religion, familial status, handicap, sex or national origin as protected under the federal **Fair Housing Act**. To file a complaint, you must first complete a pre-complaint questionnaire. The HCRC's pre-complaint questionnaire can be found in this website [http://labor.hawaii.gov/hcrc/files/2012/12/REAL\\_PROPERTY\\_.pdf](http://labor.hawaii.gov/hcrc/files/2012/12/REAL_PROPERTY_.pdf)

**GET LEGAL HELP:** If you believe you have been a victim of housing discrimination, you can contact the Legal Aid Society of Hawai'i's Fair Housing Enforcement Program at **(808) 527-8024**. For more information visit the [Legal Aid Society of Hawai'i's Fair Housings website](#) or refer to Legal Aid's [brochure](#), on the process to file a housing discrimination complaint with HCRC.<sup>56 57</sup>

- **Request an Informal Hearing with the Hawai'i Public Housing Authority**

If information is revealed that would cause HPHA to deny admission to the household and the person disputes the information, he or she will be given an opportunity for an informal hearing according to HPHA's hearing procedures outlined in [Chapter 13](#),

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<sup>53</sup> [HTTP://WWW.HPHA.HAWAII.GOV/DOCUMENTS/ACOP-20170421/ACOP%20CHAPTER%202%20%20FINAL%20042717.PDF](http://www.hpha.hawaii.gov/documents/ACOP-20170421/ACOP%20CHAPTER%202%20%20FINAL%20042717.PDF)

<sup>54</sup> ROOT & REBOUND, *ROADMAP TO REENTRY: A CALIFORNIA LEGAL GUIDE*, p. 352 (2D ED. 2017).

<sup>55</sup> HAW. CODE R. § 15-185-22(D).

<sup>56</sup> [HTTP://WWW.FAIRHOUSINGHAWAII.ORG/CONTACT-US.HTML](http://www.fairhousinghawaii.org/contact-us.html)

<sup>57</sup> [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/FILE-A-HOUSING-DISCRIMINATION-COMPLAINT-WITH-THE-HAWAII-CIVIL-RIGHTS-COMMISSION?REF=zJBxZ](https://www.lawhelp.org/hi/resource/file-a-housing-discrimination-complaint-with-the-hawaii-civil-rights-commission?ref=zJBxZ) [SEE ALSO APPENDIX FF]

[Complaints, Grievances and Appeals.](#)<sup>58</sup> You can also refer to Hawai'i Legal Aid's [brochure](#) on HPHA's grievance process.<sup>59</sup>

### **What are my housing rights as a veteran in reentry?**

VA SUPPORTIVE HOUSING (HUD-VASH) PROGRAM – HUD-VASH is a joint effort between HUD (US Department of Housing and Urban Development) and the U.S. Department of Veteran's Affairs (VA) to move veterans and their families out of homelessness and into permanent housing. HUD provides Section 8 vouchers to eligible veterans, and the VA offers eligible homeless veterans clinical and supportive services through its health care system. Veterans applying for Section 8 Housing Vouchers through the HUD-VASH program are subject to most Section 8 Housing eligibility rules (for example, your income).<sup>60</sup>

**\*THERE IS AN IMPORTANT EXCEPTION TO CRIMINAL RECORD BANS IN GOVERNMENT-ASSISTED HOUSING FOR VETERANS:** HUD-VASH applicants are not subject to most Section 8 regulations regarding criminal and/or drug-related history. This means that Public Housing Authorities (PHAs) cannot deny Section 8 housing to HUD-VASH applicants based on the applicant's prior drug activity or criminal record (unless you or someone in your household is subject to a lifetime sex offender registration, in which case the PHA can still deny you and your household from Section 8 housing programs).<sup>61</sup>

### **How do I keep my housing?**

- You shouldn't pay anything to your landlord other than a small application fee if required, until a lease agreement is read, understood, and signed.
- You may have to fill out an application with information such as employment history, information to check your credit and references.
- Your landlord can use legal criteria to select tenants in the application process, such as past tenancy history, credit history, **criminal history**, and income.
- Landlords cannot discriminate based on:
  - National origin or Ancestry
  - Age
  - Race or Color
  - Familial status or Marital Status
  - HIV infection

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<sup>58</sup> HAWAII PUBLIC HOUSING AUTHORITY, *ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)*, p. 18 (APR. 13, 2017), [HTTP://WWW.HPHA.HAWAII.GOV/REFERENCEINFORMATION/ACOP.HTML](http://www.hpha.hawaii.gov/referenceinformation/acop.html).

<sup>59</sup> [SEE ALSO APPENDIX FF]

<sup>60</sup> FOR INFORMATION ABOUT THE HUD-VASH PROGRAM, SEE SECTION 8 HOUSING CHOICE VOUCHERS: IMPLEMENTATION OF THE HUD-VA SUPPORTIVE HOUSING PROGRAM, 73 FED. REG. 25026 (MAY 6, 2008).

<sup>61</sup> SEE GENERALLY DEPARTMENT OF VETERAN AFFAIRS, *GUIDEBOOK FOR CALIFORNIA INCARCERATED VETERANS* (4TH ED. 2009).

- Disability
- Religion
- Sex
- Landlords cannot deny you housing because you have an assistance or comfort animal.

Before signing a lease, you should read and understand it. If you don't understand a term, you should ask questions.

You should document all communication with your landlord in writing and keep copies of all notices and/or letters you receive from your landlord.

You should report maintenance problems to your landlord in writing and keep a copy for yourself.

Security deposits cannot be more than one month's rent under the Hawai'i Landlord Tenant Code.

Under the Code, you should get your security deposit back within 14 days after your move out, unless the landlord provides an accounting in writing within the 14 days as to why the full deposit was not returned.

You should be sure to give your landlord your forwarding address so your landlord can send you the security deposit or notice.

When paying rent, it is best to:

- Pay by check, cashier's check, or money order, and keep copies for your records.
- Ask for a receipt from your landlord.
- Never give your landlord cash without a receipt.
- Never withhold rent.<sup>62</sup>

### **What are my rights if I get an eviction notice?**

If you are served Court papers for summary possession, or eviction, you should seek legal advice. You can call the Legal Aid Society of Hawai'i at 808-536-4302.

Your landlord has to go through the Court process to evict you. A self-help eviction is illegal, for example if your landlord locks you out or turns off your utilities. Your landlord can give you either a 10 day or 5 day written notice, as stated below. If you do not fix the problem within the required time frame, your landlord can pursue an eviction against you. If you are served Court papers, you should show up to your return hearing listed on the last page of

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<sup>62</sup> LEGAL AID SOCIETY OF HAWAI'I, *HOUSING: TENANT RIGHTS AND RESPONSIBILITIES*, (MAY 7, 2012), [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOUSING-TENANT-RIGHTS-AND-RESPONSIBILITIES?REF=29ocP](https://www.lawhelp.org/hi/resource/housing-tenant-rights-and-responsibilities?ref=29ocP).

the Court papers. If you miss the Court date, the judge will most likely default against you and a writ of possession will issue. Once your landlord has a writ of possession to evict you, a sheriff or police officer can come to your home and make you leave.

For more information on the Eviction court process, please see the Legal Aid Society of Hawai'i's brochure on [Eviction: the Court Process](#).<sup>63</sup>

### **5 Day Notice to Pay or Quit**

In the state of Hawai'i under the Hawai'i Landlord Tenant Code, if you have a fixed term lease or month to month lease, your landlord may give you a 5-day notice to pay or quit if you owe rent. The 5-day notice must be written and state how much unpaid rent is due. If you do not pay the full amount due within the 5 days, your landlord can pursue an eviction against you through district Court. (HRS §521-68).

### **10-Day Notice**

In the state of Hawai'i, if you have a fixed term lease or month to month lease, your landlord may also give you a 10-day written notice for violation of your lease or house rules. If you do not fix the violation within 10 days, your landlord may pursue an eviction against you through district Court. (HRS §521-69, HRS §521-72).

### **45-Day Notice and 28-Day Notice**

In the state of Hawai'i, a month to month lease may be terminated by written notice from either the tenant or the landlord. Tenants must give 28 days written notice prior to termination, and landlords must give 45 days written notice prior to termination. Tenant may vacate the unit anytime within the 45 days without penalty. Landlords cannot give you a 45-day notice if you are on a fixed term lease.

NOTE: landlords may also adjust the rent by providing 45 days written notice to tenants (HRS §521-21).

In public housing, Section 8 or other subsidized housing in which your rent is based on your income, you must be given 45 days written notice before an increase in rent. This does not apply if you fail to report a change of income to your housing provider as required by your program rules.<sup>64</sup>

For more information see the Legal Aid Society of Hawai'i's brochure on [Tenant Rights and Responsibilities](#).<sup>65</sup>

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<sup>63</sup> LEGAL AID SOCIETY OF HAWAI'I, *EVICITION: THE COURT PROCESS* (OCT. 1, 2015), [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/EVICITION-THE-COURT-PROCESS](https://www.lawhelp.org/hi/resource/eviction-the-court-process). [SEE ALSO APPENDIX FF]

<sup>64</sup> LEGAL AID SOCIETY OF HAWAI'I, *HOUSING: TENANT RIGHTS AND RESPONSIBILITIES*, (MAY 7, 2012), [HTTPS://WWW.LAWHELP.ORG/HI/RESOURCE/HOUSING-TENANT-RIGHTS-AND-RESPONSIBILITIES?REF=29ocp](https://www.lawhelp.org/hi/resource/housing-tenant-rights-and-responsibilities?ref=29ocp).

<sup>65</sup> [SEE ALSO APPENDIX FF]

### **Right to vacate within the first week**

According to Hawai'i State law, (HRS §521-62) if the landlord fails to conform to the rental agreement or is in material noncompliance with section 521-42(a) (see below), the tenant may, on notice to the landlord, terminate the rental agreement and vacate the dwelling unit at any time during the first week of occupancy. The tenant shall retain such right to terminate beyond the first week of occupancy so long as the tenant remains in possession in reliance on a promise, whether written or oral, by the landlord to correct all or any part of the condition which would justify termination by the tenant under this section.<sup>66</sup>

HRS §521-42(a) states that the landlord shall at all times during the tenancy:

1. Comply with all applicable building and housing laws materially affecting health and safety;
2. Keep common areas of a multi-dwelling unit premises in a clean and safe condition;
3. Make all repairs and arrangements necessary to put and keep the premises in a habitable condition;
4. Maintain all electrical, plumbing, and other facilities and appliances supplied by the landlord in good working order and condition, subject to reasonable wear and tear;
5. Except in the case of a single-family residence, provide and maintain appropriate receptacles and conveniences for the removal of normal amounts of rubbish and garbage, and arrange for the frequent removal of such waste materials; and
6. Except in the case of a single-family residence, or where the building is not required by law to be equipped for the purpose, provide for the supplying of running water as reasonably required by the tenant.<sup>67</sup>

Other helpful resources:

- “What To Do if You’re About To Be Homeless in Hawai’i” by Anita Hofschneider, Civil Beat article: <http://www.civilbeat.org/2017/12/what-to-do-if-youre-about-to-be-homeless-in-hawaii/>

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<sup>66</sup> HAW. REV. STAT. § 521-62.

<sup>67</sup> HAW. REV. STAT. § 521-42.



# EMPLOYMENT

## SUMMARY

Finding employment is a very important piece in the reentry process, reducing the chances of recidivism, and providing the opportunity to take care of family and other financial obligations. People with criminal convictions can and do get jobs – it happens every day! Unfortunately, it can be harder to get hired, paid, and promoted fairly. The information in this section will cover the basics of what you need to know when seeking a job, including:

- What documents you will need to gather before applying for a job.
- Your rights as a job-seeker and what employers can and cannot do.
- What to do if you think you have been illegally discriminated against.
- Occupational licensing requirement and other barriers to employment.

### **What documents should I gather to apply for a job?**

#### **Get ID Required for Employment (to share with employer):**

Before you apply for any job, you should have the following forms of identification documents (ID):

1. A government-issued ID (such as a Driver’s License, State ID Card, or U.S. Passport) and
2. Your Social Security Number (SSN) or Birth Certificate.

Your employer will ask to make copies of these original documents to fill out a “Form I-9” for U.S. Citizenship and Immigration Services (USCIS). Form I-9 proves you are legally allowed to work in the country, and all employees in the United States must fill it out. Your employer will give you a copy of the form which also explains the types of ID you can provide.

Please note that the employer cannot keep your documents, but may make a photocopy of them for your employment file.<sup>68</sup>

#### **Get a Copy of Your Criminal Record (just for you-- do NOT share with employer!):**

If possible, get a copy of your criminal record (or “RAP sheet”) so you know what an employer might see if they run a background check on you. Knowing what shows up on your record will: (1) allow you to fix any errors, and (2) help you prepare to answer interview questions about your history.

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<sup>68</sup> ADAPTED FROM TEXAS COMMUNITY BUILDING WITH ATTORNEY RESOURCES, *LOCKED OUT: A TEXAS LEGAL GUIDE TO REENTRY* (2012).

If possible, talk to a legal aid or “clean slate” attorney who can help you review your criminal record, understand any options for record-cleaning, and help you correct errors.

### ***How can I get a copy of my Hawai'i State criminal history record check?***

You can access your Hawai'i criminal history record check online at <http://ecrim.ehawaii.gov>. The criminal history record report will be emailed once payment is received online. This report will not include any federal or out of state records. You have the right to access your own record and to challenge the completeness and accuracy of the information. This can be done through a fingerprint check.

If you are requesting the report for a job or agency, you should check to make sure the agency accepts online printouts of the record check. If they do not, you will have to mail your request and payment to the Criminal History Record Checks (CHRC) Unit.

Requests for a criminal history record check may be mailed to:

**Hawai'i Criminal Justice Data Center**  
**Attn: CHRC Unit**  
**465 S. King Street, Room 102**  
**Honolulu, HI 96813**

You must include your name, date of birth, and social security number (optional). There is a \$30 fee for each record check processed by the CHRC Unit. Payment must be made by money order or cashier's check and made payable to “State of Hawai'i”. You will receive the report in the mail within 7-10 days.

Criminal history record checks processed by the CHRC Unit will have an embossed department seal. Please indicate in your request if you would like to have the results notarized and/or certified. There is an additional \$20 fee for each certification.

### ***How can I get a copy of my federal RAP Sheet?***

If you have ever been arrested or had a conviction in another state, or for a federal offense, you will want to get a copy of your FBI (federal) RAP sheet also called your “Identity History Summary.”

There are 2 ways to get a copy of your FBI RAP sheet:

- You can request your RAP sheet directly from the FBI; OR
- You can use a special private company, called a “Channeler,” that is contracted by the FBI for this service.

NOTE: It is generally faster to go through an FBI Channeler, but it is likely to be more expensive because these companies usually charge extra fees.

Whether you request your RAP sheet directly from the FBI or go through a channeler, you will need to fill out the FBI’s “Applicant Information Form” and get fingerprinted by a Live Scan service provider.<sup>69</sup>

For more information about getting your RAP directly from the FBI, visit the FBI’s website at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

For more information about getting your FBI RAP sheet through an FBI-approved channeler, see <https://www.fbi.gov/services/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers-for-departmental-order-submissions>.

## EMPLOYMENT RIGHTS

### **Your Rights as a Job-Seeker. What Employers Can and Cannot Do.**

In general, Hawai‘i makes it illegal for employers “to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual” because of his or her “arrest and court record.”<sup>70</sup> Arrests and court records also cannot be used to discriminate in:

- Job advertisements
- Hiring practices (application forms, interviews, selection)
- Referrals by employment agencies
- Salary, job classification, work duties, working conditions, and fringe benefits
- Promotion, demotion, suspension, layoff, recall, or termination

### ***What will show up on my background check to an employer?***

When an employer runs a background check, the information contained within the report usually includes: confirmation of your social security number and the name associated with it, a credit check, driving record history, and **criminal conviction** record. Any criminal “conviction” is considered public record in Hawai‘i, and is accessible at [Public Access sites](#) throughout the state and at the [Adult Criminal Conviction Information \(eCrim\) Web Site](#).<sup>71</sup> **Any arrest that did not end in a criminal conviction should not be included in a background report unless required by state or federal law.**<sup>72</sup>

Arrest records which have resulted in non-convictions or are still pending, are considered

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<sup>69</sup> TEXAS COMMUNITY BUILDING WITH ATTORNEY RESOURCES, *LOCKED OUT: A TEXAS LEGAL GUIDE TO REENTRY*, p. 934 (2012).

<sup>70</sup> HAW. REV. STAT. § 378-2(A)(1)(A). “ARREST AND COURT RECORD” IS DEFINED BROADLY AS “INCLUD[ING] ANY INFORMATION ABOUT AN INDIVIDUAL HAVING BEEN QUESTIONED, APPREHENDED, TAKEN INTO CUSTODY OR DETENTION, HELD FOR INVESTIGATION, CHARGED WITH AN OFFENSE, SERVED A SUMMONS, ARRESTED WITH OR WITHOUT A WARRANT, TRIED, OR CONVICTED PURSUANT TO ANY LAW ENFORCEMENT OR MILITARY AUTHORITY.” HAW. REV. STAT. § 378-1.

<sup>71</sup> HAWAI‘I CRIMINAL JUSTICE DATA CENTER, *CRIMINAL HISTORY RECORDS CHECK*, (LAST VISITED NOV. 2, 2017), [HTTP://AG.HAWAII.GOV/HCJDC/CRIMINAL-HISTORY-RECORDS-CHECK/](http://ag.hawaii.gov/hcjdc/criminal-history-records-check/).

<sup>72</sup> HAW. REV. STAT. § 846-9.

confidential and not available to the general public. No juvenile records will be included, unless the case was transferred to adult court. Only criminal justice agencies and agencies authorized by Hawai'i state law, such as the Department of Human Services for their child care program, can access non-conviction information.<sup>73</sup>

There is no particular law in Hawai'i for when an employer may access a person's criminal conviction record since it is public information. However, an employer must comply with the state's "Ban the Box" law when using this information. See below for an explanation of how an employer may use a person's criminal conviction record.

## **Your Rights Against Background Check Companies**

Employers do not have to conduct a background check into your criminal conviction record unless they are required to do so by federal or state law (for example, you must clear a background check to work a security position at an airport) in which submission of fingerprints are usually required.<sup>74</sup> If an employer decides to run a background through a third-party company, they must comply with the Fair Credit Reporting Act (FCRA).<sup>75</sup> Since employers can only access conviction records that are made public, there is not an FCRA state law equivalent.

### **Fair Credit Reporting Act (FCRA)**

To comply with both the federal Fair Credit Reporting Act (FCRA) Hawai'i employers must take the following steps if collecting criminal history information from a third-party background check company (also called a background screening service, "consumer reporting agency" or CRA):

- **Notice to and Written Permission by the Applicant:** A Hawai'i employer must provide the job applicant clear notice that it will use a background screening service AND get the applicant's written permission before running the check.<sup>76</sup>
- If any employer is going to take a **negative or "adverse" action** against the job applicant or an employee based on information in a background report (e.g., not hiring the applicant or firing a recently-hired employee), it must follow these steps:
  - STEP 1 – Provide the applicant a **"Pre-Adverse Action Notice"** – which includes a copy of the report and a copy of the Federal Trade Commission document "A Summary of Rights Your Rights under FCRA" *before the negative action is taken*—giving the applicant a reasonable opportunity to clear up any inaccuracies in the report.<sup>77</sup>
  - STEP 2 – After a **reasonable time for the applicant to correct errors and explain the report**, if the employer wants to move forward with the "adverse

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<sup>73</sup> HAW. REV. STAT. § 846-9.

<sup>74</sup> HAW. REV. STAT. §§ 378-2.5(D), 846-2.7.

<sup>75</sup> 15 U.S.C. § 1661 ET SEQ.,

<sup>76</sup> 15 U.S.C. § 1681B(B)(2)(A).

<sup>77</sup> 15 U.S.C. § 1681B ET SEQ.

action,” it must provide an “**Adverse Action Notice**” in writing – which includes 1) the reason for the adverse action; 2) the applicant’s right, and procedure, to dispute the accuracy or completeness of the report.<sup>78</sup> Additionally, the employer must provide the name, address, and phone number of the CRA that sold the report and a statement that the CRA selling the report did not make the hiring decision.<sup>79</sup>

### **Correcting Errors in Your Background Report**

You have the right to request a copy of your background report from an agency; they must do so within 10 business days, or 30 days if there are unusual circumstances explained to you in writing.<sup>80</sup> If you notice any factual errors in your background report, you have the right to have it corrected and any misrepresentation or misleading entry in the record amended by the agency which is responsible for its maintenance.<sup>81</sup> If you notice an error, take the following steps:

- **Step 1:** Immediately notify the agency in writing that the report contained an error(s) and present evidence to support your claim. Within 20 days the agency must either (1) make the amended request, or (2) inform you of its refusal to do so, the reasoning behind its decision, and the agency procedures for review of the refusal.<sup>82</sup>
- **Step 2:** If the agency refuses to correct or amend an error as its final determination within 30 business days after receipt of the request, it must do so in writing and allow you to:
  - File in the record a concise statement setting forth the reasons for the individual’s disagreement with the refusal of the agency to correct or amend it; and
  - Notify you of the applicable procedures for obtaining appropriate judicial remedy.<sup>83</sup>

### **When can employers ask about my conviction record?**

An employer cannot ask about, or otherwise inquire or take into consideration, an applicant’s criminal conviction history until after a conditional offer of employment has been made unless they are required to do so under federal or state law.<sup>84</sup>

*Example: Before a conditional offer, employers cannot ask “Have you ever been arrested or convicted?” Or ask to check into a person’s arrest or conviction record.<sup>85</sup>*

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<sup>78</sup> 15 U.S.C. §1681(M)(A) ET SEQ.

<sup>79</sup> 15 U.S.C. §1681(M)(A)(3)(B).

<sup>80</sup> HAW. REV. STAT. §§ 92F-21, 92F-23.

<sup>81</sup> HAW. REV. STAT. §92F-24 (A).

<sup>82</sup> HAW. REV. STAT. §92F-24(B).

<sup>83</sup> HAW. REV. STAT. §92F-25.

<sup>84</sup> HAW. REV. STAT. § 378-2.5(B). HAWAII CIVIL RIGHTS COMMISSION, *GUIDELINE FOR PRE-EMPLOYMENT INQUIRIES (APPLICATION FORMS AND JOB INTERVIEWS)*, P.2 (OCT. 15, 2013), [HTTP://LABOR.HAWAII.GOV/HCRC/PUBLICATIONS](http://labor.hawaii.gov/hcrc/publications).

## **What can employers ask me about my conviction record?**

Only **criminal convictions**<sup>86</sup> that are “rationally” related to the duties and responsibilities of the job, and if the conviction was within the past 10 years (excluding periods of incarceration) unless state or federal law provides otherwise.<sup>87</sup> In other words, an employer is prohibited from asking about arrests and other court records that did not end in a conviction, and any conviction must be within the last 10 years.

Only adult criminal history information is included, unless the juvenile case was transferred to the adult court. Your employer will only be able to see arrest records which have resulted in convictions (found guilty), or acquittals or dismissals by reason of physical or mental disease, disorder or defect, under Chapter 704, HRS.<sup>88</sup>

## **How an Employer May Use Your Criminal Conviction Information**

An employer cannot disqualify an applicant based on a criminal conviction unless it is rationally related to the jobs duties and responsibilities and the conviction is within the last 10 years (not including periods of incarceration). If already employed and an employer runs a background check, an employee cannot be terminated for criminal convictions that are unrelated to the duties and responsibilities of the job, and the conviction is 10 years or older.<sup>89</sup>

**Please Note:** An offer of employment **can be** withdrawn **if** the conviction is within the past 10 years (excluding periods of incarceration), and “reasonably” related to the duties and responsibilities performed on the job.<sup>90</sup>

Generally, arrests that are not followed by a conviction may not be considered in making an employment decision. However, there is a limited exception that allows employers to consider an individual's "arrest and court record" as a bona fide occupational qualification (BFOQ), subject to certain conditions. A BFOQ must be reasonably necessary to the normal operation of the business and substantially related to the functions and responsibilities of the job.<sup>91</sup> Agencies authorized to access criminal history that is not made public may submit fingerprints in order to obtain criminal history record checks from:

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<sup>85</sup> HAWAII CIVIL RIGHTS COMMISSION, *WHAT IS EMPLOYMENT DISCRIMINATION?*, (Nov., 2005), [HTTP://LABOR.HAWAII.GOV/HCRC/FILES/2013/01/EMPLOYMENT\\_DISCRIMINATION\\_2005.PDF](http://labor.hawaii.gov/hcrc/files/2013/01/EMPLOYMENT_DISCRIMINATION_2005.PDF).

<sup>86</sup> HAW. REV. STAT. § 378-2.5(c) [“FOR THIS SECTION ‘CONVICTION’ MEANS AN ADJUDICATION BY A COURT OF COMPETENT JURISDICTION THAT THE DEFENDANT COMMITTED A CRIME, NOT INCLUDING FINAL JUDGMENTS REQUIRED TO BE CONFIDENTIAL... PROVIDED THAT THE EMPLOYER MAY CONSIDER THE EMPLOYEE’S CONVICTION RECORD FALLING WITHIN A PERIOD THAT SHALL NOT EXCEED THE MOST RECENT TEN YEARS, EXCLUDING PERIODS OF INCARCERATION.”].

<sup>87</sup> HAW. REV. STAT. § 378-2.5(d).

<sup>88</sup> SEE GENERALLY HAW. REV. STAT. § 704.

<sup>89</sup> HAW. REV. STAT. § 378-2.5.

<sup>90</sup> HAW. REV. STAT. § 378-2.5(b).

<sup>91</sup> HAW. REV. STAT. § 378-3, SUBD. 1, 2, AND 3.

- The Federal Bureau of Investigation for a national criminal history record check; and
- The Hawai'i criminal justice data center for a state criminal history record check that shall include non-conviction data.”<sup>92</sup>

**What is illegal discrimination? And what can I do if I think I've been discriminated against by an employer?**

While it is sometimes legal for an employer to not hire or fire you because of your criminal record, and employer’s hiring policy is more likely to be illegal if they have a complete ban (called a “blanket ban”), on job applicants with records. By law, the correct and legal practice is for the employer to consider **the individual circumstances of the person applying for the job and the job itself.**<sup>93</sup>

In most cases, it is illegal for an employer to have a complete or “blanket ban” on applicants with criminal records because these kinds of bans cause greater harm to Black and Latino applicants (“protected classes”) under a federal civil rights law known as Title VII. Because Blacks and Latinos are incarcerated at dramatically higher rates than people of other races in the United States,<sup>94</sup> excluding applicants with criminal records is likely to have a greater impact on these protected classes. By law then, a “blanket ban” is only legal if the employer can show that the ban is “job related” and “consistent with business necessity”—meaning that your conviction affects your ability to do specific duties of the job, and the ban is necessary for the good of the business.<sup>95</sup>

If an employer chooses not to hire individuals based solely on their records, the employer must be able to show that this is necessary to ensure safe and efficient job performance for the position in question.<sup>96</sup> In doing so, an employer must show that they evaluated the applicant’s ability to perform the duties of the job and whether any past conviction(s) would pose an unreasonable risk of harm, based on the specific requirements and responsibilities of the position.<sup>97</sup> Of course, these laws still give the employer a lot of discretion and room to discriminate, but they require the employer to do individualized analysis of each job applicant.

**What laws protect me from discrimination based on my criminal record?**

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<sup>92</sup> HAW. REV. STAT., §§ 846, 846-2.7.

<sup>93</sup> EEOC ENFORCEMENT GUIDANCE AT § V(B)(9). NOTE: EMPLOYERS ARE NOT NECESSARILY REQUIRED TO GIVE INDIVIDUALIZED CONSIDERATION IN ALL CIRCUMSTANCES BUT DOING SO WILL ALLOW THEM TO CONSIDER MORE COMPLETE INFORMATION ABOUT THE APPLICANT, AND WILL HELP THEM TO SHOW THAT THE HIRING POLICY—INCLUDING THE REJECTIONS OF SPECIFIC JOB APPLICANTS—IS “JOB RELATED AND CONSISTENT WITH BUSINESS NECESSITY.” HAW. REV. STAT. ANN. § 378-2.5(A).

<sup>94</sup> EEOC ENFORCEMENT GUIDANCE AT § V(A)(2).

<sup>95</sup> EEOC ENFORCEMENT GUIDANCE AT § V(B); SEE, E.G., *EL V. SE. PENN. TRANSP. AUTH.* (SEPTA), 479 F.3D 232, 238 (3D CIR. 2007); *GREEN V. MISSOURI PAC. R.R.*, 523 F.2D 1290, 1295-99 (8TH CIR. 1975).

<sup>96</sup> *DOTHARD V. RAWLINSON*, 433 U.S. 321, 331 N. 14 (1977).

<sup>97</sup> *EL V. SE. PENN. TRANSP. AUTH.* (SEPTA), 479 F.3D 232, 244-48 (3D CIR. 2007).

The laws that give applicants with records some protections are (1) the federal civil rights law called Title VII, (2) the federal Equal Employment Opportunity Commission’s (EEOC) Enforcement Guidance on Title VII,<sup>98</sup> and Hawai‘i state laws that are very similar to these federal laws.<sup>99</sup>

Under these civil rights laws, an employer CANNOT have a “**blanket ban**” policy that permanently excludes anyone and everyone with a criminal record. Instead, the employer’s hiring policy should only exclude convictions that are “job related for the position” and “consistent with business necessity.” this means that the employer should look at a number of factors when considering the convictions, such as:

- **The nature and seriousness of the conviction, AND**
- **How much time has passed since the conviction, conduct, or completion of the sentence, AND**
- **The nature of the job you’re seeking—including the specific duties and responsibilities of the job.**<sup>100</sup>

If you think that an employer has illegally discriminated against you either because of a complete ban against people with criminal records or be treating your record negatively because of your race, sex, religion, or national origin, etc., you can report the employer to the EEOC or HCRC. (The EEOC and HCRC are the government agencies responsible for enforcing certain civil rights and anti-discrimination laws.)

You may want to talk to a legal aid lawyer or plaintiff’s-side employment lawyer about your situation. You have to file a complaint with the EEOC or HCRC before you are allowed to file a lawsuit in court against the employer, and a lawyer can help you with this process. It is recommended you contact the EEOC or HCRC immediately, and reach out to lawyers who can advise you. For more information about finding a lawyer, see Appendix BB.

### **File a complaint with HCRC or EEOC**

In Hawai‘i you can file your complaint with either the Hawai‘i Civil Rights Commission (HCRC)<sup>101</sup> or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC). These 2 agencies have a “work-sharing agreement,” which means that the agencies cooperate with each other to process claims. You only need to file the complaint with one agency as long as you indicate that you want to “cross-file” the claim the other agency.

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<sup>98</sup> SEE EEOC GUIDANCE. SEE ALSO EEOC, QUESTIONS AND ANSWERS ABOUT RACE AND COLOR DISCRIMINATION IN EMPLOYMENT, (EEOC GUIDANCE MAY 16, 2006).

<sup>99</sup> SEE HAW. REV. STAT. § 378-2.5.

<sup>100</sup> EEOC ENFORCEMENT GUIDANCE AT § V(B)(6)-(8). THE EMPLOYER SHOULD DEVELOP A TARGETED SCREENING PROCESS THAT CONSIDERS AT LEAST THE FOLLOWING 3 FACTORS: THE NATURE AND SERIOUSNESS OF THE CRIME; TIME ELAPSED SINCE THE CRIME; AND THE NATURE OF THE JOB SOUGHT (NATURE OF THE DUTIES AND ESSENTIAL FUNCTIONS, CIRCUMSTANCES UNDER WHICH THE JOB IS PERFORMED SUCH AS LEVEL OF SUPERVISION AND AMOUNT OF AUTHORITY, AND THE ENVIRONMENT IN WHICH THE JOB IS PERFORMED CONSIDERING LOCATION AND CONTEXT).

<sup>101</sup> SEE GENERALLY HAW. REV. STAT. § 368-II.

### **Civil Rights Complaints Process in Hawai'i**

You have 180 days from the last alleged act of discrimination to file a complaint with the HCRC. To begin this process, you must first fill out a "Pre-complaint questionnaire" which can be found in Appendix B or at the following link: <http://labor.hawaii.gov/hcrc/forms/>, OR simply write down what happened, including the date of the incident, and the name and the address of the person or party that you are issuing the complaint against, and then call the Hawai'i Civil Rights Commission to begin the process of getting your complaint filed at:

Please contact the HCRC if you would like help with the Pre-Complaint Questionnaire or if you require an accommodation. If English is not your first language, the HCRC will provide an interpreter at no cost to you.

If you live on Oahu call the HCRC by dialing:  
586-8636 (Voice) or 586-8692 (TDD)

If you live on a Neighbor Island call the HCRC toll-free by dialing:

Kaua'i - 274-3141, ext 6-8636#  
Maui - 984-2400, ext 6-8636#  
Hawai'i - 974-4000, ext. 6-8636#  
Lana'i & Moloka'i - 1-800-468-4644, ext. 6-8636#

Website: <http://labor.hawaii.gov/hcrc>

### **EEOC Complaints Process**

You have 300 days (10 months) to report employment discrimination to the EEOC. To file a complaint with the EEOC, write the same information described above (date of last or most current incident, name and address of employer) and contact them in person or by mail:

300 Ala Moana Blvd  
Room 4-257  
P.O. Box 50082  
Honolulu, HI 96850  
P: 1-800-669-4000, F: 808-541-3390  
TTY: 1-800-669-6820  
ASL Vid: 844-234-5122

*Important:* You cannot actually file a discrimination complaint by phone to the EEOC or HCRC, but you can get the process started including help on filling out the form(s) if needed.

Once you file a complaint with the RROC and/or the HCRC, you have 2 options:

1. You can ask the EEOC or HCRC to investigate and resolve the discrimination claim, including filing a lawsuit in court on your behalf; OR

2. You can file a lawsuit directly in court on your own, but you must ask the EEOC or HCRC to give you a “Right to Sue” letter. (Note: You cannot go directly to court—the law requires you to go through the HCRC or EEOC first.)

## Barriers to Employment

There are certain situations when having certain types of convictions on your record could or will disqualify you from getting certain types of jobs. It is important that you know about these situations beforehand, so that you can realistically set your sights on jobs that you can have. Barriers can be due to either job restrictions or occupational licensing barriers.

### ***What job restrictions do I face with a criminal conviction record?***

It depends. Although this list is incomplete, below are some examples of jobs that have legal restrictions for people with certain convictions. In general, these are jobs where you would have access to private or sensitive information (like financial records); vulnerable people (like children, the elderly, or ill people), or high-security places, where there might be a greater risk of harm to the public.

- Airport security screeners (or anyone with unsupervised access to secure airport areas);<sup>102</sup>
- Federal law enforcement officers;<sup>103</sup>
- Defense contractors;<sup>104</sup>
- Prisoner transportation personnel;<sup>105</sup>
- Port workers;<sup>106</sup>
- Bank employees;<sup>107</sup>
- Insurance personnel;<sup>108</sup>
- Jobs that administer employee benefits plan;<sup>109</sup>
- Childcare workers in federal facilities or agencies.<sup>110</sup>

Whether you will ever become eligible to get these jobs again depends on the very specific rules about what convictions will disqualify you. It will depend on the specific laws, regulations, and other rules that apply to that type of work.<sup>111</sup> It is recommended that you

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<sup>102</sup> 49 U.S.C. § 44935(e)(2)(B).

<sup>103</sup> 5 U.S.C. § 7371(B).

<sup>104</sup> 10 U.S.C. § 2408(A).

<sup>105</sup> 42 U.S.C. § 13726B(b)(1).

<sup>106</sup> 46 U.S.C. § 70105(c).

<sup>107</sup> 12 U.S.C. § 1829.

<sup>108</sup> 18 U.S.C. § 1033 (E).

<sup>109</sup> 29 U.S.C. § III (A).

<sup>110</sup> 42 U.S.C. § 13041(A).

<sup>111</sup> TRANSPORTATION SECURITY ADMINISTRATION, “TWIC” FAQ (LAST VISITED NOV. 2, 2017), [HTTPS://WWW.TSA.GOV/FOR-INDUSTRY/TWIC](https://www.tsa.gov/for-industry/twic).

ask a lawyer to review your RAP sheet and explain how your convictions may affect your ability to get the job you want. See the table in Appendix BB for information on how to contact a lawyer.

### ***Do I face any state licensing barriers?***

Maybe. Hawai'i's Uniform Act on Status of Convicted Persons provides that a prior conviction by itself may not be the basis for disqualification from state employment or licensure unless a person is applying for a liquor license or has been convicted in the past 10 years (excluding any period of incarceration) of a crime that “bears a rational relationship” to the responsibilities and duties of a job, occupation, trade, vocation, profession, or business.<sup>112</sup>

Furthermore, like employers, the state or any of its branches, political subdivisions, or agencies CANNOT consider your criminal conviction history to deny, suspend, or revoke your license or certificate unless:

- The conviction bears a rational relationship to the responsibilities and duties of the job, occupation, trade, vocation, profession, or business, AND
- The conviction is within the last 10 years (excluding periods of incarceration).<sup>113</sup>

Arrest records not followed by a valid conviction, or records that have been expunged, may not be used in determining the eligibility of a person seeking or keeping a license or certificate unless an exception applies.<sup>114</sup>

The state or any of its branches, political subdivisions, or agencies MAY consider your criminal conviction as possible justification for refusal, suspension, or to revoke your license or certificate for convictions that have not been expunged and occurred in the past 10 years when the offense directly relates to:

- The applicant's possible performance in the job applied for;
- The employee's possible performance in that job that he or she holds;
- **The applicant's or holder's possible performance in the occupation, trade, vocation, profession, or business for which a permit, license, registration, or certificate is applied for or held.**<sup>115</sup>

After consideration of your criminal conviction, an agency can only take a negative action (denial, suspension, or revocation) after it has determined that the person convicted has not been sufficiently rehabilitated to warrant the public trust by:

- Conducting an investigation
- Notifying you of the results and planned action against you; AND
- Giving you an opportunity to meet and contest its finding.<sup>116</sup>

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<sup>112</sup> SEE GENERALLY HAW. REV. STAT. 83I-3.1.

<sup>113</sup> HAW. REV. STAT. 83I-3.1.

<sup>114</sup> HAW. REV. STAT. 83I-3.1(D).

<sup>115</sup> HAW. REV. STAT. 83I-3.1(C).

<sup>116</sup> HAW. REV. STAT. 83I-3.1(C).

While this is not an exhaustive list, some occupations that can deny you a license or certificate using your criminal conviction as justification are:

- Staff member of a youth correctional facility
- Staff member of a correctional facility, or staff members that include the power to arrest
- Employee of a detention shelter facility
- Employee or agent of a contractor of the department of taxation with access to federal tax information<sup>117</sup>

## CONCLUSION

Now that you know your basic needs and rights when seeking employment in Hawai'i, be confident in yourself and remember the 3 “P”s—be *Persistent*, be *Professional*, and keep a *Positive* attitude.

A list of potential employers who we believe are friendly to people with conviction records in Hawai'i can be found in Appendix C.

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<sup>117</sup> HAW. REV. STAT. 83I-3.1(F).

## **\*NOTE PARDONS & EXPUNGEMENTS**

While there are MANY different ways to clean up your criminal record and reduce many of the damaging effects associated with having a criminal history, below is some basic information on just two ways to prevent certain people from seeing arrests or charges on your criminal record, or have your rights restored. You are encouraged to talk to a lawyer about other options that may be available based on your situation, and to find out more about pardons and expungements.

### **Pardons**

*The Governor of Hawai'i has the power to pardon someone convicted of a crime in Hawai'i. A pardon "does not erase or expunge the records of a conviction. When a pardon is granted, the criminal history record will show both the conviction and pardon." (Pardon Application under Effect of a Pardon). There are certain criteria to apply for a pardon. Instructions and criteria can be found in the application online at <https://dps.hawaii.gov/wp-content/uploads/2012/09/Pardon-application2.pdf>. This link may change depending on updates to the application made over time. Visit their website to find the most up to date information on pardons<sup>1</sup>*

*More information on pardons and expungements can also be found at this site<sup>1</sup> or by calling Hawaii Paroling Authority at 808-587-1300.*

### **Expungements**

*An individual may apply to have an arrest or charge (not leading to conviction) expunged. You must meet certain criteria and submit a form "Expungement of Non-Conviction Arrest Records" – along with the required fee – to the Hawaii Criminal Justice Data Center, either in person or via mail. The request can take up to 120 days to be processed.*

*More information and details on expungements can be found at these sites<sup>1</sup>*

*You can also contact the Department of the Attorney General's Expungement Section at 808-587-3348 or via email at [ag.hcjd@Hawaii.gov](mailto:ag.hcjd@Hawaii.gov).*

**\*For more information on Restoration of Rights, Pardon, Expungement & Sealing Records in Hawai'i – see legal information provided by Restoration of Rights project.<sup>118</sup> (information on other states is also provided on the website).<sup>119</sup>**

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<sup>118</sup> [HTTP://CCRESOURCECENTER.ORG/STATE-RESTORATION-PROFILES/HAWAII-RESTORATION-OF-RIGHTS-PARDON-EXPUNGEMENT-SEALING/](http://ccresourcecenter.org/state-restoration-profiles/hawaii-restoration-of-rights-pardon-expungement-sealing/)

<sup>119</sup> [HTTP://CCRESOURCECENTER.ORG/RESOURCES-2/STATE-SPECIFIC-RESOURCES/](http://ccresourcecenter.org/resources-2/state-specific-resources/)

# FAMILY LAW

## SUMMARY

**IMPORTANT!** Always follow the conditions of any Criminal Protective Orders, Personal Conduct No-Contact Orders, or Supervision Conditions against you.

Family support is the biggest predictor of success in reentry.<sup>120</sup> Yet family law can be confusing and few family law attorneys represent people in reentry for free. The information in this section will help you navigate legal issues related to you family and children, including:

- Family law acronyms (abbreviations) and key terms
- Documents you may need
- Paternity
- Child support, temporary custody, guardianship
- Adoption
- Child Welfare Services (CWS) cases
- Other Family Court information
- Divorce, separation and annulment
- Wills and probate court

## FAMILY LAW ACRONYMS & KEY TERMS:

### Acronyms

**ADR** = Alternative Dispute Resolution

**CPS** = Child Protective Services

**CSEA** = Child Support Enforcement Agency

**CWS** = Child Welfare Services - branch of DHS, responsible for ensuring the safety and well-being of the child

**DHS** = Department of Human Services - State agency

**GAL** = Guardian Ad Litem

**HRE** = Hawai'i Rules of Evidence

**HRS** = Hawai'i Revised Statutes

**HFCR** = Hawai'i Family Court Rules

**ICWA** = Indian Child Welfare Act - if a child is of American Indian ancestry, the ICWA may apply to the case, and brings issue of proper jurisdiction and applicable law (state court & law vs. tribal court & law)

**INA** = Immigration and Naturalization Act

**JPA** = Judicial Pretrial Assistance Program

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<sup>120</sup> *PILOTING A TOOL FOR REENTRY* MARGARET diZEREGA & SANDRA VILLALOBOS AGUDELO

[HTTPS://WWW.VERA.ORG/PUBLICATIONS/PILOTING-A-TOOL-FOR-REENTRY-A-PROMISING-APPROACH-TO-ENGAGING-FAMILY-MEMBERS](https://www.vera.org/publications/piloting-a-tool-for-reentry-a-promising-approach-to-engaging-family-members)

TPR = Termination of Parental Rights  
UCCJA = Uniform Child Custody Jurisdiction Act  
VGAL = Voluntary Guardian Ad Litem

## Key Terms

- **Adoption:** a legal process that permanently ends the rights and responsibilities of a child's biological parent(s).
- **Administrative Hearing:** an impartial review of DHS's action to deny your application for assistance or to reduce or stop benefits you are receiving; or DHS's failure to make a decision or inform you of the decision within a specified period of time.
- **Advocate:** someone whose support you want during your involvement with CWS can be a relative, friend, or someone from your church or community.
- **Best Interest of the Child:** the standard by which a court determines what arrangements would be to a child's greatest benefit "the court also may consider frequent, continuing, and meaningful contact of each parent with the child unless the court finds that a parent is unable to act in the best interest of the child."<sup>121</sup>
- **Child Welfare Services (CWS):** branch of Department of Human Services (DHS), responsible for ensuring the safety and wellbeing of the child.<sup>122</sup>
- **Circuits:** the area of Hawai'i that has jurisdiction over a case. Hawai'i is separated into the following circuits:
  - First Circuit = O'ahu
  - Second Circuit = Maui, Lana'i, Moloka'i
  - Third Circuit = Hawai'i (Hilo and Kona Divisions)
  - Fifth Circuit = Kaua'i\*There is no Fourth Circuit
- **Conflict of Interest:** when a lawyer represents 2 or more clients whose interests are incompatible and the lawyer is disqualified from representing both clients.
- **Custodial Parent:** the parent who has physical custody of a child.
- **Defendant:** the person against whom a lawsuit is filed; the person who is defending against the claims set out in the lawsuit.
- **Department of the Attorney General (DAG):** attorney from the family law division of the Department of the Attorney General, in Family Court normally represents the Department of Human Services, Department of Health and/or Department of Education.
- **Garnishment:** a legal procedure requiring the withholding of a debtor's assets (e.g. wages, property, money) to satisfy a judgment or payment of a debt.
- **Guardian:** one who is responsible for the care and custody of both the property and person of the ward, though the guardianship may refer to only one or the other, as designated by a court..

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<sup>121</sup> HRS §57I-46.

<sup>122</sup> HRS CHAPTER 587A.

- **Guardian Ad Litem (GAL):** a court-appointed special advocate for the child’s best interest works for the court to conduct independent fact-finding investigations about the child reports to the judge about how the child is doing and makes recommendations to the judge based on the child’s best interest (is the “eyes and ears” for the court) must meet with the child at least once every 3 months contacts the child’s teachers, service providers, foster parents, etc., to gather current information on the child licensed attorneys in the state of Hawai‘i VGALs are voluntary GALs who are community volunteers with extensive training through the Judiciary’s CASA (Court Appointed Special Advocate) program and who must meet with the child at least every month..
- **Guardianship:** a legal process that gives third parties (guardians) most of the rights and responsibilities of a parent. Guardians become responsible for caring for the child, making medical, educational, and other decisions for the child, and making sure the child’s needs are met. Must be approved by a court does not take child’s parents’ legal responsibilities away parents are still financially responsible for the child..
- **Mediation:** a process in which a neutral third party facilitates a discussion with those in conflict, defining issues, exploring solutions, and reaching practical, workable, and mutually satisfactory agreements participation is “voluntary”, but may be court ordered to appear (mandatory to try the process)..
- **‘Ohana Conference:** an out-of-court meeting for families involved in CWS cases, involving parents, CWS, service providers, and foster parents to discuss DHS concerns, family strengths, case direction.
- **Order:** a court-mandated direction, has to be followed.
- **Paternity:** Paternity can be established by the biological father voluntarily agreeing to place his name on a child’s birth certificate, or later by a DNA test.
- **Petition for Temporary Foster Custody or Foster Custody or Family Supervision:** describes the alleged harm that has happened to your child filed in CWS cases..
- **Power of Attorney:** a written document that designates another individual (the agent) the power to do certain specific things, may include taking care of a parent’s child..
  - **WARNING:** powers of attorney are flexible but not always followed (doctors, schools, and government agencies are not required to follow them, but may; some states, will not honor a power of attorney) can give broad or limited powers.
- **Restitution:** the act of restoring something of value to its rightful owner or providing its equivalent value to the owner - paying back income, resources or assets..
- **Safe Family Home Report:** generated from DHS, gives a detailed family history, history of the case, and description of the alleged harm filed in CWS cases..
- **Service Plan:** lists the services that DHS wants parents to complete so that they are able to provide a safe family home for children subject in CWS cases.
- **Social Worker:** person assigned by CWS to investigate your case, provide services, and monitor your case. Workers may change during your case the person who will try

and help you to do your service. It is very important to keep in contact with your worker..

- **Temporary restraining order (TRO):** a temporary protective court order prohibiting or restricting a party from engaging in conduct; granted on an expedited basis, after an ex parte hearing (without notice to the other side), at the hearing, if the judge finds the allegations to be true an Order for Protection will be granted.
- **Ward:** a person over whom or over whose property a guardian is appointed.

## DOCUMENTS YOU MAY NEED

### ***How can I obtain key out-of-state family-related documents and records I need?***

Contact the Court or State Department of Health that issued the original document. Most jurisdictions have on-line information on how to contact them.

### ***How can I obtain Hawai'i marriage or death certificates, or court orders?***

Marriage and Death Certificates may be obtained from the State Department of Health at their website, [health.hawaii.gov](http://health.hawaii.gov)

Court orders may be obtained from the Circuit Court Legal Documents Section of the Circuit in which your orders originated. There is usually a fee required. For more information, write, visit, or call:

- **O'AHU:** First Circuit Court Legal Documents Section Kaahumanu Hale 777 Punchbowl Street Honolulu, Hawai'i 96813 phone: (808) 539-4300
- **MAUI, MOLOKA'I, LANA'I:** Second Circuit Court Legal Documents Section 2145 Main Street, Suite 106 Wailuku, 96793 phone: (808) 244-2969
- **KAUA'I:** Fifth Circuit Court Legal Documents, 3970 Ka'ana Street, Lihu'e, HI 96766 phone: (808) 482-2645
- **HILO:** Third Circuit Court Legal Documents Section 75 Aupuni Street P.O. Box 1007 Hilo, HI 96721 phone: (808) 961-7400
- **KONA:** Third Circuit Court Legal Documents Section Old Kona Hospital P.O. Box 1970 Kealahou, HI 96750 phone: (808) 322-8750

### ***What forms can be requested from Family Court?***

1. Divorce Packet without Children
2. Divorce with Children
3. Divorce: Defendant Response
4. Pre-Decree Relief
5. Post Decree Relief
6. Separation
7. Annulment

8. Paternity
9. Child Support Calculation Revision
10. Cover letter to Child Support Enforcement
11. Special Power of Attorney
12. Durable General Power of Attorney
13. Guardianship of Minor
14. Guardianship of Incapacitated Person
15. Adoption Consent & Adoption File Request
16. Wills
17. Living Will Declaration
18. Requesting Confidential Court Documents or Records
19. Miscellaneous Forms, DOH Forms (Birth, Death, Marriage Certificates, etc.)

## FAMILY & CHILDREN

### **Paternity**

#### ***How can I legally establish that I am the father of my child?***

If you were not married to the mother of your child at the time of their birth<sup>123</sup>, you are deemed to be the legal father if:

- You signed a Voluntary Establishment of Paternity at the hospital or the Department of Health; or
- You are adjudicated to be the father at a hearing on the Petition for Paternity.
  - A Petition for Paternity may be filed by either parent or the State Attorney General's Office, representing the State of Hawai'i, Child Support Enforcement Agency, if the custodial parent receives welfare benefits.

#### ***What if my child's mother is/was married to another person at the time of the birth of my child?***

If the mother is married to another person other than the biological father of the child, her husband is considered to be the presumed legal father of the child. All children born during a marriage or within 300 days of a divorce are considered to be the legal children of the husband and wife. The biological father cannot sign a Voluntary Establishment of Paternity to establish that he is the legal father. Instead, a Petition for Paternity must be filed for him to be established as the legal father. If the husband and wife divorce, and he is not the biological father, paternity must be completed for the child; otherwise, as the presumed legal father, the husband will be obligated to support the child.

#### ***What does it mean if I sign the Voluntary Establishment of Paternity?***

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<sup>123</sup> HRS §584-4

By signing the Voluntary Establishment of Paternity your name will be placed on the child's birth certificate, which gives equal rights of custody to both parents.

If the parents separate, a Petition for Custody, Visitation and Support Orders After Voluntary Establishment of Paternity may be required to establish custody, visitation and child support.

***Where can I find out more information on establishing paternity?***

Instructions and forms are available online at [www.courts.state.hi.us](http://www.courts.state.hi.us), then click on self-help, court forms, family court in the appropriate jurisdiction and paternity.

**Child Support, Temporary Custody, and Guardianship**

Regardless of imprisonment, every parent is responsible for the support of his or her children. If a child is left without a caretaker, Child Welfare Services (CWS) may get involved and place the child in foster care.

***Am I still responsible for paying child support while I am incarcerated?***

Yes. You must inform the Child Support Enforcement Agency (CSEA) of your incarceration to decrease your child support payments to the minimum amount (\$77 per month per child) required by law. A sample letter to CSEA attesting to your imprisonment, and request to reduce your child support payments, and debt for not paying them, is in Appendix D.

Also, if you are required to pay child support or you need to recalculate child support, you can calculate your child support online at [www.courts.state.hi.us/self-help/courts/forms/cour\\_forms](http://www.courts.state.hi.us/self-help/courts/forms/cour_forms), click on **Family Court**, under the appropriate jurisdiction, and then click on **Child Support Guidelines** under "Divorce with Children."

***What if my child is in foster care or being cared for by someone who receives welfare on behalf of my child?***

If your child is in foster care or being cared for by a caretaker receiving welfare on behalf of your child, you are legally indebted for that support to the State of Hawai'i, in the future a debt owed to the State may be collected as a tax off set and other legal procedures.

***How do legally give another person temporary custody of my child?***

You can give someone else Special Power of Attorney, which will give that person (named the "agent") temporary custody of your child without requiring that person to go to court, Special Power of Attorney is valid for only one year and a new Power of Attorney must be prepared at the expiration of the year, if necessary. Special Power of Attorney is not legally enforceable and does not give the "agent" (person given custody) exclusive custody of the

child, that is, the police will not be able to stop the parent from regaining custody of their child. See Appendix E for a Special Power of Attorney form.

### ***Can I cancel or revoke Special Power of Attorney?***

If you are released or otherwise want to cancel the Special Power of Attorney, you can revoke the Power of Attorney by signing a Statement Terminating the Power of Attorney. See Appendix F.

### ***What is General Power of Attorney?***

General Power of Attorney give another person (named the “agent” or “attorney-in-fact”) authority to take care of one’s financial affairs, assets, filing income tax returns, etc., when the person is not able to do so due to incarceration or other reasons. See Appendix G for a general power of attorney form.

### ***What is “guardianship”?***

If you are unable to directly care for your child due to incarceration and have not legally appointed someone to care for your child during your incarceration, a guardian can be appointed by the court. You will be asked to consent to the appointment of a legal guardian for you child, unless your parental rights have been terminated in CWS case (see below).

For more information see [http://courts.state.hi.us/self-help/courts/forms/court\\_forms](http://courts.state.hi.us/self-help/courts/forms/court_forms) Click on **Family Court** under the appropriate jurisdiction, and then click on **Guardianship – Minor Person** under “Minor Person.” See Appendix H.

A legal guardian may also be necessary if your child becomes an adult and cannot care for themselves or handle their own affairs.

A legal guardian may also be necessary if the incarcerated person’s child becomes an adult and cannot care for himself or handle his own affairs. A Petition to be Appointed Guardian of an Incapacitated Person may be filed and you will be asked to consent to the guardianship. For more information see [http://courts.state.hi.us/self-help/courts/forms/court\\_forms](http://courts.state.hi.us/self-help/courts/forms/court_forms) Click on **Family Court** under the appropriate jurisdiction, and then click on **Guardianship – Incapacitated Person Instructions** under “Guardianship, Incapacitated Person.” See Appendix I.

### ***What rights does a legal guardian have? Are my legal parental rights terminated when a guardian is appointed?***

The guardian will have most of the rights of a legal parent, i.e., to make all the decisions affecting the child's welfare, schooling, living arrangements, health needs and best interests. The guardian is not required to support the child from their own income; and the guardian may receive welfare benefits as a non-needy caretaker but only if the guardian is related to the child by blood. If welfare benefits are received the parent is obligated to pay child support.

Your parental rights are not terminated. Therefore, rights such as paying child support, right to inheritance and changing the child's name still rest with the parents. While your parental rights are not terminated, you cannot exercise any parental rights without the permission of the guardian.

### ***How is guardianship terminated?***

The guardianship is automatically terminated when the child becomes an adult at age 18, or you can file a petition to terminate the guardianship when you are released. The court must determine that you are able to care for the child and it is in the child's best interests to return to your care.

\*Note: The law provides for the filing of an annual report by the guardian if the judge orders it and, if ordered, you may also receive a copy. This is rare in the First Circuit, but the judges in the other circuits routinely order annual reports.

## **Adoption**

### ***What if someone else wants to adopt my child?***

As the parent, you may be asked to consent to the adoption of your child. However, if your parental rights have been terminated in a CWS case (see below), your consent will not be required.

If you refuse to consent to the adoption a trial will be set and the person seeking to adopt your child ("petitioner") must show that your consent is not necessary because you have either:

1. Deserted the child with no means of identification,
2. Voluntarily surrendered the care and custody of the child to another person for 2 years,  
or
3. Has not supported or communicated with the child for at least one year when able to do so.

### ***What happens to my parental rights if someone else adopts my child?***

If adoption is granted, all of your parental rights will be terminated.

### ***Can I see my child's adoption file?***

After your child reaches 18 years of age, you may seek to review the Family Court file for your child's adoption. Similarly, when your child reaches 18 years of age, they may request to review the adoption file.

The child, the adoptive parent or the biological parents may file an affidavit to prevent the other parties from reviewing the adoption file. The affidavit is valid for 10 years.

For more information see [http://www.courts.state.hi.us/self-help/courts/forms/court\\_forms](http://www.courts.state.hi.us/self-help/courts/forms/court_forms)  
Click on **Family Court** under the appropriate jurisdiction, and then see forms under "Adoption Forms" and "Adoption Records." See Appendices J & K.

### **Child Welfare Services (CWS) Cases**

#### ***Do I get an attorney for Family Court if Child Welfare Services (CWS) is involved?***

If Child Welfare Services (CWS)/ Department of Human Services (DHS) is involved with you and your child, the Family Court may appoint an attorney for the parent if it is in the child's best interest.<sup>124</sup> Because the law gives either parent priority when awarding custody of a child<sup>125</sup>, it is in a child's best interest if an attorney in a CWS case represents a parent. The Family Court routinely appoints an attorney for indigent parents.

#### ***Who will take care of my child while I'm incarcerated if CWS is involved?***

If the other parent is unwilling or unable to care for the child:

1. You can designate a willing individual(s) to take care of the child by:
  - a) Adoption (permanent),
  - b) Guardianship (valid until terminated or when the child reaches 18),
  - c) Power of attorney (authority to care for the child but not legally binding), OR:
2. Child Welfare Services (CWS) will take custody of the child and place the child in an approved foster home.

If a parent cannot provide a safe family home for the child within one year, and/or if the child remains in foster custody for one year, the court will hold a permanency hearing and order a permanent plan for your child's care, with a goal of adoption, guardianship, or permanent custody. See Appendix L for Placement Option Comparisons.

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<sup>124</sup> HRS §587A-17

<sup>125</sup> HRS §571-46

## **Other Family Court Information**

### ***What does my Family Court Case Record Number mean?***

The prefix of your Family Court Case Record Number indicates what kind of case it is.

- FC-A No. = adoption cases
- FC-CU No. = civil union cases
- FC-D No. = divorce cases
- FC-DA No. = domestic abuse cases
- FC-G No. = guardianship cases
- FC-J No. = juvenile cases
- FC-M No. = miscellaneous, e.g., child support cases
- FC-S No. = Child Protective Services cases

See Appendix M for more basic court information.

## **DIVORCE, SEPARATION, ANNULMENT**

### ***Can I file for a divorce in the State of Hawai'i?***

The Family Court has authority to grant a divorce if you have been in the State of Hawai'i for at least 6 months and in the circuit, in which she is filing the divorce, for at least 3 months  
\*Note: O'ahu is First Circuit, Maui is Second Circuit, Hawai'i Island is Third Circuit and Kaua'i is Fifth Circuit; there is no Fourth Circuit

### ***What is the difference if I file for the divorce or my spouse files for the divorce?***

The person filing the divorce is known as the Plaintiff and the other person is the Defendant. There is no advantage to filing first but there may be a disadvantage because the Plaintiff must pay the court filing fee of \$265 if there is a child born of the marriage and \$215 if there is no child born during the marriage. If Plaintiff is indigent (below poverty income), she may request that the court waive the filing fees. The Plaintiff is usually responsible for filing all the necessary documents to finalize the divorce within a reasonable time period or the court may dismiss the divorce action.

### ***Do both parties have to want a divorce for the court to grant a divorce?***

If only one party wants the divorce the judge will grant it even if the other person refuses to sign any documents.

### ***What issues will be decided in a divorce?***

The issues which must be resolved in the divorce are: alimony, division of assets, allocation of debts and if there is a child, the additional issues of custody, visitation and child support.

For more information see [http://www.courts.state.hi.us/self-help/courts/forms/court\\_forms](http://www.courts.state.hi.us/self-help/courts/forms/court_forms)  
Click on **Family Court** under the appropriate jurisdiction, and then see forms under “Divorce Forms” See Appendix N.

***What if I want a separation but am not ready to file for divorce?***

If you are not ready to file a divorce because reconciliation may be possible but you want to physically separate from your spouse, and/or seek custody of and support for your children and spousal support, you may file a Complaint for Separation.

When granted, a separation is valid for 2 years. However, at any time within this 2-year period she may file a Complaint for Divorce with the same docket number. The Complaint for Separation form can be found in Appendix O.

To file for a separation, all other forms in the divorce packet must be filed in addition to this Complaint for Separation.

***What is an “annulment”?***

If an annulment is granted the marriage becomes null and void, that is, it is as if it never happened. If there are children born during the marriage, custody, visitation, child support, health insurance and educational expenses are addressed in the final Decree of Annulment.

***In what situations will a court grant an annulment?***

An annulment will be granted for specific reasons:

1. The parties have a close relationship by blood, e.g., brother and sister or uncle and niece.
2. Both or one of the parties had not reached 18 and did not have the consent of his or her parent.
3. One party was still married to another person.
4. One party was not competent to consent to the marriage.
5. The marriage was obtained by force, duress or fraud.
6. One party was afflicted with a loathsome disease and did not disclose this at the time of marriage.

The Complaint for Annulment form is in Appendix P.

To file for an annulment all other forms in the divorce packet must be filed in addition to this Complaint for Annulment.

## **Motion for Pre-Decree Relief**

***What if my divorce is not finalized but I need immediate assistance, e.g. custody, child support, spousal support, payment of debt, restraining order?***

If you and your ex-spouse do not agree with all the issues in the divorce, it may take several months to finalize the divorce. If you need assistance right away, for example, for custody of a child and child support, spousal support, payment of debts or restraining orders, you may file a **Motion for Pre-Decree Relief** to obtain temporary orders. At the hearing on the motion, the judge will make the appropriate orders, which will be effective until the issues are resolved in the final divorce decree. These orders will remain in effect until replaced by permanent orders in the divorce decree.

***How do I file a motion for pre-decree relief?***

See [http://www.courts.state,hi.us/self-help/courts/forms/court\\_forms](http://www.courts.state,hi.us/self-help/courts/forms/court_forms) Click on **Family Court** under the appropriate jurisdiction, and then see forms under “Pre- and Post-Decree Forms.” See also Appendix Q.

The motion must be submitted to court and the clerk will schedule a hearing. The person who filed the motion must serve the other party with notice of the motion and hearing, and must appear in court with an attorney or pro se (without an attorney and representing themselves).

***Can I go to court for the hearing?***

If you filed the motion and are incarcerated, you may not be able to appear in court in person.

If you did not file the motion but have been served with a summons to appear in court (the other party filed the motion and is requiring you to be in court), the Department of Public Safety (DPS) must transport you to court, so long as you notify DPS in writing that you have been served, are required to appear, and request transportation to Family Court. You may also notify the court in writing of your inability to attend the hearing and request to appear by telephone. Arrangements must be made with the prison staff to be available by telephone.

## **Motion for Post-Decree Relief**

***What if my divorce is final but I want to change the orders due to a change in circumstances?***

You can file a **Motion for Post-Decree Relief** and request a change to the orders in your divorce decree. For example, change in custody or child support.

You may also file this motion to enforce any provisions in the divorce decree. For example, your ex-spouse is not paying child support or alimony.

See above re-filing, notice and hearing processes and for forms.

## **Probate Court**

### ***What is Probate Court?***

Probate court is separate from Family Court and is responsible for supervising the division of a person's assets and debts when they die.

### ***What does a will do?***

A will ensures "your affairs are in order" in the event of your death.

You may want to prepare a will to:

1. Name a personal representative to manage her estate,
2. Distribute her property to specific persons, and/or
3. Nominate a person to be appointed guardian of her minor children (if the children have not been adopted or in the legal custody of another person, e.g., the child's legal father or legal guardian).

### ***What are the legal requirements of a will?***

A will must meet all of the following requirements in Hawai'i to be valid:

1. Person making the will (testator) must be:
  - a. 18 years or older, and
  - b. "Of sound mind" (not declared legally incompetent by a court)<sup>126</sup>
2. A will must be written (typed or hand printed and script writing)
3. A will must be signed\* by the testator
  - a. If the testator cannot personally sign the will, they can direct someone else to sign it for them
  - b. BUT the signer cannot count as one of the 2 required witnesses (see below)
4. A will must be signed by 2 witnesses who were present to witness the execution of the document by the testator, and who also witnessed each other sign the document<sup>127</sup>

\* Best if you can sign before a notary. A will can be stronger if the testator and both witnesses acknowledge authentication of the will before a notary. The acknowledgment will become part of the will.<sup>128</sup>

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<sup>126</sup> HRS §560:2-501

<sup>127</sup> SECTION 560:2-502 & SECTION 560:2-505

<sup>128</sup> SECTION 560:2-504

If all the above requirements aren't met, the will is not legally valid.

***What happens if I don't have a will?***

In Hawai'i, if you die without a valid will, you are said to have died "intestate." Probate court will determine how and to whom your assets and debts will be distributed.

***How can I change my will?***

You can create a new will that specifically mentions the last will and says the new one is to replace the previous will. It must be witnessed by a third person and have a later date than the previous will.

***What is an Advanced Health Care Directive?***

You may also want to have written instructions regarding any future medical treatment you may receive, especially where you have a terminal condition or have permanently lost the ability to make your own decisions concerning your medical treatment. An Advanced Health Care Directive is different from a will and can be used to appoint another person to make medical decisions for you, discuss your health care with your doctor, and receive health care information from your doctor on your behalf. See Appendix R for Advanced Health Care Directive.

**REQUIREMENTS:**

***Changing a will:***

1. You can create a new will that specifically mentions the last will and says the new one is to replace the previous will
2. It must be witnessed by a third person and have a later date than the previous will

\*For more Family Law Resources see Appendix S.

\*\*For resources for incarcerated parents see Appendix T.

## HUIKAHI REENTRY PLANNING CIRCLES

**The Huikahi Reentry Planning Circle process** is for an individual incarcerated, supervised on parole or probation, or transitioning from substance abuse treatment, to make a plan for their future, which addresses all their essential needs, including making amends with loved ones and the community at large for any prior harmful behavior or harm caused by their imprisonment. The process can be used too for people convicted of crimes they did not commit. Research shows the process helps children of imprisoned parents heal from the trauma of losing a parent to prison. The reentry planning process also reduces repeat crime for individuals who were incarcerated and has helped the people who had one and did not commit the crimes they were incarcerated for. Many papers have been written about the circles, which have been replicated in other states and countries<sup>129</sup>. An application to apply for a circle is in Appendix Y along with a brochure with more information about the process. The circles are currently provided at the women's prison in Kailua, the Honolulu Federal Detention Center and for people on federal probation, but if you are interested, let us know and we will try and provide a circle for you at any other prison or jail and can help you have one after your release from government custody.

Please contact Hawai'i Friends of Restorative Justice through our website, write us at P.O. Box 3654, Honolulu, HI 96811 or email [lorenn@hawaiifriends.org](mailto:lorenn@hawaiifriends.org).

### **\*Additional resources for reentry**

Apology, Gratitude and Apology & Gratitude Letter Guidelines [Appendix U.]

Substance Abuse Treatment in Hawai'i [Appendix V.]

Letter from the Future to help you with depression and any trauma you might be suffering [Appendix X.]

Emotional Health info [Appendix Y.]

Insurance Options [Appendix Z.]

List of Medical/Dental Facilities [Appendix AA]

Hawai'i Reentry Contacts (Non-profit, Faith-based, Government-run, and Legal Aid/Clinics) [Appendix BB.]

Human Services Hawai'i Directory by *Mental Health America of Hawai'i* [Appendix CC]

Child Care Services [Appendix DD]

Services provided by Hawai'i Disability Rights Center [Appendix EE.]

Legal Aid Society of Hawai'i Brochures [Appendix FF.]

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<sup>129</sup> [WWW.HAWAIIFRIENDS.ORG](http://WWW.HAWAIIFRIENDS.ORG)

# HAWAI‘I REENTRY LEGAL & RESOURCE GUIDE:

## APPENDIX

<b>Appendix A.</b>	Sample Form SS-5
<b>Appendix B.</b>	Civil Rights Complaints Questionnaire
<b>Appendix C.</b>	Potential Employers for Convicted Felons
<b>Appendix D.</b>	Sample Letter to Child Support Enforcement Agency
<b>Appendix E.</b>	Special Power of Attorney Attachment
<b>Appendix F.</b>	Hawai‘i Power of Attorney Revocation Form
<b>Appendix G.</b>	General Power of Attorney form
<b>Appendix H.</b>	Guardianship – Minor Person
<b>Appendix I.</b>	Guardianship, Incapacitated Person
<b>Appendix J.</b>	Adoption Procedures & Forms
<b>Appendix K.</b>	Adoption Records Requests Forms & Info
<b>Appendix L.</b>	Comparison of Permanency Options
<b>Appendix M.</b>	Court basics
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<b>Appendix O.</b>	Complaint for Separation
<b>Appendix P.</b>	Complaint for Annulment
<b>Appendix Q.</b>	Pre- and Post-Decree Forms
<b>Appendix R.</b>	Advanced Health Care Directive

<b>Appendix S.</b>	Family Law Resources
<b>Appendix T.</b>	Resources for Incarcerated Parents
<b>Appendix U.</b>	Apology, Gratitude and Apology & Gratitude Letter Guidelines
<b>Appendix V.</b>	Substance Abuse Treatment in Hawai'i
<b>Appendix W.</b>	Application for Huikahi Planning Reentry Circle
<b>Appendix X.</b>	A Letter from the Future to Help with Depression & Trauma
<b>Appendix Y.</b>	Emotional Health
<b>Appendix Z.</b>	Insurance Info
<b>Appendix AA.</b>	Medical and Dental Clinics
<b>Appendix BB.</b>	Reentry Contacts (Non-profit, faith-based, government-run, etc.)
<b>Appendix CC.</b>	Human Services Hawai'i Directory by <i>Mental Health America of Hawai'i</i>
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<b>Appendix FF.</b>	Legal Aid Society Brochures

Appendix A

**Sample SS-5 form**

**See Next Page**

# **SOCIAL SECURITY ADMINISTRATION**

## **Application for a Social Security Card**

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**Applying for a Social Security Card is free!**

### **USE THIS APPLICATION TO:**

- Apply for an original Social Security card
- Apply for a replacement Social Security card
- Change or correct information on your Social Security number record

**IMPORTANT:** You **MUST** provide a properly completed application and the required evidence before we can process your application. We can only accept original documents or documents certified by the custodian of the original record. Notarized copies or photocopies which have not been certified by the custodian of the record are not acceptable. We will return any documents submitted with your application. For assistance call us at 1-800-772-1213 or visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov).

### **Original Social Security Card**

To apply for an original card, you must provide at least two documents to prove age, identity, and U.S. citizenship or current lawful, work-authorized immigration status. If you are not a U.S. citizen and do not have DHS work authorization, you must prove that you have a valid non-work reason for requesting a card. See page 2 for an explanation of acceptable documents.

**NOTE:** If you are age 12 or older and have never received a Social Security number, you must apply in person.

### **Replacement Social Security Card**

To apply for a replacement card, you must provide one document to prove your identity. If you were born outside the U.S., you must also provide documents to prove your U.S. citizenship or current, lawful, work-authorized status. See page 2 for an explanation of acceptable documents.

### **Changing Information on Your Social Security Record**

To change the information on your Social Security number record (i.e., a name or citizenship change, or corrected date of birth) you must provide documents to prove your identity, support the requested change, and establish the reason for the change. For example, you may provide a birth certificate to show your correct date of birth. A document supporting a name change must be recent and identify you by both your old and new names. If the name change event occurred over two years ago or if the name change document does not have enough information to prove your identity, you must also provide documents to prove your identity in your prior name and/or in some cases your new legal name. If you were born outside the U.S. you must provide a document to prove your U.S. citizenship or current lawful, work-authorized status. See page 2 for an explanation of acceptable documents.

### **LIMITS ON REPLACEMENT SOCIAL SECURITY CARDS**

Public Law 108-458 limits the number of replacement Social Security cards you may receive to 3 per calendar year and 10 in a lifetime. Cards issued to reflect changes to your legal name or changes to a work authorization legend do not count toward these limits. We may also grant exceptions to these limits if you provide evidence from an official source to establish that a Social Security card is required.

### **IF YOU HAVE ANY QUESTIONS**

If you have any questions about this form or about the evidence documents you must provide, please visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) for additional information as well as locations of our offices and Social Security Card Centers. You may also call Social Security at 1-800-772-1213. You can also find your nearest office or Card Center in your local phone book.

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## EVIDENCE DOCUMENTS

The following lists are examples of the types of documents you must provide with your application and are not all inclusive. Call us at 1-800-772-1213 if you cannot provide these documents.

**IMPORTANT** : If you are completing this application on behalf of someone else, you must provide evidence that shows your authority to sign the application as well as documents to prove your identity and the identity of the person for whom you are filing the application. We can only accept original documents or documents certified by the custodian of the original record. Notarized copies or photocopies which have not been certified by the custodian of the record are not acceptable.

### Evidence of Age

In general, you must provide your birth certificate. In some situations, we may accept another document that shows your age. Some of the other documents we may accept are:

- U.S. hospital record of your birth (created at the time of birth)
- Religious record established before age five showing your age or date of birth
- Passport
- Final Adoption Decree (the adoption decree must show that the birth information was taken from the original birth certificate)

### Evidence of Identity

You must provide current, unexpired evidence of identity in your legal name. Your legal name will be shown on the Social Security card. Generally, we prefer to see documents issued in the U.S. Documents you submit to establish identity must show your legal name AND provide biographical information (your date of birth, age, or parents' names) **and/or** physical information (photograph, or physical description - height, eye and hair color, etc.). If you send a photo identity document but do not appear in person, the document must show your biographical information (e.g., your date of birth, age, or parents' names). Generally, documents without an expiration date should have been issued within the past two years for adults and within the past four years for children.

As proof of your identity, you must provide a:

- U.S. driver's license; or
- U.S. State-issued non-driver identity card; or
- U.S. passport

If you do not have one of the documents above or cannot get a replacement within 10 work days, we may accept other documents that show your legal name and biographical information, such as a U.S. military identity card, Certificate of Naturalization, employee identity card, certified copy of medical record (clinic, doctor or hospital), health insurance card, Medicaid card, or school identity card/record. For young children, we may accept medical records (clinic, doctor, or hospital) maintained by the medical provider. We may also accept a final adoption decree, or a school identity card, or other school record maintained by the school.

If you are not a U.S. citizen, we must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph.

WE CANNOT ACCEPT A BIRTH CERTIFICATE, HOSPITAL SOUVENIR BIRTH CERTIFICATE, SOCIAL SECURITY CARD STUB OR A SOCIAL SECURITY RECORD as evidence of identity.

### Evidence of U.S. Citizenship

In general, you must provide your U.S. birth certificate or U.S. Passport. Other documents you may provide are a Consular Report of Birth, Certificate of Citizenship, or Certificate of Naturalization.

### Evidence of Immigration Status

You must provide a current unexpired document issued to you by the Department of Homeland Security (DHS) showing your immigration status, such as Form I-551, I-94, or I-766. If you are an international student or exchange visitor, you may need to provide additional documents, such as Form I-20, DS-2019, or a letter authorizing employment from your school and employer (F-1) or sponsor (J-1). We CANNOT accept a receipt showing you applied for the document. If you are not authorized to work in the U.S., we can issue you a Social Security card only if you need the number for a valid non-work reason. Your card will be marked to show you cannot work and if you do work, we will notify DHS. See page 3, item 5 for more information.

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## **HOW TO COMPLETE THIS APPLICATION**

**Complete and sign this application LEGIBLY using ONLY black or blue ink on the attached or downloaded form using only 8 ½" x 11" (or A4 8.25" x 11.7") paper.**

**GENERAL:** Items on the form are self-explanatory or are discussed below. The numbers match the numbered items on the form. If you are completing this form for someone else, please complete the items as they apply to that person.

4. Show the month, day, and full (4 digit) year of birth; for example, "1998" for year of birth.

5. If you check "Legal Alien Not Allowed to Work" or "Other," you must provide a document from a U.S. Federal, State, or local government agency that explains why you need a Social Security number and that you meet all the requirements for the government benefit. NOTE: Most agencies do not require that you have a Social Security number. Contact us to see if your reason qualifies for a Social Security number.

6., 7. Providing race and ethnicity information is voluntary and is requested for informational and statistical purposes only. Your choice whether to answer or not does not affect decisions we make on your application. If you do provide this information, we will treat it very carefully.

9.B., 10.B. If you are applying for an original Social Security card for a child under age 18, you MUST show the parents' Social Security numbers unless the parent was never assigned a Social Security number. If the number is not known and you cannot obtain it, check the "unknown" box.

13. If the date of birth you show in item 4 is different from the date of birth currently shown on your Social Security record, show the date of birth currently shown on your record in item 13 and provide evidence to support the date of birth shown in item 4.

16. Show an address where you can receive your card 7 to 14 days from now.

17. WHO CAN SIGN THE APPLICATION? If you are age 18 or older and are physically and mentally capable of reading and completing the application, you must sign in item 17. If you are under age 18, you may either sign yourself, or a parent or legal guardian may sign for you. If you are over age 18 and cannot sign on your own behalf, a legal guardian, parent, or close relative may generally sign for you. If you cannot sign your name, you should sign with an "X" mark and have two people sign as witnesses in the space beside the mark. Please do not alter your signature by including additional information on the signature line as this may invalidate your application. Call us if you have questions about who may sign your application.

## **HOW TO SUBMIT THIS APPLICATION**

In most cases, you can take or mail this signed application with your documents to any Social Security office. Any documents you mail to us will be returned to you. Go to <https://secure.ssa.gov/apps6z/FOLO/fo001.jsp> to find the Social Security office or Social Security Card Center that serves your area.

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## **PROTECT YOUR SOCIAL SECURITY NUMBER AND CARD**

Protect your SSN card and number from loss and identity theft. DO NOT carry your SSN card with you. Keep it in a secure location and only take it with you when you must show the card; e.g., to obtain a new job, open a new bank account, or to obtain benefits from certain U.S. agencies. Use caution in giving out your Social Security number to others, particularly during phone, mail, email and Internet requests you did not initiate.

### **PRIVACY ACT STATEMENT**

#### **Collection and Use of Personal Information**

Sections 205(c) and 702 of the Social Security Act, as amended, authorize us to collect this information. The information you provide will be used to assign you a Social Security number and issue a Social Security card.

The information you furnish on this form is voluntary. However, failure to provide the requested information may prevent us from issuing you a Social Security number and card.

We rarely use the information you supply for any purpose other than for issuing a Social Security number and card. However, we may use it for the administration and integrity of Social Security programs. We may also disclose information to another person or to another agency in accordance with approved routine uses, which include but are not limited to the following:

1. To enable a third party or an agency to assist Social Security in establishing rights to Social Security benefits and/or coverage;
2. To comply with Federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office and Department of Veterans' Affairs);
3. To make determinations for eligibility in similar health and income maintenance programs at the Federal, State, and local level; and
4. To facilitate statistical research, audit or investigative activities necessary to assure the integrity of Social Security programs.

We may also use the information you provide in computer matching programs. Matching programs compare our records with records kept by other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for Federally-funded or administered benefit programs and for repayment of payments or delinquent debts under these programs.

Complete lists of routine uses for this information are available in System of Records Notice 60-0058 (Master Files of Social Security Number (SSN) Holders and SSN Applications). The Notice, additional information regarding this form, and information regarding our systems and programs, are available on-line at [www.socialsecurity.gov](http://www.socialsecurity.gov) or at any local Social Security office.

This information collection meets the requirements of 44 U.S.C. §3507, as amended by Section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 8.5 to 9.5 minutes to read the instructions, gather the facts, and answer the questions. You may send comments on our time estimate to: SSA, 6401 Security Blvd., Baltimore, MD 21235-6401. **Send only comments relating to our time estimate to this address, not the completed form.**

# SOCIAL SECURITY ADMINISTRATION Application for a Social Security Card

Form Approved  
OMB No. 0960-0066

<b>1</b>	<b>NAME</b> TO BE SHOWN ON CARD		First	Full Middle Name	Last
	FULL NAME AT BIRTH IF OTHER THAN ABOVE		First	Full Middle Name	Last
	OTHER NAMES USED				
<b>2</b>	Social Security number previously assigned to the person listed in item 1			<input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
<b>3</b>	<b>PLACE OF BIRTH</b> (Do Not Abbreviate)      City      State or Foreign Country      FCI			<b>4</b>	<b>DATE OF BIRTH</b> MM/DD/YYYY
<b>5</b>	<b>CITIZENSHIP</b> (Check One)		<input type="checkbox"/> U.S. Citizen	<input type="checkbox"/> Legal Alien Allowed To Work	<input type="checkbox"/> Legal Alien Not Allowed To Work (See Instructions On Page 3)
<b>6</b>	<b>ETHNICITY</b> Are You Hispanic or Latino? (Your Response is Voluntary) <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>7</b>	<b>RACE</b> Select One or More (Your Response is Voluntary) <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> American Indian <input type="checkbox"/> Other Pacific Islander <input type="checkbox"/> Alaska Native <input type="checkbox"/> Black/African American <input type="checkbox"/> White <input type="checkbox"/> Asian	
<b>8</b>	<b>SEX</b>		<input type="checkbox"/> Male	<input type="checkbox"/> Female	
<b>9</b>	<b>A. PARENT/ MOTHER'S NAME AT HER BIRTH</b>		First	Full Middle Name	Last
	<b>B. PARENT/ MOTHER'S SOCIAL SECURITY NUMBER</b> (See instructions for 9 B on Page 3)		<input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Unknown		
<b>10</b>	<b>A. PARENT/ FATHER'S NAME</b>		First	Full Middle Name	Last
	<b>B. PARENT/ FATHER'S SOCIAL SECURITY NUMBER</b> (See instructions for 10B on Page 3)		<input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Unknown		
<b>11</b>	Has the person listed in item 1 or anyone acting on his/her behalf ever filed for or received a Social Security number card before? <input type="checkbox"/> Yes (If "yes" answer questions 12-13) <input type="checkbox"/> No <input type="checkbox"/> Don't Know (If "don't know," skip to question 14.)				
<b>12</b>	Name shown on the most recent Social Security card issued for the person listed in item 1		First	Full Middle Name	Last
<b>13</b>	Enter any different date of birth if used on an earlier application for a card			MM/DD/YYYY	
<b>14</b>	<b>TODAY'S DATE</b> MM/DD/YYYY		<b>15</b>		<b>DAYTIME PHONE NUMBER</b> Area Code      Number
<b>16</b>	<b>MAILING ADDRESS</b> (Do Not Abbreviate)		Street Address, Apt. No., PO Box, Rural Route No.		
		City	State/Foreign Country		ZIP Code
<b>17</b>	I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best to my knowledge.				
	<b>YOUR SIGNATURE</b>		<b>18</b>		
DO NOT WRITE BELOW THIS LINE (FOR SSA USE ONLY)					
NPN		DOC		NTI	
CAN		ITV			
PBC	EVI	EVA	EVC	PRA	
NWR			DNR		UNIT
EVIDENCE SUBMITTED			SIGNATURE AND TITLE OF EMPLOYEE(S) REVIEWING EVIDENCE AND/OR CONDUCTING INTERVIEW		
			DATE		
			DATE		
			DCL		DATE

Appendix B.

**“Pre-complaint questionnaire”**

**See next page**

**Hawai' i Civil Rights**  
**Commission Employment**  
**Pre-Complaint Questionnaire Information**

Submitting a Pre-Complaint Questionnaire is the first step in filing a discrimination complaint with the Hawai'i Civil Rights Commission (HCRC). After reviewing your Pre-Complaint Questionnaire, we will contact you for an intake interview and, where appropriate, provide assistance in filing a formal complaint.

The information you provide in the Pre-Complaint Questionnaire will be used to investigate your discrimination complaint. All information provided to us during an investigation is confidential and will not be disclosed EXCEPT:

- 1) where a court orders the disclosure;
- 2) where a notice of right to sue is issued and you choose to proceed to court; or
- 3) where there is an express statement or implied threat to commit a crime of violence.

All complaints must be filed with the HCRC within 180 days of:

- 1) the alleged discriminatory practice, or
- 2) the date of the most recent occurrence in a pattern of ongoing discrimination.

The HCRC does not have jurisdiction over complaints filed after the expiration of 180 days.

Under Hawai'i law, you may not file an action in state court alleging discrimination unless a complaint is first filed with the HCRC and we issue a notice of right to sue. You may request a right to sue letter at any time after filing a complaint. A right to sue letter allows you to file a discrimination complaint in state court without further HCRC involvement.

You must contact the HCRC if you move, or change your address or telephone number. If we are unable to contact you, your case may be closed.

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Please contact the HCRC if you would like help with the Pre-Complaint Questionnaire or if you require an accommodation. If English is not your first language,  
the HCRC will provide an interpreter at no cost to you.

If you live on Oahu call the HCRC by dialing: 586-8636 (Voice) or 586-8692 (TDD)

If you live on a Neighbor Island call the HCRC toll-free by dialing: Kaua'i - 274-3141, ext 6-8636#  
Maui - 984-2400, ext 6-8636#  
Hawai'i - 974-4000, ext. 6-8636#  
Lana'i & Moloka'i - 1-800-468-4644, ext. 6-

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## Grounds of Discrimination in Employment

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Sex (Includes Gender Identity & Pregnancy)  
Race  
Ancestry/National Origin  
Color  
Religion  
Disability  
Age  
Domestic/Sexual Violence Victim Status

Marital Status  
Sexual Orientation  
Breast Feeding  
Arrest & Court Record  
National Guard  
Participation Child Support  
Garnishment Credit History or Credit Report

### The Hawai'i Civil Rights Commission Is Here to Help ...

If you believe you have been a victim of discrimination, you have the right to file a complaint with the Hawai'i Civil Rights Commission (HCRC). We are here to help.

- **FILING A COMPLAINT** - You must file your complaint no later than 180 days from the last act of discrimination.
- **INTAKE** - After you file a complaint, you will be interviewed by an intake investigator before 180-day timeline ends.
- **COMPLAINT SERVED** - After the intake interview, we will serve a written complaint on the respondent(s), together with a request for a written reply to the complaint. You will also receive a copy of the complaint.
- **INVESTIGATION** - After we receive a written reply from the respondent(s), the case will be assigned to an investigator . The investigation is a neutral and objective fact finding process.
- **DECISION** - After the investigation, we will decide if there is sufficient evidence of discrimination.
- **NOTIFICATION** - You will receive our decision and information about your options under the law.
- **MEDIATION AND PRE-DETERMINATION SETTLEMENT** - You can ask for mediation or pre-determination settlement at any time. In mediation, an impartial person helps the parties to resolve their differences. In pre-determination settlement, the parties resolve the differences between themselves. In pre-determination settlement, we can transmit settlement offers between the parties.
- **RIGHT TO SUE** - You may ask a right to sue letter, at any time. A right to sue letter allows you to file a discrimination complaint in state court without further

HCRC involvement.



**Pre-Complaint Questionnaire - Employment**

Hawai'i Civil Rights Commission

830 Punchbowl Street, Room 411, Honolulu, HI 96813

TEL: (808) 586-8636, FAX: (808) 586-8655, TDD: (808) 586-8692

**Directions:** Please fill this out completely. We'll use the information to see if we have jurisdiction to draft a discrimination complaint and to investigate it. Include any paperwork that shows discrimination occurred. Read the closing statement at the end, and sign and date it. Mail or drop off at the above address. An investigator will contact you for an intake interview.

Date: \_\_\_\_\_

**1. Information about you:**

Name: \_\_\_\_\_  
Last Middle

Address: \_\_\_\_\_  
Number/Street City Zip

\_\_\_\_\_  
Home Phone / Cell Phone / Work Phone

Email Address: \_\_\_\_\_ Age\* and Date of Birth: \_\_\_\_\_

Race or Ancestry\*: \_\_\_\_\_ Sex\*: \_\_\_\_\_

Person to contact if we can't reach you:

\_\_\_\_\_  
Name and Relationship Address Phone No.

**2. Information about the employer:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Number/Street City Zip

**Island:**

O'ahu Kaua'i Maui Hawai'i Moloka'i Lana'i

Telephone: \_\_\_\_\_

Revised: September 2015

Date Hired: \_\_\_\_\_

Job Title: \_\_\_\_\_

\*used for statistical purposes only

Number of Employees: \_\_\_\_\_

\_\_\_\_\_ Pay/Salary: \_\_\_\_\_

**3. Check type of discrimination:**

- Race
- Color
- Ancestry (includes national origin)
- Age**
- Religion
- Credit History or Report
- Arrest & Court Record
- Breast Feeding

- Sex (includes gender identity & pregnancy)
- Sexual Orientation
- Marital Status
- Retaliation (opposed discrimination)
- National Guard Obligation
- Child Support Garnishment
- Domestic/Sexual Violence Victim Status
- Disability:** \_\_\_\_\_

**4. Check act of discrimination:**

- Fired/Discharged
- Laid Off
- Not Hired
- Harassed

- Sexually Harassed
- Denied Promotion
- Refused Accommodation
- Other: \_\_\_\_\_

**5. Date of the last act of discrimination:**

(Statute of limitations is 180 days)

**6. Name and job title of the person who discriminated against you:**

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**7. What reason did the person give to you for the discrimination?**

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**8. How did you learn about the Civil Rights Commission?**

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9. Did you file a complaint with the Federal EEOC about this?     YES     NO

10. Do you have an attorney representing you in this matter?     YES     NO

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Name Phone No.







## Appendix C.

### Potential Employers

#### Details

- A list of potential employers friendly to those with a conviction record in Hawai'i

Aloha Tower Marketplace	566-2314 and 585-8154 Fax
Aloha Party Rentals	833-7747
Big City Diner (locations)	738-8855
• Kaimuki—3565 Waialae Ave #3, Honolulu, HI 96816	
• Kailua—108 Hekili St #101, Kailua, HI 96734	
• Ward—1060 Auahi St #4, Honolulu, HI 96814	
• Waipio—94-800 Uke'e St, Waipahu, HI 96797	
• Pearlridge—98-211 Pali Momi St #900, 'Aiea, HI 96701	
Bubba Gump's	949-4867
C.S. Wo & Sons/Homeworld	543-5340
• Ask for human resources (HR) Dept.	
Cheesecake Factory	924-5001
• Apply 2-4 p.m.	
Cinnamon's Restaurant	261-8724
City Mill Job Hotline	529-5820
D & D Furniture	841-7391
• 616 Puuhale Rd, Honolulu, HI 96819	
D. Otani Produce	832-9600
Duke's	922-2268
E Noa Tours	593-8073
• Ask for HR Dept.	
Fisher Hawai'i	524-8770
Foodland/Sack 'N Save	732-0791
Goodwill Stores	836-9675
Hardware Hawai'i	266-1133
• Follow-up with Annie Asato	
IHOP	486-4467
Jiffy Lube	951-5433 or 236-2255
Kaka`ako Kitchen	596-7488
Lanakila Meals on Wheels	531-0555
McDonald's	585-8570
Macy's	941-2345

• Violent and drug felony restriction	
Menehune Water	487-7777
• Ask for HR Dept.	
Mulkern Landscaping	396-6595
• 41-639 Kaulukanu St, Waimanalo, HI 96795	
Navy Exchange	<a href="https://www.mynavyexchange.com/work4us/">https://www.mynavyexchange.com/work4us/</a>
NorPac Fisheries	842-3474
Office Max	545-5177
The Patisserie	836-7900
Pepsi	484-1777
• Ask for HR Dept.	
ProPak	971-7755 Main Office and 971-7756 Fax
Pro Park	566-2314
• Ask for Todd	
Red Lobster	955-5656
• Depends on location	
Robert's Hawai'i	539-9414
• Ask for HR Dept.	
Ross Dress for Less	488-1150
Ruby Tuesday	
• Ala Moana Center	943-2525
○ 4th Floor Ho'okipa Terrace, 1050 Ala Moana Blvd, Honolulu, HI 96814	
• Mililani	623-4949
○ 95-1249 Mehe'ula Pkwy, Mililani, HI 96789	
• Moanalua Center	422-8585
○ 930 Valkenburgh St Ste 211, Honolulu, HI 96818	
• Windward Mall	235-5800
○ 45-056 Kamehameha Hwy, Kaneohe, HI 96744	
• Kihei	633-4571
○ Pi'ilani Shopping Center, 303 Pi'ikea Ave, Kihei, HI 96753	
Safeway	524-4554
Sears	947-0211
• Depends on location	
Shore Bird Restaurant & Bar	922-2887
Sizzler's	832-4665
Target Stores	441-3118
• Violent felony restriction	
Times Supermarket	831-0811
Todai Restaurant	947-1000
UPS	845-8877
• Depends on location	

Wailana Coffee House-----955-3736

Wal-Mart-----942-4089

- Depends on location

Y. Hata-----845-1429

- Ask for HR Dept.

## Appendix D.

### Sample Letter to Child Support Enforcement Agency (CSEA)

Name of Mother  
Address of Mother  
City, State, Zip Code

DATE

Child Support Divison  
Address of Child Support Divison  
City, State, Zip Code

RE: Request for Child Support Review  
Case #123456789

To Whom It May Concern:

I am writing to request an increase in the child support ordered in Case #123456789. I am the custodial parent, [Name of Mother]. I have custody of two children, [Name of Child 1] and [Name of Child 2], whose father is [Name of Father].

Child support was originally ordered five years ago, on DATE, when [Name of Father] was working at McDonalds full-time. At that time, our children were five and seven. They are now ten and twelve, and their needs have substantially changed. [Name of Child] needs braces and clothing items that she didn't need before, while [Name of Child] has been diagnosed with ADHD and his medication is not covered by insurance.

[Name of Father] has completed a vocational training course and now works as a welder. His income has tripled since the original order was put in place. I believe he is capable of paying substantially more in support than he currently pays.

Please note that I have attached proof of my children's medical needs, as well as proof of [Name of Father]'s employment as a welder. Please contact me if you have any further questions.

Sincerely,

Signature of Mother  
Printed Name of Mother  
List of Attachments

Appendix E.

**Special Power of Attorney Form**

*Name of Plaintiff*  
*Address of Plaintiff*

**Plaintiff Pro Se**

**IN THE FAMILY COURT OF THE FIRST CIRCUIT**

**STATE OF HAWAI'I**

<i>Name of Plaintiff,</i>	)	FC-D No. _____
	)	
Plaintiff,	)	<b>COMPLAINT FOR SEPARATION; SUMMONS</b>
	)	
vs.	)	
	)	
<i>Name of Defendant,</i>	)	
	)	
Defendant.	)	
	)	

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Appendix F.

**Power of Attorney Revocation form**

See next page

## Hawai'i POWER OF ATTORNEY REVOCATION

Use of this form is for the power of attorney of:

- Health Care Powers

- Financial Powers

- Other: \_\_\_\_\_

I, \_\_\_\_\_, hereby immediately revoke those portions covering decisions of the document titled \_\_\_\_\_, that I previously executed on the \_\_\_ of \_\_\_\_\_, 20\_\_\_ which appointed \_\_\_\_\_ as my agent and \_\_\_\_\_ as my alternate successor agent. I hereby notify said agent(s) and any other interested persons and institutions that all portions of said document are revoked.

This revocation takes effect immediately. A photocopy has the same effect as an original.

This revocation was signed this \_\_\_ of \_\_\_\_\_, 20\_\_\_.

Signature of Principal \_\_\_\_\_

Print Name \_\_\_\_\_

NOTE: Provide copies to anyone who may have copies of the Power of Attorney that is being revoked. Retain the original of this form in your personal papers.

**NOTARY ACKNOWLEDGMENT**

[State of Hawai'i]

County of \_\_\_\_\_]

On this \_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_, before me  
\_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_,  
proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are)  
subscribed to this instrument, and acknowledged (he/she/they) executed the same.

\_\_\_\_\_

Witness my hand and official seal.

Print Name \_\_\_\_\_

My Commission Expires on \_\_\_\_\_

(Seal)

\_\_\_\_\_

## Appendix G.

### General Power of Attorney Form

#### Details

- GENERAL POWER OF ATTORNEY

<https://powerofattorney.com/hawaii/>

- The following website can help in creating a General Power of Attorney Form specific to your case/needs

## Appendix H.

### **Guardianship – Minor Person**

#### **PRO-SE PACKET**

#### **GUARDIANSHIP -- MINOR PERSON**

#### **FAMILY COURT OF THE FIRST CIRCUIT**

This packet describes the steps necessary to establish a guardianship of a minor under the new Act 161 of 2004, which was effective as of January 1, 2005. Please note that this packet does NOT address the situation in which a guardian was previously appointed by a will or other written document. Information is provided on preparing documents and presenting them for filing. Samples of the basic forms are also included.

We strongly recommend that you seek the services of an attorney. The Lawyer Referral Service (537-9140) of the Hawai'i State Bar Association may be able to provide names of attorneys, but they do not have information on any fees charged by the attorneys. The Volunteer Legal Services (528-7046) and the Legal Aid Society of Hawai'i (536-4302) offer assistance to people with low incomes who meet their financial criteria. Presently, Legal Aid's "Courthouse Assistance Program" office is on the fourth floor of the Kapolei Court Complex, 4675 Kapolei Parkway, in Kapolei and is open every weekday morning. You may also consult the yellow pages of the telephone book for attorneys who specialize in family law.

Should you decide to proceed on your own without the assistance of an attorney, you may wish to review Sections 560:1-401 and 560:5-201 to 560:5-210 of the Hawai'i Revised Statutes pertaining to Guardians of Minors. You are responsible for ensuring that your documents comply with Rule 3 of the Rules of the Circuit Court, applicable Hawai'i Family Court Rules, applicable sections of the Hawai'i Revised Statutes, as well as any memoranda issued by the Family Court.

Copies of these statutes, rules and memoranda are available at the Hawai'i Supreme Court Law Library - 417 South King Street, behind the King Kamehameha statue). Court rules and statutes are also available on-line at [www.courts.state.hi.us](http://www.courts.state.hi.us) (rules) and [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov) (statutes).

## **OVERVIEW OF DOCUMENTS IN THIS PACKET**

This packet includes the following forms. Should you wish to have more than one person serve as co-guardians, you will need to amend pertinent portions of the documents to show that this is a co-guardianship case.

**"Petition for Appointment of a Guardian of a Minor "** states the factual and legal basis for the appointment of a guardian and asks the court to issue an Order Appointing Guardian with  Limited  Unlimited Authority.

1) **"Notice of Hearing"** is attached to the Petition. Court personnel will schedule the hearing and fill in the blank spaces for the date and time of hearing (see the instructions on page 3).

2) **"List of Exhibits"** - this cover sheet organizes supporting documents that are submitted at the time of filing the Petition.

3) **"Waiver of Notice and Consent to Guardianship"** informs the court that a person, who is otherwise entitled to notice, agrees to have the guardianship proceedings take place without his or her involvement. This document may be filed to support the Petition for Appointment of Guardian. The proposed guardian is always expected to attend the hearing, unless previously excused by the court.

This form allows interested parties to be able to waive the requirement that they be given at least 14-days advance notice of the hearing on the Petition. It also has a check off box if the interested party wants to waive notice of any future hearings.

4) **Order Appointing Guardian with  Limited  Unlimited Authority** - contains the Judge's findings and states, among other things, the conditions under which the guardian shall serve and the events that will terminate the guardianship.

## **HOW TO PREPARE DOCUMENTS FOR FILING**

### **Typing**

If you use the attached forms, please type in the information. Also, please adjust or delete phrases (noted on the attached forms, in parentheses) to fit the information in your case. If you prefer to type your own documents on your computer, then all documents must be typed in black ink using 12 point pica size print. A 10 point elite size print is not acceptable. On the first page of each new document, the name of the Court (for example, "Family Court of the First Circuit") shall be centered and be not less than 3" from the top of the page. Top and bottom margins of the other pages must be 1". The left and right-hand margins shall not be less than

1".

**Signature** Documents must be dated and **signed in legible, dark ink.**

**Terms:** The "Petitioner" is the person requesting the guardianship. The minor or any person interested in the minor's welfare may submit the petition. The Petition requests that someone be appointed as the "Guardian."

**Case name and number:**

All documents filed in the same case record must have the same case name (the name of the Respondent noted in the case caption on the left hand side of the caption on the first page. These documents should also have the same "FC-G" (for example, FC-G No. 06-1-0002) case number in the right-hand side of the caption on the first page of the document.

**Name** Be sure to print the Petitioner's name, address and phone number on the upper left-hand corner of the first page of each document. A daytime or cell phone number is important so that the Court can call and notify you that your documents are ready to be picked up for filing. You are responsible for filing your documents. The Court cannot file the documents for you.

**Copies** You need to make enough copies of each original document. Each person who is required to receive notice (see section entitled "Service of Documents") must have a copy. Be sure to keep a copy for yourself.

**Filing:** All documents must be **filed** with the Legal Documents Branch which is located on the first floor of the Kapolei Court Complex, 4675 Kapolei Parkway, or the first floor of the Kaahumanu Hale. "**Filed**" means that the original documents (the original document with original signatures; not copies) has an original file-stamped (date and time) and the name of the Documents Filing Clerk on the upper right-hand corner of the first page of the document. This "**filed**" original is kept by the Family Court as part of the guardianship case record.

**Conforming copies:**

All copies must be "conformed." "Conforming" means that any changes the Court made to your original documents and added to your copies, so that the text of the copies are identical to the original document. For example, if a date and time for a court hearing are added to the Notice of Hearing, you must add this

same date and time to ALL copies of the Notice of Hearing. This ensures that all persons receiving the Notice of Hearing will have the same information.

## **PRESENTING DOCUMENTS FOR INITIAL FILING**

To get a hearing date, after completing all of the necessary forms, present the original copy plus the necessary number of copies to one of the clerks at the counter in the Judicial Services Branch, 4th Floor of the Kapolei Court Complex. You must leave the documents for processing and you will be contacted--by telephone--to pick up the documents. Again, we emphasize the importance of including your daytime or cellular phone number on documents turned in to the Court.

When you pick up the documents, you will notice that the date and time of the hearing has been filled in on the original copy only of the Notice of Hearing. You must conform the copies (i.e., fill in this same information on all of the other copies you submitted). You may do this by writing in or stamping the information that the Court added to the original document. Be sure that the information is exactly the same as on the original. As an alternative, you may photocopy the documents after you pick them up from the Court. It is critical that you include the date and time of the hearing on all copies of the Notice of Hearing.

To file the documents, present the original and all copies to a Legal Documents

Receiving Clerk on the first floor of the Kapolei Court Complex or the Kaahumanu Hale. Submit as many copies as you need to give to the persons who must receive notice (see HRS section 560:5-205), including the one for yourself. A \$175.00 filing fee is required to file the Petition. Filing fees may be paid in person by cash, cashier's check or money order. Please make all cashier's checks or money orders payable to "Chief Clerk, First Circuit Court". The Court does NOT accept personal checks.

If you are paying by cashier's check or money order, the Documents Receiving Clerk will accept your cashier's check or money order, assign a case number, and file your documents and return copies to you. A receipt will be mailed to the filing party within 48 hours to confirm the payment.

If you are paying in cash, the Documents Receiving Clerk will assign a case number and direct you to the Cashier's Section to pay the filing fee and surcharge. After you have paid your fees, return to the Legal Documents Branch counter to have the documents filed.

It is preferable that certified copies of your documents be served on the parties. The Documents Receiving Clerk will certify as many copies as requested at the time of filing of your documents. There is an additional charge should you request certified copies at a later date.

## **SERVICE OF THE DOCUMENTS**

You must serve copies of the "**Petition for Guardianship**" and the "**Notice of Hearing**" on all parties entitled to notice under HRS § 560:5-205 by the appropriate method of service as described in that section, in HRS § 560:1-401, and in Rule 4 of the Hawai'i Family Court Rules.

Pursuant to HRS §§ 560:5-205, 560:5-113, and 560:1-401, the following persons **must** be served with a copy of the Petition and Notice of Hearing at least 14 days prior to the hearing. Service on all of the persons listed below may be made by certified, registered or first class mail (HRS § 560:1-401(a)(1)):

- A) Minor- if minor is 14 years or older and is not the petitioner;
- B) any person alleged to have been minor's custodian during the 60 days prior to the Petition being filed;
- C) legal mother (whose parental rights have not been terminated);
- D) legal father (whose parental rights have not been terminated);  
\*"Legal Father" is a man who was married to mother at minor's birth; who adopted the minor; for whom paternity of the minor was established; or whose name is included on subject's Hawaii birth certificate and the child was born on July 11, 1999 or later.
- E) the adult nearest in kinship to legal mother that can be found, if legal mother is deceased, but legal father is not deceased ("adult" is someone who is 18 years of age or older)
- F) the adult nearest in kinship to legal father that can be found, if legal father is deceased, but legal mother is not deceased
- G) each adult sibling of the minor who can be found, if both parents are deceased
- H) each adult nearest in kinship to legal mother and to legal father that can be found, if both parents are deceased and no adult sibling of minor can be found ;
- I) any person nominated as guardian by the minor, if minor is 14 years or older;
- J) any appointee of a parent whose appointment has not been prevented or terminated under HRS § 560:5-203.
- K) minor's guardian or conservator currently acting for the minor in Hawai'i or elsewhere, if any.

For each person listed in #A-K, you must submit at least **one** of the following:

- 1) written proof of service;
- 2) a signed waiver of notice and consent to guardianship;
- 3) a statement of mailing attaching the Post Office receipt and completed returned receipt indicating that the person received the document by mail; or
- 4) a sworn statement that has been filed or stated on the record at the hearing, if the person listed is deceased.

If you do not have at least **one** of the documents noted above (#1-4) for **each** person listed in #A-K, if applicable, that person must be present at the hearing. If you received prior approval from the court to serve notice by publication, it should be coordinated so that the last day of the publication is at least 10 days prior to the hearing (HRS § 560:1-401(a)(3)).

You DO NOT have to serve non-legal biological parents. At the court hearing, you must be able to prove that:

- the proposed guardian(s) is/are qualified (HRS § 560:5-205(b));
- minor resides or is present in the First Circuit (Oahu) at the time the proceeding is commenced (HRS § 560:5-108(a))
- the best interests of the minor are served by the appointment of the proposed guardian(s) (HRS § 560:5-204 and 206;
- the minor's parents consent, or all parental rights have been terminated, or the parents are unwilling or unable to exercise their parental rights (HRS § 560:5-204(b));
- all notices were personally served or mailed at least 14 days prior to hearing (HRS §§ 560:5-205 and 560:1-401);
- the minor is an unemancipated individual under 18 years of age (HRS § 560:5-102 (definition of "minor")).

If you are seeking to waive notice to a person closest in kinship, you must prove the requirements of HRS § 560:5-205(a)(3)--that all reasonable efforts were made to identify and locate the person and those efforts were unsuccessful. And, that the person has not demonstrated a reasonable degree of interest or concern in the minor child.

These requirements are mandated by HRS §§ 560:5-204 and 560:5-205. If they are not met, your case will be dismissed. You may file birth, death or marriage certificates or proof of divorce, but they are not required.

## **LIMITED GUARDIANSHIP**

In the interest of developing self-reliance of the minor, or for other good cause shown, the Court, with exceptions, may limit the powers of the guardian. Under other circumstances, the Court may grant additional powers or withdraw powers previously granted.

## **APPOINTMENT OF A GUARDIAN AD LITEM**

The Court may appoint a Guardian Ad Litem for the minor to assist the Court by meeting with the minor and investigating the need for a guardianship. You may have to pay for these services.

## **APPOINTMENT OF AN ATTORNEY FOR THE MINOR**

The Court may also appoint an attorney to represent the minor, if the interests of the minor are or may be inadequately represented. You may have to pay for these services.

## **AFTER THE HEARING**

If the Court appoints a guardian, the petitioner prepares an **Order Appointing Guardian with [ ] Limited [ ] Unlimited Authority** and submit the order to the Court for the Judge's signature within ten (10) days of the hearing unless otherwise requested. After the Order has been signed, the Court will advise you to pick up the document or they may mail it back to you if you had provided them with a stamped, self-addressed envelope. You will be responsible for filing the document in the Legal Documents Branch. The court will not file the documents for you.

## **ANNUAL REPORTS:**

The Court may require the Guardian to submit a written report to the Court on the condition of the ward and an account of the money and other assets in the Guardian's possession or subject to the Guardian's control. The Court may require that the written report be submitted annually and address the following: (1) The current mental, physical, and social condition of the ward; (2) The living arrangements for all addresses of the ward during the reporting period; (3) The medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care; (4) A summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which

the ward has participated in decision-making; (5) If the ward is institutionalized, whether the guardian considers the current plan for care, treatment, or habilitation to be in the ward's best interest; (6) Plans for future care; and 7) A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship.

## **CONFIDENTIALITY**

Court hearings and records are confidential.



2. The following information concerns the above-named  
Petitioner:

**Name:**

**Residence and Current Address, if different:**

**Relationship to Minor:**

**If Petitioner is also the proposed Guardian, then state reason  
for appointment:**

3. The following information concerns the above-named  
Minor:

**Name:**

**Age:**

**Address:**

4. The following person is suitable to be appointed  
Guardian of the Minor:

**Name:**

**Residence and Current Address (If different):**

**Age:**

**Relationship to Minor:**

**The proposed Guardian should be selected because:** (*state reason.*)

1. The names and addresses of the individuals required by law, HRS §§ 560:1-401 and 5-205, to be notified of these proceedings are (*note if deceased, whereabouts unknown, or "none"*)

(a) **Minor**, if minor is at least 14 years old;

(b) **Minor's custodian during the 60 days**

**prior to the filing of this Petition;**

(c) **Legal Mother** (whose parental rights have not been terminated);

(d) **Legal Father** (whose parental rights have not been terminated);

(e) if one parent is deceased but the other parent is still living, then the adult nearest in kinship to the deceased legal parent, who can be found.

(f) if both parents are deceased, then each adult sibling of the Minor, who can be found.

if both parents are deceased and there are no adult siblings of the Minor, then each adult nearest in kinship to each deceased parent, who can be found.

(g) any person nominated as guardian by a Minor who is at least 14 years old.

- (h) any person appointed as guardian by a parent, whose appointment has not been prevented or terminated pursuant to HRS § 560:5-203;
- (i) any current guardian or conservator of the Minor.

5. The following interested person(s) (has/have) filed with the Family Court or Circuit Court of the First Circuit, pursuant to HRS § 560:5-116, a request for notice before entry of any order in a guardianship or protective proceeding relating to the above-named Minor (*Also note relationship to subject.*)

6. Petitioner has made inquiry of all reasonable sources as to the names and addresses of persons in paragraphs 5 through 6, where applicable, and has not been able to obtain information other than as alleged in said paragraphs.

Such appointment is necessary because:

[ ] or A limited guardianship is requested granting the limited guardian the following powers: (state powers to be granted to the limited guardian.)

7. The Petitioner further requests the appointment of a Guardian ad Litem for the Minor, if deemed necessary by the Court, pursuant to HRS § 560:5-115.

WHEREFORE, Petitioner prays that:

1. A time and place be set for hearing on the issue of incapacity hereof, and that due notice of the foregoing matter and of the time and place of hearing on this petition be given to all required persons.

2. The Court appoint a Guardian ad Litem for the Minor, if deemed necessary by the Court, pursuant to HRS §560:5-115.

3. The Court make the following findings:

(a) that this Court has jurisdiction in this matter;

that the Minor (Full Legal Name of Minor) is a minor as defined in HRS § 560:5-102;

(b) (*check appropriate box*) that the appointment of a [ ]limited [ ]unlimited guardianship is necessary in order to provide continuing care and supervision of said Minor; and

(c) that (Name of Proposed Guardian), the nominee named in paragraph 4 above, is a fit and proper person to serve as guardian.

4. (Name of Proposed Guardian) be appointed guardian of the above-named Minor, to continue in office until such guardianship is terminated by order of this Court or by operation of law.

5. The guardian of the person of the above-named

Minor shall serve without bond and without compensation.

PETITIONER DECLARES UNDER PENALTY OF PERJURY THAT  
PETITIONER HAS READ THIS PETITION FOR GUARDIANSHIP AND  
KNOWS AND UNDERSTANDS THE CONTENTS HEREOF; AND THAT THE  
STATEMENTS MADE HEREIN ARE TRUE OF PETITIONER'S OWN  
KNOWLEDGE EXCEPT AS TO MATTERS HEREIN STATED UPON  
INFORMATION AND BELIEF. AS TO  
THOSE MATTERS, PETITIONER BELIEVES THEM TO BE TRUE.

DATED: Honolulu, Hawai'i \_\_\_\_\_

\_\_\_\_\_  
(signature)  
Petitioner

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the ) FC-G No. (leave blank)  
Guardianship )  
 ) NOTICE OF HEARING  
of )  
 )  
(full legal name), )  
 )  
A Minor. )  
\_\_\_\_\_ )

NOTICE OF HEARING

STATE OF HAWAI`I

TO: (List names and addresses of all parties in paragraphs  
3 to 6 of the Petition.)

The petition for appointment of a guardian of the  
above-

named Minor will be heard in the Family Court, **Kapolei Court**

**Complex, 3rd Floor, 4675 Kapolei Parkway, Kapolei, HI 96707-**

**3272, on \_\_\_\_\_ (Month/Day) \_\_\_\_\_,**

**\_\_\_\_\_ (Year) \_\_\_\_\_,**

at (Time) . m.

If you fail to appear at the hearing, or to file an answer with the  
Office of the **Deputy** Chief Court Administrator of **the** First Circuit,  
State of Hawai`i, located in the **Kapolei Court Complex, 1st Floor,**  
**4675 Kapolei Parkway, Kapolei, Hawai`i,**

before the date of the hearing, further action may be taken in this cause without further notice to you.

This Notice of Hearing 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 Family Court permits, in writing on the Notice of Hearing, personal delivery during those hours.

Failure to obey the Notice of Hearing may result in an entry of a default and default judgment against the person noticed.

DATED: Honolulu, Hawai`i, \_\_\_\_\_

.

\_\_\_\_\_  
Clerk of the above-entitled Court

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 at the First Circuit Court Administration office at phone number 954-8200, FAX # 954-8308 or TTY 539-4853, at least ten (10) working days prior to your hearing.

Pro Se Petitioner's Name:  
Address:

Telephone  
Number:  
Pro Se  
Petitioner

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the	)	FC-G No. <u>(leave blank)</u>
Guardianship	)	
	)	STATEMENT OF MAILING
of	)	RE: <u>(NAME OF PARTY);</u>
	)	EXHIBITS 1 and 2
<u>(full legal name) ,</u>	)	
	)	
A Minor.	)	
<u>_____</u>	)	

STATEMENT OF MAILING RE: (NAME OF PARTY)

I represent that I mailed a certified copy of the  
Petition for the Appointment of a Guardian of a Minor and  
Notice of Hearing by certified or registered mail, return  
receipt requested, [

] restricted delivery to addressee as  
follows: NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIPCODE: \_\_\_\_\_

At the time of mailing, the Post Office receipt  
attached hereto as Exhibit "1" was postmarked and dated.

Thereafter,  
the return receipt attached as Exhibit "2" was received.

DATED: Honolulu, Hawai`i, \_\_\_\_\_

\_\_\_\_\_

(Signature)

---

Print complete name

**Instructions:**

Submit a separate Statement of Mailing for each party served by mail.

(ATTACH POST OFFICE RECEIPT)

(ATTACH RETURN RECEIPT)

EXHIBIT 1

EXHIBIT 2



appointment of a guardian of the minor are true;

3.           (Minor's name)           is a minor as defined in  
HRS § 560:5-102;

4. The appointment of a guardian for the minor is in  
the Minor's best interest, and;

A. The Minor's  legal mother  legal  
father consented to the guardianship.

B. The parental rights of the  legal  
mother  
 legal father has/have been  
terminated or have been divested pursuant  
to HRS Chapter 587.

C. The Minor's  legal mother  legal  
father is/are unwilling or unable to  
exercise their parental rights.

5.           (Name of the Proposed Guardian)           is a  
qualified person to serve as Guardian.

6. The necessary persons have been properly  
served.

7. The Guardian shall have unlimited  
authority because:

---

or

[ ] The Guardian shall have limited authority.

NOW, THEREFOR,

IT IS HEREBY ORDERED that (Name of Proposed Guardian) be and is hereby appointed Guardian of (Name of Minor), to make decisions regarding the Minor's support, care, education, health and welfare, subject to the provisions in HRS §§ 560:5-207, 560:5-208, and 560:5-209. At all times, the Guardian shall act in the Minor's best interests and exercise reasonable care, diligence and prudence.

IT IS HEREBY ORDERED that the Guardian shall have the following duties:

- 1) to become and remain personally acquainted with the Minor and maintain sufficient contact with the Minor to know his/her capacities, limitations, needs, opportunities, and physical and mental health;
- 2) take reasonable care of the Minor's personal effects and bring protective proceedings if necessary to protect the Minor's property;
- 3) expend any of the Minor's monies, received by the Guardian, for the Minor's current needs for support, care, education, health and welfare;

- 4) conserve any excess money of the Minor for the Minor's future needs; provided that if a conservator has been appointed for the Minor's estate, the Guardian shall pay the money to the conservator, at least quarterly, to be conserved for the Minor's future needs;
- 5) report the condition of the Minor and account for money and other assets in the Guardian's possession or subject to the Guardian's control, as ordered by the court on application of any interested person or as required by court rule; and
- 6) inform the court of any change in the Minor's current residence or address;

IT IS HEREBY ORDERED THAT THE GUARDIAN SHALL HAVE:

**limited authority as provided below:**

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---

**unlimited authority**

to make these decisions including but not limited to the authority to:

- 1) apply for and receive money for the Minor's support otherwise payable to the Minor's parent, Guardian or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;
- 2) if consistent with any court orders relating to custody, take custody of the Minor and establish that Minor's residence, provided that prior court approval is needed if the Minor is to live or be moved to a location outside of Hawai'i;
- 3) if there is no conservator, then the Guardian may initiate an action to compel a person to support the Minor or pay money for the Minor's benefit;
- 4) consent to medical or other care, treatment or service for the Minor;
- 5) consent to the marriage of the Minor; and
- 6) if reasonable under all of the circumstances, delegate to the Minor certain responsibilities for decisions affecting the Minor's well being.

IT IS HEREBY FURTHER ORDERED that the Guardian shall serve without bond, and with prior court approval, is entitled to reasonable compensation from the Minor's estate for services as Guardian and to reimbursement for room, board, and clothing

provided by the Guardian to the Minor. See Exhibit A

IT IS HEREBY FURTHER ORDERED that the Guardian shall be discharged upon the Minor's death, adoption, emancipation or attainment of the age of majority, or as ordered by the court, but termination does not affect the liability of the Guardian for prior acts, nor the Guardian's obligation to account for funds and assets of the Minor.

DATED: Honolulu, Hawaii \_\_\_\_\_

\_\_\_\_\_  
Judge of the above-entitled Court

**§560:5-207 Duties of guardian.** (a) Except as otherwise limited by the court, a guardian of a minor ward has the duties and responsibilities of a parent regarding the ward's support, care, education, health, and welfare. A guardian shall act at all times in the ward's best interest and exercise reasonable care, diligence, and prudence.

- (b) A guardian shall:
- (1) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health;
  - (2) Take reasonable care of the ward's personal effects and bring a protective proceeding if necessary to protect other property of the ward;
  - (3) Expend money of the ward that has been received by the guardian, for the ward's current needs for support, care, education, health, and welfare;
  - (4) Conserve any excess money of the ward for the ward's future needs; provided that if a conservator has been appointed for the estate of the ward, the guardian shall pay the money at least quarterly to the conservator to be conserved for the ward's future needs;
  - (5) Report the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's control, as ordered by the court on application of any person interested in the ward's welfare or as required by the court rule; and
  - (6) Inform the court of any change in the ward's custodial dwelling or address.

**§560:5-208 Powers of guardian.** (a) Except as otherwise limited by the court, a guardian of a minor ward has the powers of a parent regarding the ward's support, care, education, health, and welfare.

- (b) A guardian may:
- (1) Apply for and receive money for the support of the ward otherwise payable to the ward's parent, guardian, or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;
  - (2) If otherwise consistent with the terms of any order by a court of a competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling provided that a guardian may only establish or move the ward's custodial dwelling outside the State upon express authorization of the court;

## **EXHIBIT A**

### **§560:5-208 Powers of guardian con't**

- (3) If a conservator for the estate of a ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;
  - (4) Consent to medical or other care, treatment, or service for the ward;
  - (5) Consent to the marriage of the ward; and
  - (6) If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.
- (c) The court may specifically authorize the guardian to consent to the adoption of the ward.

**§560:5-209 Rights and immunities of guardian; limitations.** (a) A guardian shall be entitled to such reasonable compensation from the ward's estate for services as guardian and to reimbursement for room, board, and clothing provided to the ward, as is approved by order of the court.

- (b) A guardian is not:
- (1) Legally obligated to use the guardian's personal funds for the ward's expenses;
  - (2) Unless otherwise provided in the contract, individually liable on a contract

properly entered into in the guardian's representative capacity in the exercise of the duties and powers as guardian unless the guardian fails to reveal the guardian's capacity and the identity of the ward in the contract;

- (3) Personally liable to a third person for acts of the ward solely by reason of the relationship; and

Personally liable for injury to the ward resulting from the negligence or act of a third party providing medical or other care, treatment, or service to the ward except to the extent that a parent would be liable under the circumstances

## Appendix I.

### Guardianship, Incapacitated Person

#### Details

- To establish guardianship for a child that becomes an adult and cannot care for self or handle own affairs

- **PRO-SE PACKET**

- **GUARDIANSHIP -- INCAPACITATED PERSON**

- **FAMILY COURT OF THE FIRST CIRCUIT**

- This packet describes the steps necessary to establish a guardianship of an incapacitated person under the new Act 161 of 2004, which was effective as of January 1, 2005. Please note that this packet does NOT address the situation in which a guardian was previously appointed by a will or other written document. Information is provided on preparing documents and presenting them for filing. Samples of the basic forms are also included.
- We strongly recommend that you seek the services of an attorney. The Lawyer Referral Service (537-9140) of the Hawai'i State Bar Association may be able to provide names of attorneys, but they do not have information on any fees charged by the attorneys. The Volunteer Legal Services (528-7046) and the Legal Aid Society of Hawai'i (536-4302) offer assistance to people with low incomes who meet their financial criteria. You may also consult the yellow pages of the telephone book for attorneys who specialize in family law.
- Should you decide to proceed on your own without the assistance of an attorney, you may wish to review Hawai'i Revised Statutes (HRS) §§ 560:1-401 and 560:5-304 to 560:5-311 pertaining to Guardians of Incapacitated Persons. You are responsible for ensuring that your documents comply with Rule 3 of the Rules of the Circuit Court, applicable Hawai'i Family Court Rules, applicable sections of the Hawai'i Revised Statutes, as well as any memoranda issued by the Family Court.
- Copies of these statutes, rules and memoranda are available at the Hawai'i Supreme Court Law Library - 417 South King Street, behind the King Kamehameha statue). Court rules and statutes are also available on-line at [www.courts.state.hi.us](http://www.courts.state.hi.us) (rules) and [www.capitol.hawaii.gov/hrscurrent](http://www.capitol.hawaii.gov/hrscurrent) (statutes).
- 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 at the First Circuit Family Court office at PHONE NO. 954- 8200, FAX 954-8308 or via email at [adarequest@courts.hawaii.gov](mailto: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 (808) 954-8290 if you have any questions regarding forms or procedures

## OVERVIEW OF DOCUMENTS IN THIS PACKET

This packet includes the following forms. Should you wish to have more than one person serve as co-guardians, you will need to amend pertinent portions of the documents to show that this is a co-guardianship case.

- 1) "Petition for Appointment of a Guardian of an Incapacitated Person" states the factual and legal basis for the appointment of a guardian and asks the court to issue an Order appointing a guardian.
- 2) "Notice of Hearing" is attached to the Petition. Court personnel will schedule the hearing and fill in the blank spaces for the date and time of hearing. (see the instructions on page 4.)
- 3) "List of Exhibits" - this cover sheet organizes supporting documents that are submitted at the time of the filing the Petition.
- 4) "Waiver of Notice and Consent to Guardianship" informs the court that a person, who is otherwise entitled to notice, agrees to have the guardianship proceedings take place without his or her involvement. This document may be filed to support the Petition for Appointment of a Guardian of an Incapacitated Person. The proposed guardian and the alleged incapacitated person are always expected to attend the hearing, unless previously excused by the court. The alleged incapacitated person cannot waive notice of the hearing.

This form allows interested parties to be able to waive the requirement that they be given at least 14 -days advance notice of the hearing on the Petition. It also has a check off box if the interested party wants to waive notice of any future hearings.

- 5) Order Appointing Guardian with  Limited  Unlimited Authority; Exhibit A - contains the Judge's findings and states, among other things, the conditions under which the guardian shall serve and the events that will terminate the guardianship. See other documents listed under the heading, "After the Hearing."

## HOW TO PREPARE DOCUMENTS FOR FILING

**Typing** If you wish to add the information to the blank forms, please type in the information. Also, please adjust or delete phrases (noted on the sample forms, in parentheses) to fit the information in your case. If you type your own documents on your computer, then all documents must be typed in black ink using 12 point pica size print. A 10 point elite size print is not acceptable. On the first page of each

document, the name of the Court (for example, "Family Court of the First Circuit") shall be centered and be not less than 3" from the top of the page. Top and bottom margins on the other pages must be 1". The left and right-hand margins shall not be less than 1".

**Signature:** Documents must be dated and signed in legible, dark ink.

**Terms:** The "Petitioner" is the person requesting the guardianship. Any person interested in the alleged incapacitated person's welfare may submit the petition. The Petition requests that someone be appointed as the "Guardian." In the Petition, the alleged incapacitated person is referred to as the "Respondent." After a guardianship is granted, the incapacitated person is referred to as the "Ward."

**Case name and number:**

All documents filed in the same case record must have the same case name (the name of the Respondent noted in the case caption on the left hand side of the caption on the first page. These documents should also have the same "FC-G" (for example, FC-G No. 06-1-0002) case number in the right-hand side of the caption on the first page of the document.

**Name:** Be sure to print the Petitioner's name, address and phone number on the upper left-hand corner of the first page of each document. A daytime or cell phone number is important so that the court can call and notify you that your documents are ready to be picked up for filing. You are responsible for filing your documents. The Court cannot file the documents for you.

**Copies:** You need to make enough copies of each original document. Each person who is required to receive notice (see section entitled "Service of Documents") must have a copy. Be sure to keep a copy for yourself.

**Filing:** All documents must be filed with the Legal Documents Branch which is located on the first floor of the Ronald T. Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i 96707 or on the first floor of the Kaahumanu Hale, First Circuit Court building at 777 Punchbowl Street, Honolulu, Hawai'i 96813. "Filed" means that the original documents (the original document with original signatures; not copies) has an original file- stamped (date and time) and the name of the Documents Filing Clerk on the upper right-hand corner of the first page of the document. This "filed" original is kept by the Family Court as part of the guardianship case record.

**Conforming copies:**

All copies must be "conformed." "Conforming" means that any changes the Court made to your original documents and added to your copies, so that the text of the

copies are identical to the original document. For example, if a date and time for a court hearing are added to the Notice of Hearing, you must add this same date and time to ALL copies of the Notice of Hearing. This ensures that all persons receiving the Notice of Hearing will have the same information.

### **PRESENTING DOCUMENTS TO OBTAIN HEARING DATE**

After completing all of the necessary forms, you must obtain a hearing date from the Judicial Services Branch. To do this, you must drop off the original and appropriate number of copies of your documents to Window #5 on the first floor at the Ronald T. Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or place your guardianship documents in an envelope addressed to the Special Division Calendar Clerk, Judicial Service Branch and drop the envelope in the Judicial Services court jacket located at the Legal Documents Branch on the first floor of the Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i. After a hearing date has been assigned, you will be contacted--by telephone--to pick up the documents. Again, we emphasize the importance of including your daytime or cellular phone number on documents turned in to the court. Your documents may be picked up at Window #5 at the Kapolei courthouse.

### **PRESENTING DOCUMENTS FOR INITIAL FILING**

When you pick up the documents, please make sure that the hearing date and time is reflected on the original notice of hearing and on all the copies. You must conform the copies (i.e., fill in this same information that is on the original on all of the other copies you submitted). You may do this by writing in or stamping the information that the court added to the original document. Be sure that the information is exactly the same as on the original. It is critical that you include the date and time of the hearing on all copies of the Notice of Hearing.

To file the documents, present the original and all copies to a Documents Receiving Clerk in the Legal Documents Branch on the first floor of the Ronald T. Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i. Ask the clerk to certify all copies of the petition and notice. A \$215.00 filing fee is required to file the Petition. Filing fees may be paid in person by cash, cashier's check or money order. Please make all cashier's checks or money orders payable to "Chief Clerk, First Circuit Court".

If you are paying by cashier's check or money order, the Documents Receiving Clerk will accept your cashier's check or money order, assign a case number, and file your documents and return copies to you. A receipt will be mailed to the filing party within 48 hours to confirm the payment.

If you are paying in cash, the Documents Receiving Clerk will assign a case number and direct you to the Cashier's Section to pay the filing fee and surcharge. After you have paid your fees, return to the Legal Documents Branch counter to have the documents filed.

It is preferable that certified copies of your documents be served on the parties. The Documents Receiving Clerk will certify as many copies as requested at the time of filing of your documents. There is an additional charge should you request certified copies at a later date.

### **SERVICE OF THE DOCUMENTS**

You must serve copies of the "Petition for Guardianship" and the "Notice of Hearing" on all parties entitled to notice under HRS §560:5-309 by the appropriate method of service as described in that section, in HRS §560:1-401, and in Rule 4 of the Hawai'i Family Court Rules. You are reminded that in all cases, the alleged incapacitated person ("Respondent") must be served personally.

Please note that the new law requires that the Notice of Hearing include a statement that the Respondent must be physically present unless excused by the Court, inform the Respondent of the Respondent's rights at the hearing, and include a description of the nature, purpose, and consequences of the appointment. The Court will not grant your petition if you fail to serve the Respondent with a notice substantially complying with these requirements.

Pursuant to HRS §560:5-309 and §560:1-401, the following persons must be served with a copy of the Petition and Notice of Hearing at least 14 days prior to the hearing. Service on the persons listed below, except for the Respondent, may be made by certified, registered or first class mail (HRS §560:1-401(a)(1):

- A. Respondent - personal service only\* (See HRS §560:5-309( a));
- B. current spouse or reciprocal beneficiary of the Respondent;
- C. adult with whom Respondent resided for more than 6 months before the filing of the petition( if there is no spouse or reciprocal beneficiary);
- D. Respondent's adult children; If there are no adult children; then notice should be given to Respondent's parents and adult siblings; if the Respondent has none, then notice should be given to at least one adult nearest in kinship to Respondent who can be found;
- E. Respondent's current custodian (including care home provider)
- F. Respondent's legal representative, if any;
- G. any person nominated as the guardian by the Respondent;
- H. any agent appointed by the Respondent under any medical directive, mental health care directive, or health care power of attorney; or if none, then any

designated surrogate under the Uniform Health Care Decisions Act (HRS §327E-5(f));

- I. any proposed guardian.
- J. any interested persons, per HRS Section 560:5-116

\* “personal service” means that either a process server (ask the Family Court Service Center for a list of names) or an adult (defined as a person who is 18 years of age or older), other than yourself, delivers the document to the Respondent. The person who served the document must complete a Proof of Service, which must be filed with the Court, under the same FC-G case name and number noted on the Petition.

For each person listed in #A-J, if applicable, you must have one of the following:

1. written proof of service (required for the Respondent),
2. a signed waiver of notice and consent to guardianship (except for the Respondent ),
3. a statement of mailing attaching the Post Office receipt and completed returned receipt indicating that the person received the document by mail,
4. sworn statement that has been filed or stated on the record at the hearing, if the person listed is deceased.

If you do not have at least one of the documents noted above (#1-4) for each person listed in Items A-J, if applicable, that person must be present at the hearing. If you received prior approval from the Court to serve notice by publication, it should be coordinated so that the last day of the publication is at least 10 days prior to the hearing (HRS §560:1-401(a)(3)).

At the Court hearing, you must be able to prove that:

- Respondent is incapacitated (HRS §560:5-311). Prior to the hearing, the court may require you to file under seal (HRS §560:5-307) a doctor’s or psychologist’s or other qualified person’s written report, containing information required in HRS §560:5-306.
- Respondent resides in the First Circuit (Oahu) (HRS §560:5-108(b)(1)) G the proposed guardian(s) is/are qualified (HRS §560:5-310)
- that the Respondent’s identified needs cannot be met by less restrictive means (HRS §560:5-311)
  
- all notices were personally served or mailed at least 14 days prior to hearing (HRS §560:1-401 and §560:5-309), except that the Respondent cannot be served by mail but must be personally served.

## **LIMITED OR UNLIMITED GUARDIANSHIP**

The Court may appoint a limited or unlimited guardianship. Whenever feasible, the Court will grant to the guardian only those powers which are necessary due to the Ward's limitations and needs.

## **GUARDIAN AD LITEM OR KOKUA KANAWAI**

The Court may appoint either a Guardian Ad Litem or a Kokua Kanawai\* to assist the Court by meeting with the Respondent and investigating the need for a guardianship. \*See definition in HRS § 560:5-102. You may have to pay for these services.

## **ATTORNEY FOR THE RESPONDENT**

The Court will appoint an attorney to represent the Respondent if requested by the Respondent, recommended by the Kokua Kanawai, or as determined by the Court. You may have to pay for these services.

## **PROFESSIONAL EVALUATION**

The Court may order a professional evaluation of the Respondent by a physician, psychologist, or other qualified individual to evaluate the Respondent's alleged impairment. You will have to pay for these services.

## **AFTER THE HEARING**

1) Order Appointing Guardian with  Limited  Unlimited Authority:

If the court appoints a guardian, you must prepare an Order Appointing Guardian with  Limited  Unlimited Authority and submit the Order to the court for the Judge's signature within ten (10) days of the hearing, unless otherwise requested. After the Order has been signed, the court will mail the Order to you in a stamped, self-addressed envelope which you are to provide to the court at the time you submit your order.

2) Notice of Appointment of Guardian and Notice of Right to Request

Modification or Termination; Certificate of Service

Within 14 days after the Guardian is appointed by the Court, the Guardian is required to send or deliver to the ward and to all other persons who were notified of the hearing, a copy of the Order and a notice of the right to request modification or termination of the guardianship. The Guardian must also complete the attached

Certificate of Service which indicates the names and addresses of all persons who were notified and the date of such notification.

3) Reports to the Court:

Within 30 days of the appointment of a guardian, the Guardian must submit the Initial Report of the Guardian of An Incapacitated Person. This written report to the Court reflects the condition of the ward and gives an accounting of the money and other assets in the Guardian's possession or subject to the Guardian's control. Annual written reports must be submitted to the Court, addressing the following: (1) The current mental, physical, and social condition of the ward; (2) The living arrangements for all addresses of the ward during the reporting period; (3) The medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care; (4) A summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which the ward has participated in decision-making; (5) If the ward is institutionalized, whether the guardian considers the current plan for care, treatment, or habilitation to be in the ward's best interest; (6) Plans for future care; and 7) A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship.

Please note that the Court may appoint a Kokua Kanawai to review a report, interview the ward or guardian, and make any other investigation the Court directs.

4) Notice of the Filing of the Guardian's Report: to be delivered or sent within 14 days after the filing of the report.

The Guardian is required to give notice of the filing of the guardian's report together with a copy of the report, to the ward and any other person the court directs. The notice shall be delivered or sent within 14 days after the filing of the report. This notice is attached to the Annual Report form.

### **CONFIDENTIALITY**

The written reports of a Kokua Kanawai and any professional evaluation will be kept as confidential documents, with limited access. Court hearings and records are open to the public. A Court hearing may be closed upon the request of the Respondent and a showing of good cause.

## Appendix J.

### Adoption Procedures and Forms Memo

#### ADOPTION PROCEDURES AND FORMS

This Memorandum supersedes all previous Family Court memoranda regarding adoption and will be effective **June 1, 2002**.

#### I. CASE FLOW

##### A. **PETITION FOR ADOPTION (CONSENT)**

This petition should be used if **all** consents required pursuant to Section 578- 2(a) of the Hawai'i Revised Statutes, as amended, have been obtained.

The Court will not review the *Petition for Adoption (Consent)* prior to filing. All documents listed in the Initial Documents To Be Filed Section below and any subsequent filings should be presented for filing at the Documents Receiving Section of the Legal Documents Branch located on the First Floor of the **Ronald**

**T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i 96707, or of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813.** The hours for filing documents are 8:00 a.m. to 4:15 p.m., Monday through Friday, except State Holidays. The cost to file the petition is \$100.00 + \$65.00 (surcharge) + \$50.00 (computer system surcharge) for a total of \$215.00. There is no additional cost to file a motion in an adoption case.

#### 1. INITIAL DOCUMENTS TO BE FILED:

- a. Petition for Adoption (Consent)
- b. *Adoption Information Sheet*
- c. *Notice to DHS of Pendency of Action*
- d. *List of Exhibits*. The following documents should be attached to the List of Exhibits:
  - 1) Certified copy of *Child's Birth Certificate* (**NOTE:** Copy must be certified by the custodian of records where the certificate was issued. This copy will not be returned as after this adoption is completed, a new birth certificate will be issued with the name(s) of the adoptive parent(s).
  - 2) *Medical Certificate* for the Child.
  - 3) Death Certificate of Parent(s), if applicable.
  - 4) *Consent by Child (Age 10 or Over) to Adoption*, if applicable.
  - 5) Consent(s) of Parent(s). One of the following forms should be



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](mailto:adarequest@courts.hawaii.gov) at least ten (10) 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.*

obtained from each living parent:

- a) *Specific Consent to Adoption of [ ]Mother [ ]Father [ ]Other.*
  - b) *General Consent to Adoption of [ ]Mother [ ]Father [ ]Other.*
  - c) *Release of Child for Adoption.* (**NOTE:** This form is specifically for an alleged natural father to sign. A legal or adjudicated father should not use this form.)
  - 6) Marriage Certificate of Petitioner(s), if applicable.
  - 7) *Declaration of Adoptive Parent(s) (Re: HRS section 578-15).* (**NOTE:** The statute does not allow for the waiver of this requirement.)
  - 8) Copy of Divorce Decree(s) for Petitioner(s) or Legal Parent.
  - 9) Selection and Approval of Adoptive Parent(s) (by person authorized to place the child for adoption), if applicable.
  - 10) ICPC 100A Form, if applicable. (**NOTE:** Interstate Compact for the Placement of Children (ICPC) requirements must be met if the child(ren) is/are transported from another state to Hawai'i for the purpose of adoption and the child(ren) and adoptive parent(s) are not blood related.)
  - 11) Copy of Adoptive Home Study, if child was placed by an agency or if ICPC applies.
  - 12) Affidavit of Birth Background, if applicable.
  - 13) Consent of Legal Custodian or Guardian, if applicable.
  - 14) Copy of Order Appointing Guardian of the Person of a Minor.
  - 15) Any other exhibit(s) which may support the granting of the *Petition for Adoption.*
  - e. Envelope with *Medical Information Fly Sheet* attached, which includes the following documents in the envelope:
    - 1) *Medical Record Release Form.* (One for each natural parent.)
    - 2) *Medical Information Form.* (One for each natural parent.)
    - 3) Mother's medical records of the child(ren)'s birth and Mother's release of the records.  
**NOTE:** If any of the above is unavailable, an ex parte motion to waive this requirement must be submitted to the Court.
2. MAILING OF NOTICE TO DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES (DHS):
- a. A filed copy of the *Notice to DHS of Pendency of Action* and a copy of the *Adoption Information Sheet* must be mailed to the Director of Human Services at the address reflected on the notice, by certified mail, return receipt requested.
  - b. The Director has twenty-one (21) days after the receipt of the notice to investigate and file a written report as to the fitness of the

Petitioner(s) to adopt the individual(s).

3. DOCUMENTS FILED SUBSEQUENT TO INITIAL FILING, BUT PRIOR TO HEARING:
  - a. *Statement of Mailing: Exhibits "1" and "2"* (Re: Notice to DHS).
  - b. *Adoption Hearing Flag Sheet*. (**NOTE:** This document is to be filed after all required exhibits and documents have been filed.)
4. SUBMITTAL OF *ADOPTION HEARING FLAG SHEET* TO ADOPTION CLERK (AC):

A **filed** copy of the Adoption Hearing Flag Sheet shall be submitted to the Adoption Clerk via Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse. The Adoption Clerk will review the flag sheet and the case file, then prepare a Notice of Case Status/Deficiencies Sheet reflecting whether your case has been approved to be set on the Adoption Calendar or if there are missing documents.

If the Notice of Case Status/Deficiencies reflects that your case is approved for setting, the Adoption Clerk will provide you with the tab to set your case on the calendar. Take the tab to Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse to set your case on the available calendar days.

If your case lacks the required documents, you will not be allowed to set your case until all documents have been filed. Filed copies of missing documents should be submitted to the Adoption Clerk with cover letter reflecting that all documents have been filed and that the case is ready to be set. If all requirements have been met, the Adoption Clerk will prepare a Notice of Case Status/Deficiencies Sheet reflecting approval to set your case and will provide you with a tab to set your case on the calendar. Take the tab to Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse to set your case on the available calendar days.

If your case is approved for setting, a *Certificate of Adoption* form will be given to you for each adoptee. You must complete all boxes of the Certificate of Adoption, except for boxes 28, 29, 33, and 34.

## **B. PETITION FOR ADOPTION (NON-CONSENT)**

A *Petition for Adoption (Non-Consent)* must be used if any consent(s) required pursuant to HRS §578-2(a) have not been obtained or if

parental rights have been terminated or divested pursuant to HRS § 578-2(c)(1)(F) or (K).

Prior to filing, the *Petition for Adoption (Non-Consent)* and service document(s) must be submitted to Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i, 96707. Service documents include *Proof of Service*, *Affidavit of* (supporting service by publication), *Order for Personal Service Without the State*, *Order for Service by Mail* and/or *Order for Service by Publication*. The Adoption Clerk will review the documents and forward the documents to the judge, if necessary, then forward the documents to the calendar clerk to set a hearing date. The documents will be returned to the submitting party for filing at Legal Documents.

All documents listed in the Initial Documents to be Filed section below and any subsequent filings should be presented for filing at the Documents Receiving Section of the Legal Documents Branch located on the First Floor of the **Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i 96707** or of the **Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813**. The hours for filing said documents are 8:00 a.m. to 4:15 p.m., Monday through Fridays, except State Holidays. The cost to file the *Petition* is \$100.00 + \$65.00 (surcharge) + \$50.00 (computer system surcharge) for a total of \$215.00. There are no additional costs to file a motion in an adoption case.

1. INITIAL DOCUMENTS TO BE FILED:

- a. *Petition for Adoption (Non-Consent)*. The following documents should be attached to the *Petition*:
  - 1) If the non-consenting parent(s) live in the State of Hawai'i:
    - a) *Summons*.
  - 2) If the non-consenting parent(s) do not live in the State of Hawai'i:
    - a) *Supporting Affidavit (For Service by Mail or Personal Service Without the State)* or *Affidavit of* (supporting service by publication).
    - b) *Order for Personal Service Without the State* or *Order for Service by Mail* or *Notice of Time and Place of Hearing (By Publication)*.
    - c) *Notice of Time and Place of Hearing (By Mail or Personal Service Without the State)* or *Notice of Time and Place of Hearing (By Publication)*.
    - d) If service is being made by publication, the *Publication Notice* also needs to be submitted. This is the document that will be submitted to the newspaper.
    - e) Any exhibits in support of the request for service.
- b. *Adoption Information Sheet*.
- c. *Notice to DHS of Pendency of Action*.
- d. *List of Exhibits*. The following documents should be attached to the

*List of Exhibits:*

- 1) Certified copy of *Child's Birth Certificate* (**NOTE:** Copy must be certified by the custodian of records from where the certificate was issued. This copy will not be returned as after this adoption is completed, a new birth certificate will be issued with the name(s) of the adoptive parent(s).
  - 2) *Medical Certificate for the Child.*
  - 3) Death Certificate of Parent(s), if applicable.
  - 4) *Consent by Child (Age 10 or Over) to Adoption*, if applicable.
  - 5) Consent(s) of Parent(s), if available:
    - a) *Specific Consent to Adoption of [ ]Mother [ ]Father [ ]Other.*
    - b) *General Consent to Adoption of [ ]Mother [ ]Father [ ]Other.*
    - c) *Release of Child for Adoption.* (**NOTE:** This form is specifically for an alleged natural father to sign. A legal or adjudicated father should not use this form.)
  - 6) Marriage Certificate of Petitioner(s), if applicable.
  - 7) *Declaration of Adoptive Parent(s)* (Re: HRS section 578-15). (**NOTE:** The statute does not allow for the waiver of this requirement.)
  - 8) Copy of Divorce Decree(s) for Petitioner(s) or Legal Parent.
  - 9) Selection and Approval of Adoptive Parent(s) (by person authorized to place the child(ren) for adoption), if applicable.
  - 10) ICPC 100A Form, if applicable. (**NOTE:** Interstate Compact for the Placement of Children (ICPC) requirements must be met if the child(ren) is/are transported from another state to Hawai'i for the purpose of adoption and the child(ren) and adoptive parent(s) are not blood related.)
  - 11) Copy of Adoptive Home Study, if child(ren) was/were placed by an agency or if ICPC applies.
  - 12) Affidavit of Birth Background, if applicable.
  - 13) Certified copy of the Order or Judgment for Termination of Parental Rights, if applicable.
  - 14) Certified copy of the Order Awarding Permanent Custody.
  - 15) Copy of the Order Appointing Guardian(s) of the Person of a Minor/Minors.
  - 16) Any other exhibit(s) which may support the granting of the *Petition for Adoption*.
- e. Manila envelope with *Medical Information Fly Sheet* attached to it, which includes the following documents in the envelope:
- 1) *Medical Record Release Form.* (One for each natural parent.)
  - 2) *Medical Information Form.* (One for each natural parent.)
  - 3) Mother's medical records of the child(ren)'s birth and Mother's release of the records.
- NOTE:** If any of the above is unavailable, an Ex Parte Motion to Waive this requirement must be submitted to the Court.

2. MAILING OF NOTICE TO DIRECTOR OF THE DEPARTMENT OF

HUMAN SERVICES (DHS):

- a. A filed copy of the *Notice to DHS of Pendency of Action* and a copy of the *Adoption Information Sheet* must be mailed to the Director of Human Services at the address reflected on the notice, by certified mail, return receipt requested.
  - b. The Director has twenty-one (21) days after the receipt of the notice to investigate and file a written report as to the fitness of the Petitioner(s) to adopt the individual(s).
3. DOCUMENTS FILED SUBSEQUENT TO INITIAL FILING, BUT PRIOR TO HEARING:
- a. *Statement of Mailing: Exhibits "1" and "2"* (Re: Notice to DHS).
  - b. Service Documents: (**NOTE:** See Section IB4 below to determine document filing deadline.)
    - 1) *Proof of Service:* If service of the *Petition* and *Summons* was made within the state.
    - 2) *Statement of Mailing; Exhibits A and B:* If service of the *Petition* and *Notice of Time and Place of Hearing* was done by certified or registered mail.
    - 3) *Affidavit of Service:* If service was made by a person authorized to effect service in the state in which the non-consenting parent lives.
    - 4) *Affidavit of Publication.* (**NOTE:** The *Affidavit of Publication* is usually submitted to the Court by the publishing newspaper.)
  - c. *Adoption Hearing Flag Sheet.*
4. SUBMITTAL OF ADOPTION HEARING FLAG SHEET TO ADOPTION CLERK (AC):
- a. For Personal Service within the State:
    - 1) The return date on the summons if the first Tuesday at 1:30 p.m., ten (10) days after receipt of the *Petition* and *Summons* by the non-consenting parent.
    - 2) The *Proof of Service* and *Adoption Hearing Flag Sheet* shall be filed at least seven (7) days prior to the scheduled hearing.
    - 3) A filed copy of *Proof of Service* shall be delivered to the Adoption Calendar Clerk and a **filed** copy of the *Adoption Hearing Flag Sheet* shall be delivered to the Adoption Clerk via Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse. Failure to provide the Court with the *Proof of Service* and/or the *Adoption Hearing Flag Sheet* may result in the case being continued.
    - 4) The Adoption Clerk will prepare a Notice of Case Status/Deficiencies Sheet reflecting any documents or exhibits which are missing from the case file. Any missing documents or exhibits shall be filed at least 24 hours prior to the hearing and a filed copy forwarded to the Adoption Clerk. Failure to submit documents in a timely manner may result in the case being continued.

- b. Personal Service without the State (Either by Mail or Personal Service):
  - 1) The *Petition, Supporting Affidavit, Order, and Notice of Time and Place of Hearing* shall be served on the non-consenting parent at least twenty-one (21) days prior to the scheduled hearing.
  - 2) The *Statement of Mailing; Exhibits A and B* or *Affidavit of Service and Adoption Hearing Flag Sheet* shall be filed at least seven (7) days prior to the scheduled hearing.
  - 3) A filed copy of the *Adoption Hearing Flag Sheet* shall be dropped off for the Adoption Clerk via Window #5 on the First Floor of the Ronald T.Y. Moon Kapolei Courthouse.
  - 4) The Adoption Clerk will prepare a Notice of Case Status/Deficiencies Sheet reflecting any documents or exhibits which are missing from the case file. If the *Adoption Hearing Flag Sheet* is not filed in a timely manner or if documents/exhibits are missing from the case file, the hearing may be continued.

### **C. SUBMITTAL OF FINAL DOCUMENTS**

The following documents shall be submitted to the court clerk immediately after the court hearing or within ten (10) days after the hearing:

1. *Findings and Decision of the Court Granting Petition for Adoption* (Original + 1 copy or Original + 4 copies for cases involving immigration.)
2. *Adoption Decree* (Original + 3 copies for non-military and non-immigration cases; Original + 4 copies for cases involving military benefits; Original + 6 copies for cases involving immigration; Original + 7 cases for cases involving military benefits and immigration.)
3. *Certificate of Adoption*. (Submit original only. This form can not be photocopied. You must use the form provided by the Court.)
4. *Interim Letter* (**NOTE:** The Interim Letter, prepared on Family Court Letterhead, may be obtained from the Adoption Clerk.)
5. For pro se Petitioner(s) or for attorneys who do not have a court jacket at the Legal Documents Branch, a self-addressed, stamped envelope must be provided so that certified copies of the *Findings and Decree* can be mailed out after filing.

### **D. POST HEARING PROCESS**

1. After being signed by the presiding Judge, the *Findings and Decision of the Court Granting Petition for Adoption* and the *Adoption Decree* are forwarded to the Legal Documents Branch for filing. Certified copies of the Findings and Decree will be placed in the attorney's Legal Documents court jacket or mailed in the envelope you provided. The attorney or pro se Petitioner is responsible for distribution of all copies of the *Findings and Decree*.

## 2. NEW BIRTH CERTIFICATE

It is the responsibility of the attorney or pro se Petitioner to contact the appropriate vital records office where the child(ren) was/were born, to obtain a copy of the child(ren)'s new birth certificate after adoption. If the child(ren) was/were born in a foreign country, the Hawai'i State Department of Health will prepare a Certificate of Foreign Birth for the child(ren).

## II. ADOPTION FORMS

The following adoption forms have been amended to be more user friendly. Information can be either typed or legibly printed **in black ink**. The forms have been made to suit the more common adoption cases, but should be amended and/or added to, in order to conform to the specific facts of each case.

- A. ADOPTION DECREE (of minor): The original and appropriate number of copies should be submitted to the court immediately after the adoption hearing or within ten (10) days after the hearing.
- B. ADOPTION HEARING FLAG SHEET: In consent cases, this form shall be filed and submitted to the Adoption Clerk after all necessary documents and exhibits have been filed. In non-consent cases, to be filed and submitted to the Adoption Clerk at least seven (7) days prior to the scheduled hearing.
- C. ADOPTION INFORMATION SHEET: This form reflects information regarding the child(ren), adoptive parents, and the child(ren)'s natural and/or legal parents.
- D. DECLARATION OF ADOPTIVE PARENT(S) (RE: HRS SECTION 578-15): This declaration satisfies the requirements of HRS § 578-15 regarding confidentiality of adoption records, is mandatory for adoption cases, and cannot be waived.
- E. CONSENT BY CHILD (Age 10 or Over) TO ADOPTION: Any child(ren) 10 years and older must consent to the adoption. The child(ren)'s signature must be witnessed by a person not a party to the adoption.
- F. EX PARTE MOTION AND AFFIDAVIT FOR CUSTODY OF CHILD(REN) PENDENTE LITE; ORDER: This form should be submitted to the court when adoptive parent(s) need a temporary custody order to obtain benefits for the child(ren) pending the finalization of the adoption. The Ex Parte Motion and Affidavit section of this form needs to be signed by the adoptive parent(s) in front of a notary public.

- G. FINDINGS AND DECISION OF THE COURT GRANTING PETITION FOR ADOPTION: The original and the appropriate number of copies of this document should be submitted to the court immediately after the adoption hearing or within ten (10) days after the hearing.
- H. GENERAL CONSENT TO ADOPTION OF [ ]MOTHER [ ]FATHER [ ]OTHER: This consent is used where the natural parent does not know the identity of the adoptive parent(s). By signing this form, the natural parent authorizes an agency or another person to select and approve adoptive parent(s) on their behalf. This general consent also includes HRS § 578-15 language regarding confidentiality of adoption records. This form must be signed in front of a notary public.
- I. LIST OF EXHIBITS [ ]SUPPLEMENTAL: Exhibits submitted in support of the *Petition for Adoption* must be attached to a *List of Exhibits*. Each exhibit must be numbered, labeled, and tabbed.
- J. MEDICAL CERTIFICATE FOR THE CHILD(REN): This form must be completed by the child(ren)'s doctor. The doctor should reflect the physical and mental condition of the child.
- K. NOTICE OF TIME AND PLACE OF HEARING (By Mail or Personal Service Without the State): This form is to be attached to the *Petition for Adoption (Non-Consent)* when requesting that service of the *Petition* be effected by mail or personal service without the state. This form includes HRS § 578-15 language regarding confidentiality of adoption records.
- L. NOTICE OF TIME AND PLACE OF HEARING (By Publication): This form is attached to the *Petition for Adoption (Non-Consent)*. The child(ren)'s name(s) is/are not reflected on this form as this notice will be published in the newspaper. For the child(ren)'s identification purposes, the natural mother's name is reflected on this notice. This form includes HRS § 578-15 language regarding confidentiality of adoption records.
- M. NOTICE OF DHS OF PENDENCY OF ACTION: In all adoption cases, the Director of Human Services must be given notice of the pending adoption. This notice must be mailed to the Director, along with a copy of the Adoption Information Sheet, by certified mail, return receipt requested.
- N. ORDER FOR PERSONAL SERVICE WITHOUT THE STATE: This form must be attached to the *Petition for Adoption (Non-Consent)* when requesting that the non-consenting parent(s), who does/do not live in the State of Hawai'i, be served by a person authorized to effect in the state that the non-consenting parent(s) lives/live.
- O. ORDER FOR SERVICE BY MAIL: This form must be attached to the *Petition for Adoption (Non-Consent)* when requesting that the non-consenting parent(s),

who does/do not live in the State of Hawai'i, be served by certified or registered mail.

- P. ORDER FOR SERVICE BY PUBLICATION [ ] AND MAILING OF NOTICE: This form must be attached to the *Petition for Adoption (Non-Consent)* when requesting the non-consenting parent(s) be served by publishing a notice in the newspaper.
- Q. PETITION FOR ADOPTION (Consent). This *Petition* should be used if all consents required by HRS § 578-2(a), as amended, have been obtained. If parental rights have been terminated or divested, the *Petition for Adoption (Non-Consent)* should be used.
- R. PETITION FOR ADOPTION (Non-Consent): This *Petition* should be used if any consents required by HRS § 578-2(a), as amended, have not been obtained or if parents rights have been terminated or divested.
- S. PUBLICATION NOTICE: This notice should be submitted, separately, with the *Petition for Adoption (Non-Consent)* and its attachments when requesting service by publication. This notice is sent to the newspaper, by the attorney or petitioner pro se, to be published.
- T. RELEASE OF CHILD(REN) FOR ADOPTION: This form is for use in cases where the alleged natural father of the child(ren) is/are uncertain as to his paternity of the subject child(ren). It should not be used if the father of the child is a legal or adjudicated father. This form must be signed by the alleged natural father in front of a notary public. If this release form is used, an affidavit by natural mother should be submitted regarding information on who she had sex with during the conception period of the child.
- U. SPECIFIC CONSENT TO ADOPTION OF [ ]MOTHER [ ]FATHER [ ]OTHER: This consent is used in cases where the natural parent(s) know(s) the identity of the adoptive parent(s). This specific consent includes HRS § 578-15

language regarding confidentiality of adoption records. This form must be signed in front of a notary public.

- V. STATEMENT OF MAILING; EXHIBITS "1" AND "2" (Mailing of Petition and Notice by certified or registered mail): This document must be filed at least seven (7) days prior to the scheduled hearing. The Certified Mail Receipt (white receipt) must be attached as Exhibit 1 and the Domestic Return Receipt (green receipt) must be attached as Exhibit 2.
- W. STATEMENT OF MAILING; EXHIBITS "1" AND "2" (Notice of DHS): Notice to the Director of Human Services must be done by certified mail, return receipt requested. The Certified Mail Receipt (white receipt) must be attached as Exhibit 1 and the Domestic Return Receipt (green receipt) must be attached as Exhibit 2. This document should be filed immediately upon receipt of the Domestic

Return receipt.

- X. SUMMONS: This form is to be attached to the *Petition for Adoption (Non- Consent)* if the non-consenting parent(s) lives/live in the State of Hawai'i. The Summons includes HRS § 578-15 language regarding confidentiality of adoption records.
- Y. SUPPORTING AFFIDAVIT (for service by mail or personal service without the state): This form is to be attached to the *Petition for Adoption (Non-Consent)* if the non-consenting parent(s) lives/live in the State of Hawai'i and service will be done by mail or personal service. This document must be signed by the Petitioner in front of a notary public.

# Appendix K.

## Adoption Records Requests Forms & Info

### Details

- Adoption info

## INSTRUCTIONS FOR REQUESTS REGARDING CONFIDENTIAL ADOPTION RECORDS OF THE FAMILY COURT (Act 80 of 2016)

### \*\*\*\*\*GENERAL INFORMATION\*\*\*\*\*

- A. The adoption records law was amended by Act 80 of 2016, effective June 21, 2016, and applies to adoptions granted by a judge in the State of Hawai'i. Adult adoptees and their natural or adoptive parents ("Applicant") may access the Court's adoption records, upon request.
- B. This form may also be used for other requests for access to adoption records.
- C. You may submit this request in person (bring a picture ID) or by mail (notarization required).

1. SPECIFY THE CORRECT CIRCUIT: Send this request to the Family Court in the circuit in which the adoption took place.

2. TELEPHONE NUMBERS AND ADDRESSES:

a. 1st Circuit - Island of O'ahu

(mail) ~ Adoptions Records  
Family Court, First  
Circuit  
Ronald T.Y. Moon Kapolei  
Courthouse 4675 Kapolei Parkway  
Kapolei, Hawai'i 96707-3272

(In-person) ~ Legal Research and Adoptions Unit  
Family Court, First Circuit

Ronald T.Y. Moon Kapolei Courthouse, 2<sup>nd</sup>  
floor 4675 Kapolei Parkway  
Kapolei, Hawai'i 96707-3272

Telephone number: (808) 954-8145

b. 2nd Circuit - Islands of Maui, Moloka'i and Lāna'i:

Adoption Records  
Family Court, Second  
Circuit 2145 Main Street,  
Suite 226  
Wailuku, Hawai'i 96793-1679

Telephone number: (808) 244-2770

c. 3rd Circuit - Island of Hawai'i: (Hilo)

Adoption Records  
Family Court, Third Circuit  
777 Kīlauea Avenue  
Hilo, Hawai'i 96720-4212

Telephone number: (808) 961-7500

(Kona)

Adoptions Records  
Family Court, Third Circuit  
Lenders Document  
Building 77-6399 Nalani

Street  
Kailua-Kona, Hawai'i 96740  
Telephone number: (808) 961-7500

d. 5<sup>th</sup> Circuit - Island of Kaua'i:

Adoptions Records  
Family Court, Fifth Circuit  
3970 Kâ'ana Street, Suite  
305  
Līhu'e, Hawai'i 96766-1283  
Telephone number: (808) 482-2350

\*\*\*\*\* INSTRUCTIONS TO COMPLETE REQUEST FORM\*\*\*\*\*

1. **PRESENT NAME OF APPLICANT:** State your full legal name (first, middle and last names).
2. **APPLICANT'S RELATIONSHIP TO ADOPTEE:** The adoptee is the child who was adopted. Place an "X" in the box which indicates whether you are the adoptee, natural parent (birth parent of adoptee), or the adoptive parent (parent who adopted the child).
3. **FULL NAME OF ADOPTEE:** State the full legal name of the adoptee, if known. If the full legal name of the adoptee is not known, please provide the following information:
  - A. The adoptee's full name at time of birth and prior to adoption; or
  - B. If the adoptee was not named at the time of birth, state: (1) the sex of the child; and (2) mother's last name at the time child was born. Example: "Female Smith."
4. **ADOPTEE'S BIRTH DATE AND BIRTH PLACE:** State adoptee's birthdate and the city, state and/or country of birth.
5. **NAME OF ADOPTIVE FATHER:** State the full name (first, middle and last names) of the father who adopted the child, if known.
6. **NAME OF ADOPTIVE MOTHER:** State the full name (first, middle and last names) of the mother who adopted the child, if known.
7. **NAME OF NATURAL FATHER:** State the full name (first, middle and last names) of the biological father of the child, if known.
8. **NAME OF NATURAL MOTHER:** State the full name (first, middle and last names) of the woman who gave birth to the child, if known.
9. **REQUEST IS FOR:** Place an "X" in the appropriate box which describes what action you are requesting.
10. **REASONS FOR REQUEST:** If the applicant is someone other than the adult adoptee, his/her natural parents or adoptive parents, then please state the reasons for your request.
11. **APPLICANT'S MAILING ADDRESS:** Print or type your street or mailing address, city and state (country) and zip code. Please indicate the address at which you wish to be contacted.
12. **APPLICANT'S TELEPHONE NUMBERS:** State the telephone number at which you may be reached.
13. **PERJURY LANGUAGE:** If you are submitting the request, in person, sign and date the Request. If you are mailing the request, see Line 15.
14. **DATE AND SIGNATURE LINE:** If you are mailing the request, see Line 15 before signing.
15. **NOTARIZATION:** If you are mailing the request, please sign and date this document in the presence of a Notary Public. There will be a charge for this service. You may find a Notary Public in a bank or through online resources.

 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](mailto:adarequest@courts.hawaii.gov) at least ten (10) days prior to your hearing or appointment date.

*Please call the Legal Research and Adoptions Unit at 954-8145 if you have any questions about this form.*

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	<b>Request Regarding Confidential Adoption Records of the Family Court (Act 80 of 2016)</b>	CASE NUMBER FC-A No. _____
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(Type or print in black ink)

1. **PRESENT NAME OF APPLICANT:** (First, middle, and last names)

\_\_\_\_\_

2. **APPLICANT'S RELATIONSHIP TO ADOPTEE (adopted child):** (check 1 box) [

] adoptee [ ] natural parent [ ] adoptive parent

3. **FULL NAME OF ADOPTEE** (First, middle, and last name) (state adoptee's name at birth or after adoption, whichever is known): \_\_\_\_\_

\_\_\_\_\_

4. **ADOPTEE'S BIRTHDATE:** \_\_\_\_\_ **BIRTH PLACE:** \_\_\_\_\_

Mm/dd/yyyy

(City, State)

5. **NAME OF ADOPTIVE FATHER** (if known): \_\_\_\_\_

6. **NAME OF ADOPTIVE MOTHER** (if known): \_\_\_\_\_

7. **NAME OF NATURAL FATHER** (if known): \_\_\_\_\_

8. **NAME OF NATURAL MOTHER** (if known): \_\_\_\_\_

9. **REQUEST IS FOR:**

[ ] Inspection of records

[ ] Medical [ ] Ethnic Background information [

] Copy of Adoption Decree

[ ] Letter to CSEA confirming adoption

[ ] Other: \_\_\_\_\_

\_\_\_\_\_

10. **REASON FOR REQUEST:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. **APPLICANT'S MAILING ADDRESS:**

\_\_\_\_\_

\_\_\_\_\_

12. **APPLICANT'S TELEPHONE NUMBERS:** (include area codes)

\_\_\_\_\_

(Home)

\_\_\_\_\_

(Cell)

(Court Use Only)

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

14. \_\_\_\_\_  
Date Applicant's Signature

Print Applicant's complete name: \_\_\_\_\_

Document Title: Request Regarding Confidential Adoption Records of the Family Court (Act 80 of 2016)

Document Date: \_\_\_\_\_ No. of Pages: 2 was subscribed and sworn to me on  
 \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_  
(Date) (County) (State) (Print name of person who signed Request) who

personally appeared before me and to me known to be the person described in and who executed the foregoing document and acknowledge that s/he executed the same as his/her free act and deed.

(Signature of Notary Public)

(Print Name of Notary Public)

Date: \_\_\_\_\_

My commission expires: \_\_\_\_\_ Affix Seal

FOR FAMILY COURT USE ONLY: (if Request is signed in front of court staff)

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Picture ID verified Clerk's initials: \_\_\_\_\_

**REQUEST IS:**  APPROVED  DENIED

\_\_\_\_\_  
 Judge, Family Court of the First Circuit

Print Name of Judge: \_\_\_\_\_

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 Family Court office by telephone at 954-8200, fax no. 954-8308, or via email at [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov) at least ten (10) days prior to your hearing or appointment date. 

*Please call the Legal Research and Adoptions Unit at 954-8145 if you have any questions about this form.*

Appendix L.

**Placement Comparison**

**See next page**

# COMPARISON OF PERMANENCY OPTIONS

Prepared by Department of Human Services Hawai'i – Child Welfare Services and EPIC `Ohana Conferencing (808) 838-7752

Adults who agree to provide permanent care for a foster child who cannot be reunified with his/her family may have questions about what their options are and about what each status means. They may want to know how things will change for them and for the child if they are moving from foster care to permanent care. Below are some commonly asked questions and an opportunity to compare the answers in each category.

	<b>ADOPTION (HRS 578)</b>	<b>LEGAL GUARDIANSHIP (HRS 560)</b>	<b>PERMANENT CUSTODY (HRS 587)</b>
What category of permanent care could I provide?	May be granted to individual or married couple.	May be awarded to DHS, a married couple, an unmarried couple, an individual or an authorized agency.	May be awarded to DHS, a married couple, an unmarried couple, an individual, or an authorized agency.
<b>1. What would be the legal status of the child?</b>	The adoptive parent becomes the legal and psychological parent of the child. The child is considered to be a legal child of the adoptive parents.	The legal guardian has the rights of a parent, but the child is not considered to be his/her legal child. The legal guardian's responsibilities automatically terminate when the child reaches age 18.	The permanent custodian has the rights of the legal parent, but the child is not considered to be his/her legal child. The permanent custodian's responsibilities terminate when the child reaches age 18.
<b>2. Can the status be changed?</b>	Adoption is irrevocable; it is a permanent parent/child relationship.	Legal Guardianship is revocable, but only through Family Court.	Permanent Custody is revocable, but only through Family Court.
<b>3. Who must be notified about the fact that I am becoming the adoptive parent, legal guardian, or permanent custodian for the child?</b>	The child's legal and birth parents must be notified if their parental rights have not already been terminated. A child over 10 years of age must also consent unless the court dispenses with the child's consent.	<p>The following persons must be notified:</p> <ol style="list-style-type: none"> <li>1) The minor who is 14 or older.</li> <li>2) Any person who has had primary care and custody of the child during the 60 days prior to the filing of the petition.</li> <li>3) Legal parents if parental rights have not been terminated.               <ol style="list-style-type: none"> <li>a) If a legal parent is deceased, the adult nearest in kinship to the deceased parent.</li> <li>b) If both parents are deceased, each of the minor's adult siblings, who can be found. If there are no adult siblings, each adult nearest in kinship to each deceased parent, who can be found, must be notified.</li> </ol> </li> </ol> <p>The court may waive notice to the nearest kinship upon showing that reasonable efforts have been made to locate the kinship. The parent's next of kin are (in order of priority):</p>	The child's parents must be notified when DHS files a motion to terminate parental rights in a Permanent Custody hearing.

**4. Under each category, what are my rights and responsibilities?**

<b>ADOPTION (HRS 578)</b>	<b>LEGAL GUARDIANSHIP (HRS 560)</b>	<b>PERMANENT CUSTODY (HRS 587)</b>
	the spouse; an adult child; either parent; an adult sibling; a grandparent or a guardian at the time of death.	
<p>Rights and responsibilities of the adoptive parent include all the rights and responsibilities of a parent, such as:</p> <ul style="list-style-type: none"> <li>• Assuring that the child is provided with adequate food, clothing, shelter, psychological, physical, and medical care, supervision, and other necessities</li> <li>• Arranging for and consenting to medical, dental, psychiatric, or psychological care or treatment, educational, recreational, or social needs</li> <li>• Consenting to name change, marriage, and adoption</li> </ul>	<p>Rights and responsibilities of the legal guardian include:</p> <ul style="list-style-type: none"> <li>• Assuring that the child is provided with adequate food, clothing, shelter, psychological, physical, and medical care, supervision, and other necessities</li> <li>• Arranging for and consenting to medical, dental, psychiatric, or psychological care or treatment, educational, recreational, or social needs</li> <li>• Consenting to name change, marriage, and adoption. If parental rights have not been terminated, parents must also consent to name change and adoption.</li> <li>• The legal guardian cannot relocate the child outside the State without express authorization of the court.</li> </ul> <p>If the legal guardian later decides to adopt, the legal guardian must hire an attorney to complete the adoption. The legal guardian is not obligated to support the child with his or her own money and is not liable to third persons for acts of the child.</p>	<p>Rights and responsibilities of the permanent custodian include:</p> <ul style="list-style-type: none"> <li>• Assuring that the child is provided with adequate food, clothing, shelter, psychological, physical, and medical care, supervision, and other necessities</li> <li>• Arranging for and consenting to medical, dental, psychiatric or psychological care or treatment, educational, recreational, or social needs.</li> <li>• Consenting to name change, marriage, and adoption of child .</li> </ul> <p>If the permanent custodian later decides to adopt, DHS can be brought back into the case as a party (if it is not already a party), and the adoption can be completed through DHS without cost to the permanent custodian. The permanent custodian is not liable to third persons for the acts of the child.</p>
<p><b>5. In what ways are DHS and Family Court involved in each of these categories of permanent care?</b></p> <p>Permanent custody to DHS is terminated upon adoption finalization and Family Court closes its case. DHS closes its social service case and a social worker is no longer assigned.</p>	<p>Permanent custody to DHS is terminated upon the award of legal guardianship and Family Court closes its case. DHS closes its social service case and a social worker is no longer assigned.</p>	<p>Upon the award of permanent custody to an individual or couple, permanent custody to DHS is terminated. Family Court does not close its case, and an annual hearing is held. DHS closes its service case and a social worker is no longer assigned.</p>

	<b>ADOPTION (HRS 578)</b>	<b>LEGAL GUARDIANSHIP (HRS 560)</b>	<b>PERMANENT CUSTODY (HRS 587)</b>
	If the adoptive parents receive adoption assistance payments for an eligible child, a DHS case is opened as a “payment-only” case and serviced by a Permanency Unit.	If the legal guardian receives permanency assistance payments for an eligible child, a DHS case is opened as a “payment-only” case and serviced by a Permanency Unit.  The guardian must file a report with Family Court on the status of the child at least annually if ordered by the judge. Annual reports are required by Family Courts in Hawaii, Maui and Kauai Counties.	If the child is eligible for permanency assistance payments, a DHS case is opened as a “payment-only” case and serviced by a Permanency Unit.  The permanent custodian must appear at the annual hearing (DHS must also appear if DHS is a co-permanent custodian) and must write an annual report to the court on the child’s progress.
	No, the GAL will be dismissed.	No, the GAL will be dismissed.	The GAL may be retained or dismissed at the discretion of Family Court.
<b>6. Will the Guardian ad Litem (GAL) still be involved?</b>	Foster Board payments end. Adoptive parents are responsible to fully support the child unless the child has special needs.	Foster board payments end. Legal guardians are not legally responsible to support the child. A legal guardian may choose to:	Foster board payments end. Permanent Custodians are not legally responsible to support the child. A permanent custodian may choose to:
<b>7. What kind of financial assistance can I get?</b>	For Federal IV-E or State Adoption Assistance (AA), funds are available to children who meet DHS eligibility requirements. The prospective adoptive parents must apply for and sign the AA agreement, and a DHS representative must approve it prior to the adoption hearing. Effective 01/01/07, if high risk of medical, physical, behavioral/emotional condition or handicap is present, and the child is a foster child with DHS confirmed harm and/or threatened harm and is under the Department’s placement responsibility at the time of adoption, the child will be eligible for AA.  When the adoption is completed the birth parents are no longer responsible for supporting the child.  Forms that prospective adoptive parents complete:	<ul style="list-style-type: none"> <li>• Fully support the child</li> <li>• Apply for financial/medical assistance from the DHS BESSD (Benefit, Employment, and Support Services Division) as a non-needy caregiver if the legal guardian is related by blood to the child or</li> <li>• Apply for Permanency Assistance (PA) of \$529/month from the DHS SSD (Social Services Division) Child Welfare Branch as long as DHS has placement responsibility.</li> </ul> <p>Unless otherwise ordered by the court, the birth parents remain financially responsible. The Child Support Enforcement Agency (CSEA) will contact the birth parents for their contribution. The amount they are assessed is based on their income.</p>	<ul style="list-style-type: none"> <li>• Fully support the child</li> <li>• Apply for financial/medical assistance from the DHS BESSD (Benefit, Employment, and Support Services Division) as a non-needy caregiver if related by blood to the child or</li> <li>• Apply for Permanency Assistance (PA) of \$529/month from the DHS SSD (Social Services Division) Child Welfare Branch.</li> </ul> <p>Unless otherwise ordered by the court, the birth parents remain financially responsible. The Child Support Enforcement Agency (CSEA) will contact the birth parents for their contribution. The amount they are assessed is based on their income.</p>

<b>ADOPTION (HRS 578)</b>	<b>LEGAL GUARDIANSHIP (HRS 560)</b>	<b>PERMANENT CUSTODY (HRS 587)</b>
<ul style="list-style-type: none"> <li>• DHS Form 1613</li> <li>• DHS Form 1570</li> <li>• DHS Form 1578</li> <li>• DHS Form Difficulty of Care (DOC) Worksheet (if applicable)</li> </ul> <p>The adoptive parents of a child, who meets the eligibility requirements for adoption assistance as defined in Hawaii Administrative Rule 17-944.1 and ACYF PA-01-01, may receive:</p> <ul style="list-style-type: none"> <li>• Federal IV-E or State funded adoption subsidy of up to \$529/month, additional Difficulty of Care payment, if applicable, up to \$570/month;</li> <li>• Medical coverage, if applicable;</li> <li>• Title XX services;</li> </ul> <p>Clothing allowance is not provided.</p> <p>Adoption Assistance (AA) ends at age 18 but may extend to age 21 if the child is determined to have a physical or mental handicap that warrants continued assistance.</p>	<p>State-funded Permanency Assistance (PA) is available from DHS for children, who are under the placement responsibility (voluntary foster custody, temporary foster custody, foster custody or permanent custody) of DHS, are placed with legal guardians and meet DHS eligibility requirements. The prospective legal guardians must apply for and sign the PA agreement and a DHS representative must also approve the agreement before the guardianship hearing.</p> <p>A child, who is under DHS's placement responsibility, who is then returned home under family supervision and then placed under legal guardianship of an individual, does not qualify for permanency assistance. When the child returns home, the department no longer has placement responsibility of the child per HRS 587-2.</p> <p>Forms that prospective legal guardians should complete for Permanency Assistance are:</p> <ul style="list-style-type: none"> <li>• DHS Form 1662</li> <li>• DHS Form 1663</li> <li>• DHS Form Difficulty of Care (DOC) Worksheet, if applicable</li> </ul> <p>The legal guardian of an eligible child may receive, subject to income resources of the child:</p> <ul style="list-style-type: none"> <li>• Permanency Assistance (PA) payment, up to \$529/month, additional Difficulty of Care payments, if applicable, up to \$570/month;</li> <li>• Medical coverage; and</li> </ul>	<p>State-funded Permanency Assistance (PA) is available from DHS for children, who are under the placement responsibility (permanent custody) of the department, are placed with permanent custodians and meet DHS eligibility requirements. The prospective permanent custodians must apply for and sign the PA application and a DHS representative must also approve the agreement.</p> <p>A child, who is under DHS's placement responsibility, who is then returned home under family supervision and then placed under legal guardianship of an individual, does not qualify for permanency assistance. When the child returns home, the department no longer has placement responsibility of the child per HRS 587-2.</p> <p>Forms that prospective permanent custodians should complete for Permanency Assistance are:</p> <ul style="list-style-type: none"> <li>• DHS Form 1662</li> <li>• DHS Form 1663</li> <li>• DHS Form Difficulty of Care (DOC) Worksheet, if applicable</li> </ul> <p>The permanent custodian of an eligible child may receive, subject to income resources of the child:</p> <ul style="list-style-type: none"> <li>• Permanency Assistance (PA) payment, up to \$529/month, additional Difficulty of Care payments, if applicable, up to \$570/month;</li> <li>• Medical coverage; and</li> </ul>

ADOPTION (HRS 578)	LEGAL GUARDIANSHIP (HRS 560)	PERMANENT CUSTODY (HRS 587)
	<ul style="list-style-type: none"> <li>• Clothing allowance and special circumstances costs, if warranted.</li> </ul> <p>The benefits will continue for the child up to the age 18 or until the child completes high school, whichever occurs last.</p> <p>Higher education board allowance payments, at the rate of \$529 per month, may extend through age 21 if the youth is attending an accredited institution of higher learning and meets DHS eligibility requirements.</p> <p>A child, who is under the legal guardianship of an individual(s) who then adopts the child, does not qualify for adoption assistance.</p>	<ul style="list-style-type: none"> <li>• Clothing allowance and special circumstances costs, if warranted.</li> </ul> <p>The benefits will continue for the child up to the age of 18 or until the child completes high school, whichever occurs last.</p> <p>Higher education board allowance payments, at the rate of \$529 per month, may extend through age 21 if the youth is attending an accredited institution of higher learning and meets DHS eligibility requirements.</p> <p>A child, who is under the permanent custody of an individuals who then adopts the child, does not qualify for adoption assistance.</p>
<p><b>8. What about medical insurance for the child?</b></p> <p>The child is covered under the adoptive parent’s medical insurance.</p> <p>If the family is receiving Adoption Assistance (AA), medical insurance is provided by DHS as secondary coverage. If the AA is deferred, medical insurance for the child may be provided by DHS.</p> <p>If the child is residing out-of-state:</p> <ul style="list-style-type: none"> <li>• Title IV-E -- eligible child is entitled to receive medical coverage from his/her new state of residence. Child Welfare Services staff needs to submit an ICAMA referral (Interstate Compact on Adoption and Medical Assistance).</li> <li>• State-funded -- eligible child will receive Hawaii Medicaid fee-for-service coverage.</li> </ul>	<p>The legal guardian may choose to include the child under the legal guardian’s own medical plan. Medical insurance would be provided by DHS as a secondary coverage.</p> <p>If the legal guardian chooses not to include the child under the legal guardian’s plan, medical insurance is provided by DHS.</p> <p>If the child is residing out-of-state, he or she will receive Hawaii Medicaid fee-for-service coverage.</p>	<p>The permanent custodian may choose to include the child under the permanent custodian's own medical plan. Medical insurance would be provided by DHS as a secondary coverage.</p> <p>If the permanent custodian chooses not to include the child under the permanent custodian's plan, medical insurance is provided by DHS.</p> <p>If the child is residing out-of-state, he or she will receive Hawaii Medicaid fee-for-service coverage.</p>

10. **What can I do when I can no longer care for my child?**

ADOPTION (HRS 578)	LEGAL GUARDIANSHIP (HRS 560)	PERMANENT CUSTODY (HRS 587)
<p>The following options are possible:</p> <ul style="list-style-type: none"> <li> <p><b>Private arrangement:</b> Adoptive parents arrange for the child to be cared for by another family. DHS does not get involved with the family or with any aspect of the arrangement.</p> <p>Adoption assistance payments may continue as long as the adoptive parents are providing financial support to the child.</p> </li> <li> <p><b>Independent placement for foster care:</b> Adoptive parents provide DHS with the name of the family who will care for the child. The proposed family must meet DHS foster home licensing requirements. The adoptive parents are required to serve as case managers for the child.</p> <p>DHS pays foster board payments to the new caregivers and reports the adoptive parents to Child Support Enforcement Agency (CSEA) for reimbursement of foster board payments.</p> </li> <li> <p><b>Independent placement for adoption.</b> If an adoption of a child is unsuccessful, adoptive parents can identify others who are willing to adopt the child and the new adoptive parents can retain an attorney to complete the adoption.</p> <p>In order for adoption assistance payments to continue to the new adoptive family, the new home must be approved by the State, and the new adoptive family must apply for adoption assistance and the application must be approved before the adoption hearing.</p> </li> </ul>	<p>The following options are possible:</p> <ul style="list-style-type: none"> <li> <p><b>Private arrangement:</b> Legal guardians arrange for the child to be cared for by another family. DHS does not get involved with the family or with any aspect of that arrangement.</p> <p>Permanency assistance payments may continue as long as the legal guardians are providing financial support to the child.</p> </li> <li> <p><b>Independent placement for foster care:</b> Legal guardians provide DHS with the name of the family who will care for the child. The proposed family must meet DHS foster home licensing requirements. The legal guardians are required to serve as case managers for the child.</p> <p>DHS pays foster board payments to the new caregivers and reports the legal guardians to Child Support Enforcement Agency (CSEA) for reimbursement of foster board payments.</p> </li> <li> <p><b>Independent placement for successor guardianship:</b> If a legal guardianship is unsuccessful the legal guardians may place the child with others who are willing to provide a safe family home for the child and petition the court to withdraw as guardians and appoint successor guardians.</p> <p>Permanency Assistance cannot continue to the successor guardian.</p> </li> </ul>	<p>If the permanent custodian can no longer care for the child, DHS can file a motion to regain Permanent Custody.</p>

ADOPTION (HRS 578)	LEGAL GUARDIANSHIP (HRS 560)	PERMANENT CUSTODY (HRS 587)
<p>• <b>CWS involvement:</b> When the adoptive parents can no longer care for the child and are unable to obtain a private arrangement or an independent placement, they may contact CWS Intake. The report is assigned for investigation of neglect or abandonment.</p> <p>Confirmation of harm or threatened harm will have an impact on foster home licensing and childcare licensing, and possibly current or future employment for the adoptive parents.</p> <p>DHS pays foster board payments to the new caregivers and reports the adoptive parents to CSEA. for reimbursement of foster board payments.</p> <p>The child is placed in a licensed foster home until other permanent arrangements can be made.</p>	<p>• <b>CWS involvement:</b> When the legal guardians can no longer care for the child and are unable to obtain a private arrangement or an independent placement, they may contact CWS Intake. The report is assigned for investigation of neglect or abandonment.</p> <p>Confirmation of harm or threatened harm will have an impact on foster home licensing and childcare licensing, and possibly current or future employment for the legal guardians.</p> <p>DHS pays foster board payments to the new caregivers and reports the legal guardians to CSEA for reimbursement of board payments.</p> <p>In addition, if a petition for foster custody is filed in court, the birth parents are given notice of the proceeding. If the birth parents want to be considered as caregivers for their child, CWS would assess the birth parents' current situation and their ability to provide a safe family home, now and in the foreseeable future, regardless if the birth parents' rights were terminated or they consented to the legal guardianship.</p> <p>If placement with parents is not suitable, the child is placed in a licensed foster home until other permanent arrangements can be made.</p>	
Chapter 17-944.1 – Adoption Assistance for Children with Special Needs and Chapter 17-834 -State-Provided Foster Care Special Services (DOC)	Chapter 17-835 – Permanency Assistance and Chapter 17-834, State-Provided Foster Care Special Services (DOC)	Chapter 17-835 – Permanency Assistance and Chapter 17-834, State-Provided Foster Care Special Services (DOC)

**11. Which Hawaii Administrative Rules apply to this?**

**12. What role will the birth parents play in the child's life once the child is in my permanent care?**

ADOPTION (HRS 578)	LEGAL GUARDIANSHIP (HRS 560)	PERMANENT CUSTODY (HRS 587)
<p><i>Will they be required to provide child support? No.</i></p> <p><i>Will consents have to be obtained from them for anything? Legal/birth parents lose all parental rights including the right to give consent for medical or psychological care or treatment, (including surgery), adoption, and marriage.</i></p> <p><i>Will birth parents have visitation rights? No – at least not automatically. Adoptive parents may decide on an open adoption, which may include communication and visits with the birth parents.</i></p> <p><i>Can the child and his or her birth parents inherit from each other when they die? Mutual rights of inheritance with parents are possible but not usual. The adopted child inherits from the adoptive parents.</i></p>	<p><i>Will they be required to provide child support? Yes. Unless otherwise ordered by the court, parents continue to be responsible to support the child, including but not limited to repayment for the cost of any and all care, treatment, or any other service supplied or provided by the legal guardian, other authorized agency, or the court for the child's benefit.</i></p> <p><i>Will consents have to be obtained from them for anything? Legal/birth parents lose the right to give consent for medical or psychological care or treatment, (including surgery) and marriage. If parental rights have not been terminated parents must consent to adoption and name change.</i></p> <p><i>Will birth parents have visitation rights? No – not automatically. Legal guardians decide if the birth parents may visit.</i></p> <p><i>Can the child and his or her birth parents inherit from each other when they die? Yes. Mutual rights of inheritance with birth parents remain in effect.</i></p> <p><i>What if I decide to return the child to the biological parents without court involvement? The guardian is responsible for the safety of the child. If the guardian allows the child to visit or live with his or her biological parent and the child is harmed resulting in CPS involvement, the guardian, not the biological parent, will have to do services with CPS.</i></p>	<p><i>Will they be required to provide child support? Yes. Unless otherwise ordered by the court, parents continue to be responsible to support the child, including but not limited to repayment for the cost of any and all care, treatment, or any other service supplied or provided by the permanent custodian, other authorized agency, or the court for the child's benefit.</i></p> <p><i>Will consents have to be obtained from them for anything? Legal/birth parents lose the right to give consent for medical or psychological care or treatment, (including surgery), adoption, and marriage.</i></p> <p><i>Will birth parents have visitation rights? A family member may be permitted visitation with the child at the discretion of the permanent custodian. This may be reviewed by Family Court which may order or prohibit parental visits depending on what the Court determines is in the child's best interests.</i></p> <p><i>Can the child and his or her birth parents inherit from each other when they die? Yes. Mutual rights of inheritance with parents remain in effect.</i></p>

**13. What would I have to pay for court and filing fees?**

<b>ADOPTION (HRS 578)</b>	<b>LEGAL GUARDIANSHIP (HRS 560)</b>	<b>PERMANENT CUSTODY (HRS 587)</b>
<p>If DHS remains a party to the case and the Attorney General (AG) files in a Hawaii Court, there is no cost to the adoptive parents.</p> <p>If EPIC `Ohana Conferencing completes the adoption, adoptive parents pay the \$175 court filing fee and the \$500 publication cost if the parents cannot be located. EPIC does only uncontested adoptions.</p> <p>If a private attorney is retained or if the adoption petition is filed in another state, DHS may reimburse eligible families for one-time nonrecurring adoption expenses, which may include attorney's fees and adoption home study, up to a maximum of \$2,000.</p>	<p>If DHS remains a party to the case and the Attorney General (AG) files in a Hawaii Court, there is no cost to the prospective legal guardians.</p> <p>If EPIC `Ohana Conferencing completes the guardianship, the prospective legal guardians pay the \$175 court filing fee and the \$400 publication cost if the legal parents cannot be located. EPIC does only uncontested guardianships.</p> <p>If the prospective legal guardians choose to file the petition for guardianship in another state, the legal guardians must assume responsibility for all costs.</p>	<p>Permanent custody is handled by the Attorney General and DHS at no cost to the permanent custodian.</p>

## Appendix M.

### Court Basics

#### **Basic Court Info:**

Court orders must be signed by a judge to be legally enforceable

To get an order, you must follow the court process

1. Petitioner or Plaintiff starts the legal action, usually by filing a petition or complaint, requesting the court to take a particular action
  2. Petitioner/Plaintiff must pay filing fees or request that the fees be waived because of indigency. See Attachment 1 for Schedule of Court Filing Fees.
  3. Petitioner/Plaintiff must serve Defendant (sometimes called respondent) with a copy of the petition/complaint and Defendant is given the opportunity to file an answer (usually within 20 days)
    - a. Defendant can agree = uncontested case
    - b. Defendant can disagree and object to any of the allegations in the petition/complaint = contested case
    - c. Defendant does not file an answer by the response date and Petitioner/Plaintiff can proceed by default, i.e. have the petition/complaint granted without input from Defendant
  4. Court Process & Procedures:
    - a. After the petition/complaint is filed, motions can be filed by either party, requesting the court make temporary orders, e.g., temporary custody of children or use of the marital residence, before the case is finalized
    - b. Notice must be given to all participants named in a case
    - c. Responses may be filed by participants, stating their position on the motion
    - d. Exhibits are supporting documents submitted to support your claims
    - e. Trials happen when there is a dispute and questions of facts, which requires a judge's decision
    - f. Waivers and Stipulations are submitted when a party agrees to the request of another
    - g. Orders are made by judges = legally enforceable
    - h. Final Decrees or Orders are filed, which concludes the case
- All paperwork filed with the court must contain a correct CAPTION or heading

## Appendix N.

### **Divorce Forms**

**See next page**

- Divorce instructions and checklist with and without children

# INSTRUCTIONS for UNCONTESTED DIVORCE PACKET WITH MINOR and/or DEPENDENT CHILDREN

(For the Island of O‘ahu)

## **WHO CAN FILE FOR DIVORCE?**

In order to file a divorce action in the Family Court of the First Circuit (on O‘ahu), you must meet certain limited residency requirements. You must have been domiciled or physically present on O‘ahu continuously for at least 3 months prior to the filing of the *Complaint for Divorce* and either you or your spouse must have been domiciled or physically present in the State of Hawai‘i continuously for at least 6 months prior to 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.

In same sex marriage cases, you may file your divorce action on O‘ahu, if your resident state does not recognize same sex marriage.

- First Circuit = O‘ahu
- Second Circuit = Mau‘i, Lâna‘i, and Moloka‘i
- Third Circuit = Hawai‘i (Hilo and Kona Divisions)
- Fifth Circuit = Kaua‘i

Contact the Family Court in your circuit to obtain documents to file your divorce or visit the Judiciary’s website at [www.courts.state.hi.us](http://www.courts.state.hi.us).

## **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 instructions tell you which documents need to be completed, when the documents need to be file-stamped by the Court, and what you need to do to place your divorce case on the Court Calendar. The *Uncontested Divorce (With Minor and/or Dependent Children) Document Checklist* contains information on how many copies of each document you need to submit and who signs the document. The checklist also helps you see what documents you have completed and which documents you still have to do.

The *Divorce Decree (With Minor and/or Dependent Children)* in this packet contains provisions that covers 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.

Most uncontested divorces are done by affidavit, with a Judge reviewing the documents you submit. This means that neither you nor your spouse appear at a Court



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](mailto: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.*

hearing if your documents are properly completed and all the necessary steps have been followed. Therefore it is very important that you understand which documents are needed and what you must do before the Court will grant your divorce. If the Court has any questions or concerns, you and your spouse may be required to appear at a hearing or submit more documents.

It is important for you to realize that **a divorce takes time**. Most of you will not be able to complete all 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, 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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

### 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 call the following organization for possible assistance:

### **HAWAI'I STATE BAR ASSOCIATION**

Lawyer Referral and Information Service Telephone: 537-9140

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

### **LEGAL AID SOCIETY OF HAWAI'I**

Honolulu Office Telephone: 536-4302

### **AFFORDABLE LAWYERS**

(A Project of the Legal Aid Society of Hawai'i) Telephone: 527-8027

### **VOLUNTEER LEGAL SERVICES HAWAI'I**

Telephone: 528-7046

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

## **DOMESTIC VIOLENCE ACTION CLEARINGHOUSE**

Telephone: 531-3771

### Mediation Services

If you and your spouse need mediation services you may refer to the Yellow Pages under mediation/counseling or you may call:

## **THE MEDIATION CENTER OF THE PACIFIC, INC.**

Telephone: 521-6767

The Mediation Center of the Pacific works to help people solve their problems out of court. Trained volunteer mediators sit down with the disputing parties to work out a fair solution, agreeable to all parties. Mediation is available for a nominal administrative fee per party per session.

### Custody, Visitation, or Parenting Issues

Information or counseling regarding custody/visitation/parenting issues, may be obtained when you attend the Kids First Program. The Kids First Program is held every Wednesday night (except on holidays) at 5:00 p.m. at either the Ronald T.Y. Moon Courthouse located at 4675 Kapolei Parkway, Kapolei, Hawai'i or at the Ka'ahumanu Hale located at 777 Punchbowl Street, Honolulu, Hawai'i. You will be assigned a date to attend the Kids First Program when you open your divorce case. If you have any questions, please log on to the Kids First website at [www.kidsfirsthawaii.com](http://www.kidsfirsthawaii.com) or call the Kids First Program at 954-8280 or leave a message at 954-8281.

## **REFERENCE MATERIALS TO GUIDE YOU**

The following materials located at the Supreme Court Law Library, 417 South King Street, Honolulu, Hawai'i (behind the King Kamehameha Statue) may assist you:

### **HAWAI'I DIVORCE MANUAL (2005); HAWAI'I DIVORCE MANUAL, 2006**

**Supplement; HAWAI'I DIVORCE MANUAL, 2007 Supplement; HAWAI'I DIVORCE MANUAL, 2008 Supplement; and HAWAI'I DIVORCE MANUAL, 2009 Supplement (Hawai'i State Bar Association), HAWAI'I DIVORCE MANUAL, 2010 (Hawai'i State Bar Association)**

**HAWAI'I REVISED STATUTES**

HAWAI'I FAMILY COURT RULES  
HAWAI'I COURT RECORDS RULES

ON THE INTERNET

JUDICIARY WEB PAGE ([www.courts.state.hi.us](http://www.courts.state.hi.us))

**FILING FEES REQUIRED TO OPEN YOUR DIVORCE CASE** (Cash or Personal Check,  
Money Order/Cashier's Check Payable to: CHIEF CLERK, First Circuit)

Initial Filing Fee: \$100.00 Motions: No filing fee required.

Surcharge: + 65.00

Computer System Surcharge: + 50.00

TOTAL W/O MINOR CHILDREN

\$215.00

Parent Education Surcharge: + 50.

(if either party has minor  
children from this marriage or  
any

other relationship)

**TOTAL W/ MINOR CHILDREN**

**\$265.00** Effective January 1, 2014

If you feel you cannot afford the filing fees, you may wish to contact the Legal Aid Society of Hawai'i (ph: 536-4302) or Volunteer Legal Services Hawai'i (ph: 528-7046) to help you request that the filing fee be waived by the Court. You may also obtain a fee waiver request from the Family Court Service Centers located on the first floor at the Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i.

## **FILE-STAMPING OR FILING YOUR DOCUMENTS:**

You will need to get almost all of your documents "filed," or "file-stamped," at the court house. Look at the *Uncontested Divorce (With Minor and/or Dependent Children) Documents Checklist* for a summary of how many copies, in addition to the original, of each document you will need to submit to Court. Documents are file-stamped by the Court at the following locations and during the following times:

### **LEGAL DOCUMENTS SECTION**

Ronald T.Y. Moon Courthouse  
4675 Kapolei Parkway, First Floor  
Kapolei, Hawai'i 96707

OR Ka'ahumanu Hale  
777 Punchbowl Street, First Floor  
Honolulu, Hawai'i 96813

Hours: 8:00 a.m. to 4:15 p.m., Monday through Friday, except State Holidays

In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodations 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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

## **PLACING YOUR CASE ON THE COURT CALENDAR:**

When you have completed and filed all necessary divorce documents reflected in the checklist, your case will be ready to set on the Uncontested Divorce by Affidavit (UDA) calendar. Refer to the *Uncontested Divorce (with Minor and/or Dependent children) Documents Checklist* for a summary of which documents are required.

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, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i. The service center staff will review your documents for completeness and make sure that all necessary documents have been submitted.

Drop off your UDA packet of necessary documents noted on the Documents Checklist to the Judicial Services Office at Window #5 on the First Floor of the Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i 96707. Packets may be dropped off between 8:00 a.m. and 4:15 p.m., Monday through Friday, except State Holidays.

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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

## **AFTER THE JUDGE REVIEWS YOUR DOCUMENTS**

Once your case is set on the uncontested divorce by affidavit calendar, your documents will be reviewed by the Judge. If the Judge grants your divorce and signs your *Divorce Decree*, you should receive certified copies of the *Divorce Decree* and *Income Withholding Order/Notice of Support*, if applicable, in the mail within four (4) to six (6) weeks after the judge reviews your documents. If you do not receive the documents, it is your responsibility to check the status of your case on the Judiciary's website at [www.courts.state.hi.us](http://www.courts.state.hi.us). The status of your case cannot be given out over the telephone. If the disposition calendar says that your divorce was "GRANTED," the certified copies of the *Divorce Decree* and *Income Withholding Order/Notice of Support* will be mailed to you in the envelopes provided. If your divorce is "DENIED", a copy of the court's disposition calendar will be mailed to you in the envelope you provided. You must follow the Judge's instructions noted on the disposition calendar before your divorce can be finalized.

# **STEPS TO OBTAIN AN UNCONTESTED DIVORCE**

(With Minor and/or Dependent Children)

**STEP 1:**     **OPENING YOUR DIVORCE CASE** (If you are the one who is filing for divorce, you are the “**PLAINTIFF**” and your spouse is the “**DEFENDANT.**”)

To open or start your divorce case, you must take certain documents to the court house for filing. You will need the following documents to open or start your divorce case:

1.     **COMPLAINT FOR DIVORCE (“Complaint”);**
2.     **SUMMONS TO ANSWER COMPLAINT (“Summons”);**
3.     **MATRIMONIAL ACTION INFORMATION (“MAI”);**
4.     **NOTICE TO ATTEND KIDS FIRST**

If your spouse does not live on O’ahu, you must also submit the following document to obtain the Court’s approval before serving your spouse by certified or registered mail:

5.     **MOTION AND DECLARATION FOR SERVICE BY MAIL; ORDER FOR SERVICE BY MAIL** (**Note:** Drop this document along with the *Complaint*, *Summons*, *MAI*, and *Notice to Attend Kids First* at Judicial Services at Window #5 on the First Floor of the Ronald T.Y. Moon Courthouse to obtain the Court’s approval.)

After completion, take the originals and copies of the above documents along with required court filing fees to the Legal Documents Section (Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, First Floor, Kapolei, Hawai’i or Ka’ahumanu Hale, 777 Punchbowl Street, First Floor, Honolulu, Hawai’i) to be filed-stamped by the Court. The Court will assign you a case number which you need to write on the rest of your documents.

**STEP 2: NOTICE TO ATTEND KIDS FIRST:** Attendance at this program is **mandatory**. If you were not excused by a Judge from attending this program, your divorce may be denied until you attend the program.

After you file the *Complaint for Divorce*; *Summons to Answer Complaint*, you will be assigned a date to attend the Kids First Program. This is the date when you, your spouse and any of your children (ages six to seventeen years old) must attend the program. If for any reason you or your spouse cannot attend this program as scheduled or if you have a temporary restraining order in effect against your spouse, you must call the number on the back of the notice and obtain another date. If you have any questions, please log on to the Kids First website at [www.kidsfirsthawaii.com](http://www.kidsfirsthawaii.com) or call the Kids First Program at 954-8280 or leave a message at 954-8281.

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 scheduled hearing or appointment date.

### **STEP 3: GETTING THE DOCUMENTS TO YOUR SPOUSE: “SERVICE” OF THE COMPLAINT AND SUMMONS AND FILE-STAMPING THE SERVICE DOCUMENT**

“Service” means getting a file-stamped copy of the *Complaint*, *Summons* and *Notice to Attend Kids First* to your spouse (the Defendant) in the correct way. You must provide the court with proof that your spouse was personally served with a **file-stamped** copy of the *Complaint for Divorce*, *Summons to Answer Complaint* before the Court can consider granting your divorce. (**Note:** If your spouse does not file with the Court a written answer or response to the *Complaint for Divorce* and does not contact you in any way within 20 days after receipt of the *Complaint*, see the Uncontested Divorce by Default Section below.)

Proof that your spouse was properly served can be shown by file-stamping one or more of the following:

- 1. APPEARANCE AND WAIVER:** If you and your spouse (the Defendant) have **agreed to** and **signed** the *Divorce Decree*, your spouse must sign an *Appearance and Waiver*. By signing the *Appearance and Waiver*, your spouse is stating that he or she has received a file-stamped copy of the *Complaint* and *Summons* and that he or she agrees that the Court may grant the divorce without his or her presence in Court. (**Note:** The *Appearance and Waiver* cannot be signed and dated before the *Complaint* is file-stamped by the Court. If it is signed and dated before the *Complaint* was file-stamped, the Court will require that your spouse sign another *Appearance and Waiver* which has been signed and dated after the *Complaint* was file-stamped.)
- 2. PROOF OF SERVICE:** If your spouse lives on O‘ahu, the *Complaint* and *Summons* and *Notice to Attend Kids First* must be **personally served** on your spouse unless he or she is agreeing to sign the *Divorce Decree* and *Appearance and Waiver*. It cannot be mailed, unless your spouse is willing to sign the *Divorce Decree* and *Appearance and Waiver* forms. The *Complaint* and *Summons* and *Notice to Attend Kids First* can be served by a private process server (Note: A list of private process servers may be obtained at the Family Court Service Center in Kapolei or Honolulu) or by any responsible person who is over 18 years old other than yourself. After service is complete, the person who served the *Complaint* and *Summons* and *Notice to Attend Kids First*, if applicable, on your spouse must complete the *Proof of Service* form. Information regarding the date and time your spouse was served and the place where your spouse was served must be filled in. The person who served the *Complaint* and *Summons* and *Notice to Attend Kids First*, if applicable, must also sign the *Proof of Service* form. (**Note:** If afterservice of the *Complaint* and *Summons*, you and your spouse have agreed to and signed the *Divorce Decree*, your spouse must also sign an *Appearance and Waiver*.)
- 3. STATEMENT OF MAILING; EXHIBITS 1 and 2:** If your spouse does not live on O‘ahu, you may serve your spouse by **certified or registered mail, restricted delivery**. You must complete the *Motion and Declaration for Service by Mail*, *Order for Service by Mail* and obtain the Court’s approval before serving your

spouse by mail. Failure to obtain the court's approval to mail, may cause a delay in the divorce being granted. The Receipt for Certified Mail and Domestic Return Receipt or the Receipt for Registered Mail and Return Receipt must be attached to the *Statement of Mailing Exhibits 1 and 2*. The Return Receipt must be signed by your spouse and show the date that your spouse received the document. (**Note:** If after service of the *Complaint*, you and your spouse have agreed to and signed the *Divorce Decree*, then your spouse must also sign an *Appearance and Waiver*.)

#### **STEP 4:                      FILE STAMP ALL THE FOLLOWING DOCUMENTS**

1.     **INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
  
2.     **ASSET AND DEBT STATEMENT OF PLAINTIFF (YOU) OR *BOTH PARTIES* :** Must be signed and dated by you and reflect current assets and debts. If the Asset and Debt Statement is for both you and your spouse, both you and your spouse must sign and date this form.
  
3.     **INCOME AND EXPENSE STATEMENT OF DEFENDANT (YOUR SPOUSE):** Must be signed and dated by your spouse. If you are unable to obtain the *Income and Expense Statement* from your spouse, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Divorce)* form.
  
4.     **ASSET AND DEBT STATEMENT OF DEFENDANT (YOUR SPOUSE):** Must be signed and dated by your spouse. If you are unable to obtain the *Asset and Debt Statement* from your spouse, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Divorce)* form. (NOTE: If you and your spouse completed an *Asset and Debt Statement for Both Parties* there is no need to prepare a separate *Asset and Debt Statement* for the Defendant.)
  
5.     **CHILD SUPPORT GUIDELINES WORKSHEET:** Must be completed based on each spouse's gross monthly income (i.e., before taxes and deductions), and it also must be signed and dated by you and your spouse. Read the guidelines instructions carefully to determine which guidelines worksheet applies to your case.

Child support is determined by the *Child Support Guidelines* unless there are exceptional circumstances. Some samples of exceptional circumstances are listed in the instructions to the child support guidelines. The child support guidelines instruction packet includes a Table of Incomes which must be used to determine the amount of child support. If you need assistance in completing the child support guidelines, you may qualify for services from the Legal Aid Society of Hawai'i or the Volunteer Legal Services Hawai'i or if you are in the military contact your base legal office. A complete instruction packet may be obtained from the Family Court Service Centers located on the first floors of the Kapolei Family Court and at the Ka'ahumanu Hale. The staff at the service centers are also able to assist you with calculating the child support amount. You may also go to the Judiciary's website ([www.state.courts.hi.us](http://www.state.courts.hi.us)) under Self Help, Court Forms, Family Court to calculate the child support on your

own.

6. **AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE):** You must have attended or have been excused from attending the Kids First Program and all your documents, including the *Divorce Decree* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your divorce. After completion, this document needs to be signed by you in front of a notary public.
7. **SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT:** This document is to be used if both husband and wife agree that child support will be paid directly to a party and not through the Child Support Enforcement Agency. Certain conditions must be met before the Court will grant this request. This document must be signed before a notary public by the parent who is paying child support. This document cannot be used if you are proceeding by default.

## **STEP 5:                    OTHER REQUIRED DOCUMENTS**

1. **DIVORCE DECREE (WITH MINOR AND/OR DEPENDENT CHILDREN):** Fill in each section of the *Divorce Decree* after you and your spouse have come to an agreement as to what will be contained in your *Divorce Decree*. You and your spouse must sign and date the last page of the *Divorce Decree* and fill in your Social Security Numbers, addresses and the names and addresses of your employers. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Divorce Decree*.
2. **INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT:** This document will order that child support be taken directly out of the non-custodial parent's pay checks and sent to the Child Support Enforcement Agency. This document is not file-stamped until it has been approved and signed by the judge. This document is not required if child support will be paid directly to the other party and a *Supplemental Affidavit Re: Direct Payment Child Support* has been filed.
3. **TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9" x 12" in size):** One envelope should be addressed to you and one addressed to your spouse. After the *Divorce Decree (With Minor and/or Dependent Children)* and the *Income Withholding Order/Notice of Support*, if applicable, is file-stamped by the Court, copies will be mailed to you and your spouse. Provide enough postage to cover mailing these documents to you and your spouse.

## **STEP 6:                    PLACE YOUR CASE ON THE CALENDAR (See Page**

## **5 above) STEP 7:    MAILING COPIES TO CHILD SUPPORT**

### **ENFORCEMENT AGENCY**

1. Mail, by certified mail, return receipt requested, one (1) certified copy of the *Divorce Decree (with Minor and/or Dependent Children)* and if applicable, one (1) certified copy of the *Income Withholding Order/Notice of Support* to the Child Support Enforcement Agency, P.O. Box 1860, Honolulu, Hawai'i 96805-1860. (NOTE: A certified copy of the *Divorce Decree (with Minor and/or Dependent Children)* must be sent to the Child Support Enforcement Agency even if child support payments are to be made directly to the other party.)

**STEP 8: IF CHILD SUPPORT PAYMENTS ARE TO BE PAID THROUGH THE CHILD SUPPORT ENFORCEMENT AGENCY YOU MUST DO THE FOLLOWING:**

1. **MAIL A COPY OF THE INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT TO EMPLOYER.** Mail, by certified mail, returned receipt requested, one (1) certified copy of the *Income Withholding Order/Notice of Support* to the employer of the parent who is ordered to pay child support.
2. **STATEMENT OF MAILING; EXHIBITS 1 & 2 (Re: Order for Income Withholding):** Complete a *Statement of Mailing; Exhibits 1 and 2 (Re: Income Withholding Order/Notice of Support)* which serves as proof that a certified copy of the *Income Withholding Order/Notice of Support* was mailed to the employer. Exhibit 1 is the white and green Receipt for Certified Mail received at the time of mailing and Exhibit 2 is the green card-Domestic Return receipt signed by the employer. Submit the original and three (3) copies of this *Statement of Mailing; Exhibits 1 & 2 (Re: Income Withholding Order/Notice of Support)* to the Legal Documents Branch for file-stamping.
3. **MAILING A COPY OF STATEMENT OF MAILING; EXHIBITS 1 AND 2 (Re: Order for Income Withholding) TO CHILD SUPPORT ENFORCEMENT AGENCY and to the other parent:** Mail one (1) file-stamped copy of the *Statement of Mailing; Exhibits 1 and 2 (Re: Income Withholding Order/Notice of Support)* to the Child Support Enforcement Agency and to the other parent.

**UNCONTESTED DIVORCE BY DEFAULT**

You can proceed with your divorce by default if your spouse has not filed a written answer or response with the Court and has not contacted you within 20 days after receipt of the *Complaint*. Default may be granted when a Defendant does not come forward in any way to defend himself or herself against the divorce. To get your divorce by default, the following steps must be followed after the *Proof of Service* or the *Statement of Mailing; Exhibits 1 and 2* has been file-stamped by the Court:

**STEP 1: ADDITIONAL DOCUMENTS YOU NEED TO COMPLETE AND FILE-STAMP**

1. **INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
2. **ASSET AND DEBT STATEMENT OF PLAINTIFF (You):** Must be signed and dated by you and reflect current assets and debts.
3. **CHILD SUPPORT GUIDELINES WORKSHEET (You):** Must be completed based on each spouse's gross income (i.e., before taxes and deductions), and it also must be signed and dated by you. Read the guidelines instructions carefully to determine which guidelines worksheet applies to your case.

Child support is determined by the *Child Support Guidelines* unless there

are exceptional circumstances. Some samples of exceptional circumstances are listed in the instructions to the child support guidelines. The child support guidelines instruction packet includes a Table of Incomes which must be used to determine the amount of child support. If you need assistance in completing the child support guidelines, you may qualify for services from the Legal Aid Society of Hawai'i or Volunteer Legal Services Hawai'i or you if you are in the military contact your base legal office. A complete instruction packet may be obtained from the Family Court Service Centers located on the first floors of the Ronald T.Y. Moon Courthouse and of the Ka'ahumanu Hale. The staff at the service centers are also able to assist you with calculating the child support amount. You may also go to the Judiciary's website ([www.state.courts.hi.us](http://www.state.courts.hi.us)) under Self Help/ Court Forms/ Family Court to calculate the child support on your own.

4. **AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE):** You must have attended or have been excused from attending the Kids First Program, and all your documents, including the *Divorce Decree (With Minor and/or Dependent Children)* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your divorce. After completion, this document needs to be signed by you in front of a notary public.

## **STEP 2:                    OTHER REQUIRED DOCUMENTS**

1. **DIVORCE DECREE (WITH MINOR AND/OR DEPENDENT CHILDREN):** Fill in each section of the *Divorce Decree*. You must sign and date the last page of the *Divorce Decree*. You must also fill in information of your and your spouse's Social Security Numbers, addresses and employers' names and addresses. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Divorce Decree*.
2. **INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT:** This document will order that child support be taken directly out of the non-custodial parent's pay checks and sent to the Child Support Enforcement Agency. This document is not file-stamped until it has been approved and signed by the judge. Child support cannot be paid directly to the custodial parent if you're are proceeding by default.
3. **TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9" x 12" in size):** One envelope should be addressed to you and one addressed to your spouse. After the *Divorce Decree (With Minor and/or Dependent Children)* and the *Income Withholding Order/Notice of Support*, if applicable, is file-stamped by the Court, copies will be mailed to you and your spouse. Provide enough postage to cover mailing these documents to you and your spouse.

**STEP 3:                    PLACE YOUR CASE ON THE CALENDAR.** See page 5 above.

## **STEP 4:                    MAILING COPIES TO CHILD SUPPORT ENFORCEMENT** **AGENCY**

1. Mail, by certified mail, return receipt requested, one (1) certified copy of the *Divorce Decree (with Minor and/or Dependent Children)* and if applicable, one (1)

certified copy of the Income Withholding Order/Notice of Support to the Child Support Enforcement Agency, P. O. Box 1860, Honolulu, Hawai'i 96805-1860. (NOTE: A certified copy of the *Divorce Decree (with Minor and/or Dependent Children)* must be sent to the Child Support Enforcement Agency even if child support payments are to be made directly to the other party.)

**STEP 5: IF CHILD SUPPORT PAYMENTS ARE TO BE PAID THROUGH THE CHILD SUPPORT ENFORCEMENT AGENCY YOU MUST DO THE FOLLOWING:**

1. Mail, by certified mail, returned receipt requested, one (1) certified copy of the *Income Withholding Order/Notice of Support* to the employer of the parent who is ordered to pay child support.
  
2. **STATEMENT OF MAILING; EXHIBITS 1 & 2 (Re: Order for Income Withholding):** Complete a *Statement of Mailing; Exhibits 1 and 2 (Re: Income Withholding Order/Notice of Support)* which serves as proof that a certified copy of the *Income Withholding Order/Notice of Support* was mailed to the employer. Exhibit 1 is the white and green Receipt for Certified Mail received at the time of mailing and Exhibit 2 is the green card-Domestic Return receipt signed by the employer. Submit the original and three (3) copies of this *Statement of Mailing; Exhibits 1 & 2 (Re: Income Withholding Order/Notice of Support)* to the Legal Documents Branch for file-stamping.
  
3. **MAILING A COPY OF THE STATEMENT OF MAILING; EXHIBITS 1 AND 2 (Re: Order/Notice to Withhold Income for Child Support) TO CHILD SUPPORT ENFORCEMENT AGENCY AND TO THE OTHER PARENT:** Mail one (1) file-stamped copy of the *Statement of Mailing; Exhibits 1 and 2 (Re: Income Withholding Order/Notice of Support)* to the Child Support Enforcement Agency and to the other parent.

**INSTRUCTIONS for UNCONTESTED DIVORCE PACKET WITHOUT MINOR and/or DEPENDENT CHILDREN**

(For the Island of O'ahu) WHO

**CAN FILE FOR DIVORCE?**

In order to file a divorce action in the Family Court of the First Circuit (on O‘ahu), you must meet certain limited residency requirements. You must have been domiciled or physically present on O‘ahu continuously for at least 3 months prior to the filing of the *Complaint for Divorce* and either you or your spouse must have been domiciled or physically present in the State of Hawai‘i continuously for at least 6 months prior to 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.

In same sex marriage cases, you may file your divorce action on O‘ahu if your resident state does not recognize same sex marriage.

- First Circuit = O‘ahu
- Second Circuit = Mau‘i, Lâna‘i, and Moloka‘i
- Third Circuit = Hawai‘i (Hilo and Kona Divisions)
- Fifth Circuit = Kaua‘i

Contact the Family Court in your circuit to obtain documents to file your divorce or visit the Judiciary’s website at [www.courts.state.hi.us](http://www.courts.state.hi.us).

## **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 instructions tell you which documents need to be completed, when the documents need to be file-stamped by the Court, and what you need to do to place your divorce case on the Court Calendar. The *Uncontested Divorce Without Minor and/or Dependent Children Document Checklist* contains information on how many copies of each document you need to submit and who signs the document. The checklist also helps you see what documents you have completed and which documents you still have to do.

The *Divorce Decree* in this packet contains provisions that covers 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.

Most uncontested divorces are done by affidavit, with a Judge reviewing the documents you submit. This means that neither you nor your spouse appear at a Court hearing if your documents are properly completed and all the necessary steps have been



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](mailto: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.*

followed. Therefore it is very important that you understand which documents are needed and what you must do before the Court will grant your divorce. If the Court has any questions or concerns, you and your spouse may be required to appear at a hearing or submit more documents.

It is important for you to realize that **a divorce takes time**. Most of you will not be able to complete all 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, 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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

### 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 call the following organization for possible assistance:

## **HAWAI'I STATE BAR ASSOCIATION**

Lawyer Referral and Information Service  
Telephone: 537-9140

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

## **LEGAL AID SOCIETY OF HAWAI'I**

Honolulu Office  
Telephone: 536-4302

## **AFFORDABLE LAWYERS**

(A Project of the Legal Aid Society of Hawai'i)  
Telephone: 527-8027

## **VOLUNTEER LEGAL SERVICES HAWAI'I**

Telephone: 528-7046

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

## **DOMESTIC VIOLENCE ACTION CLEARINGHOUSE**

Telephone: 531-3771

### Mediation Services

If you and your spouse need mediation services you may refer to the Yellow Pages under mediation/counseling or you may call:

## **THE MEDIATION CENTER OF THE PACIFIC, INC.**

Telephone: 521-6767

The Mediation Center of the Pacific works to help people solve their problems out of court. Trained volunteer mediators sit down with the disputing parties to work out a fair solution, agreeable to all parties. Mediation is available for a nominal administrative fee per party per session.

## **REFERENCE MATERIALS TO GUIDE YOU**

The following materials located at the Supreme Court Law Library, 417 South King Street, Honolulu, Hawai'i (behind the King Kamehameha Statue) may assist you:

## **HAWAI'I DIVORCE MANUAL (2005); HAWAI'I DIVORCE MANUAL, 2006**

Supplement; HAWAI'I DIVORCE MANUAL, 2007 Supplement; HAWAI'I DIVORCE MANUAL, 2008 Supplement; and HAWAI'I DIVORCE MANUAL, 2009 Supplement (Hawai'i State Bar Association); HAWAI'I DIVORCE MANUAL, 2010 Supplement (Hawai'i State Bar Association)

HAWAI'I REVISED STATUTES

HAWAI'I FAMILY COURT RULES

HAWAI'I COURT RECORDS RULES

### ON THE INTERNET

JUDICIARY WEB PAGE ([www.courts.state.hi.us](http://www.courts.state.hi.us))

**FILING FEES REQUIRED TO OPEN YOUR DIVORCE CASE** (Cash or Personal Check,  
Money Order/Cashier's Check Payable to: CHIEF CLERK, First Circuit)

Initial Filing Fee:	\$100.00	Motions: No filing fee required.
Surcharge:	+ 65.00	
Computer System Surcharge:	+ <u>50.00</u>	

**TOTAL W/O MINOR CHILDREN \$215.00**

Parent Education	+ <u>50.00</u>
Surcharge: (if either party has minor children from this marriage or any other relationship)	

**TOTAL \$265.00**

If you feel you cannot afford the filing fees, you may wish to contact the Legal Aid Society of Hawai'i (ph: 536-4302) or the Volunteer Legal Services Hawai'i (ph: 528-7046) to help you request that the filing fee be waived by the Court. You may also obtain a fee waiver request from the Family Court Service Centers located on the first floor at the Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i.

**FILE-STAMPING OR FILING YOUR DOCUMENTS:**

You will need to get almost all of your documents "filed," or "file-stamped," at the court house. Look at the *Uncontested Divorce (Without Minor and/or Dependent Children) Documents Checklist* for a summary of how many copies, in addition to the original, of each document you will need to submit to Court. Documents are file-stamped by the Court at the following locations and during the following times:

**LEGAL DOCUMENTS  
SECTION**

Ronald T.Y. Moon Courthouse  
4675 Kapolei Parkway, First  
Floor Kapolei, Hawai'i 96707

OR Ka'ahumanu Hale  
777 Punchbowl Street, First Floor  
Honolulu, Hawai'i 96813

Hours: 8:00 a.m. to 4:15 p.m.

Monday through Friday Except State Holidays

## **PLACING YOUR CASE ON THE COURT CALENDAR:**

When you have completed and filed all necessary divorce documents reflected in the checklist, your case will be ready to set on the Uncontested Divorce by Affidavit (UDA) calendar. Refer to the *Uncontested Divorce (Without Minor and/or Dependent Children) Documents Checklist* for a summary of which documents are required.

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, 4675 Kapolei Parkway, Kapolei, Hawai'i or on the first floor of the Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i. The service center staff will review your documents for completeness and make sure that all necessary documents have been submitted.

Drop off your UDA packet of necessary documents noted on the *Documents Checklist* to the Judicial Services Office, Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, First Floor, Window #5, Kapolei, Hawai'i 96707. Packets may be dropped off between 8:00 a.m. and 4:15 p.m., Monday through Friday, except State Holidays.

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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

## **AFTER THE JUDGE REVIEWS YOUR DOCUMENTS**

Once your case is set on the uncontested divorce by affidavit calendar, your documents will be reviewed by the Judge. If the Judge grants your divorce and signs your *Divorce Decree*, you should receive certified copies of the *Divorce Decree* in the mail within four (4) to six (6) weeks after the judge reviews your documents. If you do not receive the documents, it is your responsibility to check the status of your case on the Judiciary's website at [www.courts.state.hi.us](http://www.courts.state.hi.us). The status of your case will not be given out over the telephone. If the disposition calendar says that your divorce was "GRANTED," wait a reasonable time for the *Divorce Decree* to be sent to you in the mail. If your divorce is "DENIED", a copy of the disposition calendar will be mailed to you in the envelope you provided. You must follow the Judge's instructions noted on the disposition calendar before your divorce can be finalized.

# **STEPS TO OBTAIN AN UNCONTESTED DIVORCE**

(Without Minor and/or Dependent Children)

**STEP 1:**     **OPENING YOUR DIVORCE CASE** (If you are the one who is filing for divorce, you are the “*PLAINTIFF*” and your spouse is the “*DEFENDANT.*”)

To open or start your divorce case, you must take certain documents to the court house for filing. You will need the following documents to open or start your divorce case:

1.     **COMPLAINT FOR DIVORCE (“Complaint”);**
2.     **SUMMONS TO ANSWER COMPLAINT (“Summons”);**
3.     **MATRIMONIAL ACTION INFORMATION (“MAI”);**
4.     **NOTICE TO ATTEND KIDS FIRST** (If either husband or wife has minor child(ren) from other relationships this form must be completed. You can request to be excused from attending this program by filling out the request form available at the Family Court Service Center. Failure to attend the Kids First Program, if required, may result in denial of your divorce until you comply with this requirement. If you have any questions, please log on to the Kids First website at [www.kidsfirsthawaii.com](http://www.kidsfirsthawaii.com) or call the Kids First Program at 954-8280 or leave a message at 954-8281.

If your spouse does not live on O’ahu, you must also submit the following document to obtain the Court’s approval before serving your spouse by certified or registered mail:

5.     **MOTION AND DECLARATION FOR SERVICE BY MAIL; ORDER FOR SERVICE BY MAIL** (Note: Drop this document along with the *Complaint*, *Summons*, *MAI*, and Notice to Attend Kids First, if applicable, to the Judicial Services Offices on the First Floor, Window #5 of the Ronald T.Y. Moon Courthouse to obtain the Court’s approval.)

After completion, take the originals and copies of the above documents along with required court filing fees to the Legal Documents Section (Ronald T.Y. Moon Courthouse, 4675 Kapolei Parkway, First Floor, Kapolei, Hawai’i or Ka’ahumanu Hale, 777 Punchbowl Street, First Floor, Honolulu, Hawai’i) to be filed-stamped by the Court. The Court will assign you a case number which you need to write on all the rest of your documents.

## **STEP 2 GETTING THE DOCUMENTS TO YOUR SPOUSE: “SERVICE” OF THE COMPLAINT AND SUMMONS AND FILE-STAMPING THE SERVICE DOCUMENT**

“Service” means getting a file-stamped copy of the *Complaint, Summons* and *Notice to Attend Kids First*, if applicable to your spouse (the Defendant) in the correct way. You must provide the court with proof that your spouse was personally served with **a file-stamped** copy of the *Complaint for Divorce, Summons to Answer Complaint* before the Court can consider granting your divorce. (**Note:** If your spouse does not file with the Court a written answer or response to the *Complaint for Divorce* and does not contact you in any way within 20 days after receipt of the *Complaint*, see the Uncontested Divorce by Default Section below.)

Proof that your spouse was properly served can be shown by file-stamping one or more of the following:

1. **APPEARANCE AND WAIVER:** If you and your spouse (the Defendant) have **agreed to** and **signed** the *Divorce Decree*, your spouse must sign an *Appearance and Waiver*. By signing the *Appearance and Waiver*, your spouse is stating that he or she has received a file-stamped copy of the *Complaint and Summons* and that he or she agrees that the Court may grant the divorce without his or her presence in Court. (**Note:** The *Appearance and Waiver* cannot be signed and dated before the *Complaint* is file-stamped by the Court. If it is signed and dated before the *Complaint* was file-stamped, the Court will require that your spouse sign another *Appearance and Waiver* which has been signed and dated after the *Complaint* was file-stamped.)
2. **PROOF OF SERVICE:** If your spouse lives on O’ahu the *Complaint* and *Summons* and *Notice to Attend Kids First*, if applicable, must be **personally served** on your spouse unless he or she is agreeing to sign the *Divorce Decree* and *Appearance and Waiver*. It cannot be mailed, unless your spouse will sign the *Divorce Decree* and *Appearance and Waiver*. The *Complaint* and *Summons* and *Notice to Attend Kids First*, if applicable, can be served by a private process server (Note: A list of private process servers may be obtained at the Family Court Service Center in Kapolei or Honolulu) or by any responsible person who is over 18 years old other than yourself. After service is complete, the person who served the *Complaint* and *Summons* and *Notice to Attend Kids First*, if applicable, on your spouse must complete the *Proof of Service* form. Information regarding the date and time your spouse was served and the place where your spouse was served must be filled in. The person who served the *Complaint* and *Summons* must also sign the *Proof of Service*. (**Note:** If after service of the *Complaint* and *Summons*, you and your spouse have agreed to and signed the *Divorce Decree*, your spouse must also sign an *Appearance and Waiver*.)
3. **STATEMENT OF MAILING; EXHIBITS 1 and 2:** If your spouse does not live on Oahu, you may serve your spouse by **certified or registered mail, restricted delivery**. You must complete the *Motion and Declaration for Service by Mail, Order for Service by Mail* and obtain the Court’s approval before serving your spouse by mail. The Receipt for Certified Mail and Domestic Return Receipt or the Receipt for Registered Mail and Return Receipt must be attached to the *Statement of Mailing Exhibits 1 and 2*. The Return Receipt must be signed by your spouse and show the date that your spouse received the document. (**Note:** If after service of the *Complaint*, you and your spouse have agreed to and signed the *Divorce Decree*, then your spouse must also sign an *Appearance and Waiver*.)

## **STEP 4: FILE STAMP ALL THE FOLLOWING DOCUMENTS**

1. **INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
2. **ASSET AND DEBT STATEMENT OF PLAINTIFF (YOU) OR BOTH PARTIES:** Must be signed and dated by you and reflect current assets and debts. If the *Asset and Debt Statement* is for both you and your spouse, both you and your spouse must sign and date this form.
3. **INCOME AND EXPENSE STATEMENT OF DEFENDANT (YOUR SPOUSE):** Must be signed and dated by your spouse. If you are unable to obtain the *Income and Expense Statement* from your spouse, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Divorce)* form.
4. **ASSET AND DEBT STATEMENT OF DEFENDANT (YOUR SPOUSE):** Must be signed and dated by your spouse. If you are unable to obtain the *Asset and Debt Statement* from your spouse, you must explain why in paragraph 10c of the *Affidavit of Plaintiff (for Uncontested Divorce)* form. (NOTE: If you and your spouse completed an *Asset and Debt Statement for Both Parties* there is no need to prepare a separate *Asset and Debt Statement* for the Defendant.)
5. **AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE):** If applicable, you must have attended or have been excused from attending the Kids First Program, and all your documents, including the *Divorce Decree* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your divorce. After completion, this document needs to be signed by you in front of a notary public.

## **STEP 5: OTHER REQUIRED DOCUMENTS**

1. **DIVORCE DECREE (WITHOUT MINOR and/or DEPENDENT CHILDREN):** Fill in each section of the *Divorce Decree* after you and your spouse have come to an agreement as to what will be contained in your *Divorce Decree*. You and your spouse must sign and date the last page of the *Divorce Decree* and fill in your that last four digits of your Social Security Numbers and your addresses. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Divorce Decree*.
2. **TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9-1/2" x 4-1/4" in size):** One envelope should be addressed to you and one addressed to your spouse. After the *Divorce Decree (Without Minor and /or Dependent Children)* is file-stamped by the Court, copies will be mailed to you and your spouse. Provide enough postage to cover mailing these documents to you and your spouse.

## **STEP 6: PLACE YOUR CASE ON THE CALENDAR**

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](mailto:adarequest@courts.hawaii.gov) at least ten (10) working days prior to your scheduled hearing or appointment date.

## **UNCONTESTED DIVORCE BY DEFAULT**

You can proceed with your divorce by default if your spouse has not filed a written answer or response with the Court and has not contacted you within 20 days after receipt of the *Complaint*. Default may be granted when a Defendant does not come forward in any way to defend himself or herself against the divorce. To get your divorce by default, the following steps must be followed after the *Proof of Service* or the *Statement of Mailing; Exhibits 1 and 2* has been file-stamped by the Court:

### **STEP 1: ADDITIONAL DOCUMENTS YOU NEED TO COMPLETE AND FILE-STAMP**

1. **INCOME AND EXPENSE STATEMENT OF PLAINTIFF (YOU):** Must be signed and dated by you and reflect current income and expenses.
2. **ASSET AND DEBT STATEMENT OF PLAINTIFF:** Must be signed and dated by you and reflect current assets and debts.
3. **AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE):** You must have attended or have been excused from attending the Kids First Program, and all your documents, including the *Divorce Decree* must be completed before this document can be filled in. This document should be completely filled in or the Court may not grant your divorce. After completion, this document needs to be signed by you in front of a notary public.

### **STEP 2: OTHER REQUIRED DOCUMENTS**

1. **DIVORCE DECREE (WITHOUT MINOR and/or DEPENDENT CHILDREN):** Fill in each section of the *Divorce Decree*. You must sign and date the last page of the *Divorce Decree*. You must also fill in information of your and your spouse's Social Security Numbers, addresses, and employers' name and address. This document does not get file-stamped until the Judge has reviewed all of your documents and approved and signed the *Divorce Decree*.
2. **TWO SELF-ADDRESSED, STAMPED ENVELOPES (at least 9-1/2" x 4-1/4" in size):** One envelope should be addressed to you and one addressed to your spouse. After the *Divorce Decree (Without Children)* is file-stamped by the Court, copies will be mailed to you and your spouse. Provide enough postage to cover mailing these documents to you and your spouse.

### **STEP 3: PLACE YOUR CASE ON THE CALENDAR**

## Document Checklist For Uncontested Divorce by Affidavit (With Minor and/or Dependent Children)

This is just a checklist. For instruction on how to fill out and file the documents, please refer to the **INSTRUCTIONS** that accompany this checklist. In this checklist, “You” are the Plaintiff, and the “Defendant” is your spouse.

### A. FIRST: File these at the Legal Documents Branch

Take these documents to the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka’ahumanu Hale, 777 Punchbowl St. A Court clerk will file-stamp each document, keep the original for the Court’s file, and return the copies to you. Applicable filing fees are due at this time.

NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
1 COMPLAINT FOR DIVORCE (Complaint)	Original + 3 copies	You	This document opens your divorce case. The summons must be stapled in back of the complaint. The Documents Clerk will assign a case number and file stamp your documents.
1 SUMMONS TO ANSWER COMPLAINT FOR DIVORCE (Summons)	Original + 3 copies	Documents Clerk	This document is stapled in back of the complaint.
1 MATRIMONIAL ACTION INFORMATION (MAI)	Original + 2 copies	You	Complete all sections of this document. If you do not know the information requested write unknown, do not leave blank.
1 NOTICE TO ATTEND KIDS FIRST	Original + 2 copies	Documents Clerk	The Documents Clerk will assign you a date to attend the Kids First Program. The attendance at this program is mandatory unless you are excused by the court.

**You must properly serve your spouse with a filed copy of the *Complaint for Divorce; Summons to Answer Complaint for Divorce* and the *Notice to Attend Kids First***

1 PROOF OF SERVICE	Original + 2 copies	Document Server	This document must be completed by the person who personally delivers a filed copy of the <i>Complaint</i> and <i>Summons</i> to your spouse. The person who serves must complete the date, time and place that your spouse was served.
1 MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER etc.	Original + 2 copies	You	This form must be completed and the court must approve it, before you can mail a certified copy of the <i>Complaint</i> and <i>Summons</i> to your spouse who does not live on this island. This form is required even if your spouse is willing to sign an <i>Appearance and Waiver</i> . Failure to obtain the Court’s permission to mail to your spouse may result in a delay in your divorce. A certified of the <i>Complaint</i> and <i>Summons</i> must be mailed by certified/registered mail, return receipt requested, restricted delivery.



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 First Circuit Family Court by telephone at 954-8200, fax 954-8308 or via email at [adarequest@courts.hawaii.gov](mailto: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 **(808) 954-8290** if you have any questions about forms or procedures.

B. Fill in the case number and complete the following documents. The documents should be filed

at the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei

	NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
1	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 3 copies	You	The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint <i>Asset and Debt Statement</i> which can be signed and dated by both of you.
1	ASSET AND DEBT STATEMENT	Original + 3 copies	You (and your spouse if for Both Parties)	
1	INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	If these forms are not submitted by your spouse, you must explain why in paragraph 10c of the <i>Affidavit of Plaintiff</i> (for Uncontested Divorce).
1	ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	
1	CHILD SUPPORT GUIDELINES WORKSHEET	Original + 3 copies	You <b>and</b> your spouse	This form must be submitted if you and your spouse have minor child(ren) together.
1	SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT	Original + 3 copies	Payor of Child Support	This form is to be completed and signed in front of a notary public by the person who will be paying the child support. Child support cannot be directly paid if the parties' child(ren) are on public assistance or if you are proceeding by default.
1	APPEARANCE AND WAIVER	Original + 3 copies	Spouse	Your spouse must receive a file-stamped copy of the <i>Complaint</i> and <i>Summons</i> and a copy of the Notice to Attend Kids First and sign the <i>Divorce Decree</i> before he or she can sign this document.
1	PROOF OF SERVICE	Original + 3 copies	Document Server	If the <i>Complaint</i> , <i>Summons</i> , and <i>Notice to Attend Kids First</i> were personally delivered to your spouse, the person who delivered those documents must complete the date, time and place where your spouse was served and sign and date this document.
1	STATEMENT OF MAILING; EXHIBITS 1 and 2	Original + 3 copies	You	Attached the Certified or Registered Mail Receipt as Exhibit "1" and the Domestic Return Receipt or the Return Receipt for International Mail as Exhibit "2". Attach the exhibit page to the back of the <i>Statement of Mailing</i> page. ( <b>NOTE</b> : You must obtain the Court's permission before you can mail the initial documents to your spouse.

NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
<b>i</b> AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 3 copies	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 <b>not</b> complete this document until all required documents and attendance at the Kids First Program has been completed.

D. The following documents are needed to place your uncontested divorce by affidavit packet on the calendar for review by the judge. This packet must be dropped at Judicial Services, Window #5 on the 1<sup>st</sup> floor at the Ronald T.Y. Moon Kapolei Courthouse or in the Judicial Services court jacket located in the Legal Documents Office on the 1<sup>st</sup> floor at the Kaahumanu Hale, 777 Punchbowl Street.

NAME OF DOCUMENT	HOW MANY	COMMENTS
<b>i</b> DIVORCE DECREE WITH MINOR and/or DEPENDENT CHILDREN	Original + at least 5 copies	Your spouse's signature is required if you are getting a divorce by agreement and your spouse must have signed an <i>Appearance and Waiver</i> . Your spouse's signature is not required if you are proceeding by default.
<b>i</b> AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	1 <b>filed-stamped</b> copy	You, your spouse and any minor children 6 years - 17 years, must have attended the Kids First Program or have been excused from attending before you can complete this document.
<b>i</b> INCOME AND EXPENSE STATEMENT OF PLAINTIFF	1 <b>filed-stamped</b> copy	The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint <i>Asset and Debt Statement</i> which can be signed and dated by both of you.
<b>i</b> ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	1 <b>filed-stamped</b> copy	
<b>i</b> APPEARANCE AND WAIVER and/or <b>i</b> PROOF OF SERVICE or <b>i</b> STATEMENT OF MAILING	1 <b>filed-stamped</b> copy	To be submitted if you and your spouse have agreed to and signed the <i>Divorce Decree</i> .  To be submitted, if your spouse was served with the <i>Complaint</i> and <i>Summons</i> by personal delivery.  To be submitted, if your spouse was served with the <i>Complaint</i> and <i>Summons</i> by certified or registered mail.

\* Step D Continued on Next Page.

	NAME OF DOCUMENT	HOW MANY	COMMENTS
i	INCOME AND EXPENSE STATEMENT OF DEFENDANT	1 <b>file-stamped</b> copy	Plaintiff and Defendant may submit a joint <i>Asset and Debt Statement</i> .  If Defendant's <i>Income and Expense Statement</i> and/or <i>Asset and Debt Statement</i> is not available, the reason why it is not available must be stated in Paragraph 10c of the <i>Affidavit of Plaintiff (for Uncontested Divorce)</i> .
i	ASSET AND DEBT STATEMENT OF DEFENDANT	1 <b>file-stamped</b> copy	
i	CHILD SUPPORT GUIDELINES WORKSHEET	1 <b>file-stamped</b> copy	It is mandatory to submit this document as long as Plaintiff and Defendant have minor child(ren) together.
i	INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT <b>OR</b> SUPPLEMENTAL AFFIDAVIT RE: DIRECT PAYMENT CHILD SUPPORT	Original + at least 5 copies  1 <b>file-stamped</b> copy	To be submitted if child support will be paid through the Child Support Enforcement Agency (CSEA).  Cannot be used if you are proceeding by default or if any of Plaintiff's or Defendant's child(ren) together are on public assistance.
i	9"X12" ENVELOPE <b>ADDRESSED TO YOU</b> WITH POSTAGE ATTACHED and 9"X12" ENVELOPE <b>ADDRESSED TO YOUR SPOUSE</b> WITH POSTAGE ATTACHED.	1  1	The Court will mail to you and your spouse, file-stamped, certified copies of your <i>Divorce Decree</i> and <i>Income Withholding Order/Notice of Support</i> , if applicable, in the envelopes you provide. The documents will be mailed via U.S. Postal Service only.

Your divorce becomes final when the *Divorce Decree* is signed by the Judge and file-stamped by the Court. File-stamped, certified copies of the *Divorce Decree* and *Income Withholding Order/Notice for Support*, if applicable, will be mailed to you and your spouse in the envelope which you provided. You can track the status of your case on the Judiciary's web page [www.courts.state.hi.us](http://www.courts.state.hi.us) using the Ho'ohiki Program. It takes between 4 to 6 weeks, after the Judge reviews your case for the final decree to be mailed. If your divorce is denied, the Court will mail you instructions on what needs to be done before the Judge will grant your divorce.

Do the following when you receive your file-stamped *Divorce Decree* from the Court.

	NAME OF DOCUMENT	HOW MANY	COMMENTS
1	DIVORCE DECREE with MINOR and/or DEPENDENT CHILDREN	1 <u>certified</u> copy	Even if child support payments are to be made directly to the recipient, you <b>must</b> mail (by certified mail, return receipt requested) a certified copy of your <i>Divorce Decree</i> to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860

Unless certain conditions are met, child support payments must be paid through the Child Support Enforcement Agency (CSEA). If child support payments are through the CSEA, do the following when you receive your file-stamped copy of the *Divorce Decree* and *Income Withholding Order/Notice for Support* for the Court:

	NAME OF DOCUMENT	HOW MANY	COMMENTS
1	INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT	1 <u>certified</u> copy	Mail by certified mail, return receipt requested to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860
1	INCOME WITHHOLDING ORDER/NOTICE OF SUPPORT	1 <u>certified</u> copy	Mail by certified mail, return receipt requested to the employer of the person who is paying child support. Save the white Certified Mail Receipt that the postal clerk gives you and the green Domestic Return Receipt that you will receive back in the mail after the employer receives this document in the mail.

When you receive the green Domestic Return Receipt (signed by the employer) for the Income Withholding Order/Notice of Support, attached the white Certified Mail Receipt as Exhibit "1" and the green Domestic Return Receipt as Exhibit "2" to the Statement of Mailing; Exhibits 1 and 2 (Re: Order for Income Withholding) form.

	NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
1	STATEMENT OF MAILING; EXHIBITS 1 AND 2 (RE: ORDER FOR INCOME WITHHOLDING)	Original + 3 copies	You	<b>FIRST:</b> Take the original and copies to the Legal Documents Branch to have it file-stamped. <b>THEN:</b> Mail one file-stamped copy to your ex-spouse and mail one file-stamped copy to: CHILD SUPPORT ENFORCEMENT AGENCY P.O. Box 1860 Honolulu, HI 96806-1860

## Document Checklist For Uncontested Divorce by Affidavit (Without Minor and/or Dependent Children)

This is just a checklist. For instruction on how to fill out and file the documents, please refer to the **INSTRUCTIONS** that accompany this checklist. In this checklist, “You” are the Plaintiff, and the “Defendant” is your spouse.

### A. **FIRST: File these at the Legal Documents Branch**

Take these documents to the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka’ahumanu Hale, 777 Punchbowl St. A Court clerk will file-stamp each document, keep the original for the Court’s file, and return the copies to you. Applicable filing fees are due at this time.

NAME OF DOCUMENT		HOW MANY	SIGNED BY	COMMENTS
<b>i</b>	COMPLAINT FOR DIVORCE (Complaint)	Original + 3 copies	You	This document opens your divorce case. The summons must be stapled in back of the complaint. The Documents Clerk will assign a case number and file stamp your documents.
<b>i</b>	SUMMONS TO ANSWER COMPLAINT FOR DIVORCE (Summons)	Original + 3 copies	Documents Clerk	This document is stapled in back of the complaint.
<b>i</b>	MATRIMONIAL ACTION INFORMATION (MAI)	Original + 2 copies	You	Complete all sections of this document. If you do not know the information requested write unknown, do not leave blank.
<b>i</b>	NOTICE TO ATTEND KIDS FIRST (If applicable)	Original + 2 copies	Documents Clerk	This form must be completed if Plaintiff or Defendant has minor children from this or any other relationship. The Documents Clerk will assign you a date to attend the Kids First Program.
<b>You must properly serve your spouse with a filed copy of the <i>Complaint for Divorce; Summons to Answer Complaint for Divorce</i> and the <i>Notice to Attend Kids First</i> (if applicable)</b>				
<b>i</b>	PROOF OF SERVICE	Original + 2 copies	Document Server	This document must be completed by the person who personally delivers a filed copy of the <i>Complaint</i> and <i>Summons</i> to your spouse. The person who serves must complete the date, time and place that your spouse was served.
<b>i</b>	MOTION FOR SERVICE BY MAIL AND DECLARATION; ORDER FOR SERVICE BY MAIL	Original + 2 copies	You	This form must be completed and the court must approve it, before you can mail a certified copy of the <i>Complaint</i> and <i>Summons</i> to your spouse who does not live on this island. This form is required even if your spouse is willing to sign an <i>Appearance and Waiver</i> . Failure to obtain the Court’s permission to mail to your spouse may result in a delay in your divorce. A certified of the <i>Complaint</i> and <i>Summons</i> must be mailed by certified/registered mail, return receipt requested, restricted delivery.



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 by telephone at 954-8200, FAX 954-8308 or via email at [adarequest@courts.hawaii.gov](mailto: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 **(808) 954-8290** if you have any questions about forms or procedures.

**B. Fill in the case number and complete the following documents. The documents should be filed at the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka‘ahumanu Hale, 777 Punchbowl Street:**

NAME OF DOCUMENT		HOW MANY	SIGNED BY	COMMENTS
1	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 3 copies	You	The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint Asset and Debt Statement which can be signed and dated by both of you.
1	ASSET AND DEBT STATEMENT	Original + 3 copies	You (and your spouse if for Both Parties)	
1	INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	If these forms are not submitted by your spouse, you must explain why in paragraph 10c of the <i>Affidavit of Plaintiff (for Uncontested Divorce)</i> .
1	ASSET AND DEBT STATEMENT OF DEFENDANT	Original + 3 copies	Spouse	
1	APPEARANCE AND WAIVER	Original + 3 copies	Spouse	Your spouse must receive a file-stamped copy of the <i>Complaint</i> and <i>Summons</i> and sign the <i>Divorce Decree</i> before he or she can sign this document.
1	PROOF OF SERVICE	Original + 3 copies	Document Server	If the file-stamped copy of the <i>Complaint</i> and <i>Summons</i> was personally delivered to your spouse, the person who delivered those documents must complete the date, time and place where your spouse was served and sign and date this document.
1	STATEMENT OF MAILING; EXHIBITS 1 and 2	Original + 3 copies	You	Attach the Certified or Registered Mail Receipt as Exhibit "1" and the Domestic Return Receipt or the Return Receipt for International Mail as Exhibit "2". Attach the exhibit page to the back of the Statement of Mailing page. ( <b>NOTE:</b> You must obtain the Court's permission before you can mail the initial documents to your spouse.

**C. Fill in the case number and complete the following document. The document should be filed at the Legal Documents Branch located on the first floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway or the first floor of Ka‘ahumanu Hale, 777 Punchbowl Street:**

	NAME OF DOCUMENT	HOW MANY	SIGNED BY	COMMENTS
i	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	Original + 3 copies	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 <b>not</b> complete this document until all required documents and attendance at the Kids First Program, if applicable, has been completed.

**D. The following documents are needed to place your uncontested divorce by affidavit packet on the calendar for review by the judge. This packet must be dropped at Judicial Services, Window #5 on the 1<sup>st</sup> floor at the Ronald T.Y. Moon Kapolei Courthouse or in the Judicial Services court jacket located in the Legal Documents Office on the 1<sup>st</sup> floor at the Kaahumanu Hale, 777 Punchbowl Street.**

	NAME OF DOCUMENT	HOW MANY	COMMENTS
i	DIVORCE DECREE (WITHOUT MINOR and/or DEPENDENT CHILDREN)	Original + at least 3 copies	Your spouse’s signature is required if you are getting a divorce by agreement and your spouse must have signed an <i>Appearance and Waiver</i> . Your spouse’s signature is not required if you are proceeding by default.
i	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED DIVORCE)	1 <b>filed-stamped</b> copy	You, your spouse and any minor children 6 years - 17 years, must have attended the Kids First Program or have been excused from attending before you can complete this document.
i	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	1 <b>filed-stamped</b> copy	The information on these documents should be current within 60 day of the date that you place your case for review by the judge. If any major changes have occurred the document(s) should be amended to reflect the changes. You and your spouse may prepare a joint <i>Asset and Debt Statement</i> which can be signed and dated by both of you.
i	ASSET AND DEBT STATEMENT OF PLAINTIFF (or BOTH PARTIES)	1 <b>filed-stamped</b> copy	
i	APPEARANCE AND WAIVER and/or	1 <b>filed-stamped</b> copy	To be submitted if you and your spouse have agreed to and signed the <i>Divorce Decree</i> .
i	PROOF OF SERVICE or		To be submitted, if your spouse was served with the <i>Complaint</i> and <i>Summons</i> by personal delivery.
i	STATEMENT OF MAILING		To be submitted, if your spouse was served with the <i>Complaint</i> and <i>Summons</i> by certified or registered mail.

**\*\* Step D Continued on Next Page.**

**STEP D. Continued**

	NAME OF DOCUMENT	HOW MANY	COMMENTS
1	INCOME AND EXPENSE STATEMENT OF DEFENDANT	1 file-stamped copy	Plaintiff and Defendant may submit a joint <i>Asset and Debt Statement</i> .  If Defendant's <i>Income and Expense Statement</i> and/or <i>Asset and Debt Statement</i> is not available, the reason why it is not available must be stated in Paragraph 10c of the <i>Affidavit of Plaintiff (for Uncontested Divorce)</i> .
1	ASSET AND DEBT STATEMENT OF DEFENDANT	1 file-stamped copy	
1	9.5" X 4" ENVELOPE <b>ADDRESSED TO YOU</b> WITH POSTAGE ATTACHED and	1	The Court will mail to you and your spouse, file-stamped, certified copies of your <i>Divorce Decree</i> in the envelopes you provided. The documents will be mailed via U.S. Postal Service only.
1	9.5" X 4" ENVELOPE <b>ADDRESSED TO YOUR SPOUSE</b> WITH POSTAGE ATTACHED.	1	

Your divorce becomes final when the *Divorce Decree* is signed by the Judge and file-stamped by the Court. File-stamped, certified copies of the *Divorce Decree* and *Income Withholding Order/Notice for Support*, if applicable, will be mailed to you and your spouse in the envelope which you provided. You can track the status of your case on the Judiciary's web page [www.courts.state.hi.us](http://www.courts.state.hi.us) using the Ho'ohiki Program. It takes between 4 to 6 weeks, after the Judge reviews your case for the final decree to be mailed. If your divorce is denied, the Court will mail you instructions on what needs to be done before the Judge will grant your divorce.

Appendix O.

**Complaint for Separation**

1. Plaintiff has been domiciled or has been physically present in this circuit for a continuous period of at least three months next preceding this application for separation.

2. The parties are lawfully married to each other.

3. The parties have \_\_\_\_\_ children below age 18.

4. The best interests of the minor children require that custody be awarded to

\_\_\_\_\_ and that \_\_\_\_\_ should be required to provide support of said children in an amount to be fixed by the court.

5. There may be property interests or obligations of the parties concerning which court orders as to possession, use, payment, responsibility, restraint or sequestration may be appropriate.

6. Plaintiff is entitled to an order that Defendant make periodic payments on all of the liabilities of the parties.

7. Plaintiff is entitled to an order that Defendant provide support for Plaintiff in an amount to be fixed by the court.

8. The Plaintiff alleges grounds for a separation as follows: The marriage is temporarily disrupted.

**WHEREFORE, it is prayed:**

(a) That a decree be entered granting a separation from bed and board for a period not to exceed two years and providing for the support of the parties and the custody, visitation, support and education of any children of the parties, all as may be appropriate and in

accordance with the evidence and the law,

(b) That such other and further relief be granted as may to this Court seem proper in the premises.

Plaintiff declares under penalty of perjury that the foregoing Complaint has been read to or by Plaintiff and to the best of Plaintiff's knowledge and belief the Complaint is true, correct and complete.

DATED: City, Hawai'i, \_\_\_\_\_ date \_\_\_\_\_.

\_\_\_\_\_

*Name of Plaintiff*  
Plaintiff

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

<i>Name of Plaintiff,</i>	)	FC-D No. _____
	)	
Plaintiff,	)	SUMMONS
	)	
vs.	)	
	)	
<i>Name of Defendant,</i>	)	
	)	
Defendant.	)	
	)	

\_\_\_\_\_

SUMMONS

To: *name and address of Defendant*

**You are hereby summoned and required to serve a written answer to the attached Complaint, 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: Moon T.Y. Moon Courthouse, 4675 Kapolei Parkway, Kapolei, Hawai`i 96707 or Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai`i 96813.**

**A copy of your answer should also be served 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 20-day time limit, further actions 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 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 a default and default judgment against the person summoned.**

**DATED: Kapolei, Hawai`i, \_\_\_\_\_.**

\_\_\_\_\_  
**CLERK OF COURT**

Appendix P.

Complaint for Annulment

Details

- Used when wanting to annul marriage

*Name of Plaintiff*  
*Address for Plaintiff*

Plaintiff Pro Se

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

	)	FC-D No. _____
	)	
Plaintiff,	)	COMPLAINT FOR ANNULMENT; SUMMONS
	)	
vs.	)	
	)	
	)	
Defendant.	)	
	)	

COMPLAINT FOR ANNULMENT

Plaintiff, in support of this Complaint for Annulment, alleges:

1. That Plaintiff has been domiciled or has been physically present in this Circuit for a continuous period of at least three months next preceding this application for annulment.
2. The parties entered into a contract of marriage to each other on *date of marriage in city and state of marriage*, which contract has not been terminated or invalidated.
3. The parties have *number* child(ren) below age 18 and *number of* child(ren) above age 18

but still dependent on the parties for education.

4. The best interest of the minor child(ren), if any, require that custody be awarded to *Plaintiff or Defendant*, and that *Plaintiff or Defendant* [ ] should [ ] should not be required to provide support for said child(ren).

5. Plaintiff [ ] is [ ] is not entitled to an order that Defendant provided support for Plaintiff.

6. Plaintiff alleges ground for annulment as follows:

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WHEREFORE, it is prayed:

(a) That a decree be entered granting an annulment and declaring the marriage contract void from its inception, awarding attorneys' fees and costs, and providing for spouse support and the custody, visitation, support and education of any child(ren) of the parties, all as alleged and as may be appropriate and in accordance with the evidence and the law.

(b) That such other and further relief be granted as may to this Court seem proper in the premises, including such temporary relief as may be requested in connection herewith.

Plaintiff declares under penalty of perjury that the foregoing Complaint has been read to or by Plaintiff and to the best of Plaintiff's knowledge and belief the Complaint s true, correct and complete.

DATED: *City, Hawai'i*, \_\_\_\_\_ *date* \_\_\_\_\_.

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*Name of plaintiff*  
Plaintiff

## Appendix Q.

### Pre- and Post-Decree Motion Filings

#### Details

- Instructions for filing Pre-Decree and Post-Decree Motion Filings

#### **INSTRUCTIONS FOR PRE-DECREE AND POST-DECREE MOTION FILINGS IN THE FIRST CIRCUIT FAMILY COURT (EFFECTIVE DECEMBER 16, 1996)**

The Family Court of the First Circuit has amended the forms used to request pre-decree and post-decree relief in FC-D (divorce) cases. The new forms amend the forms which have been in use since April 1995. Those forms should be discarded once the new forms take effect. These amendments are necessary in order to accomplish the following:

- (a) The implementation of the First Circuit Family Court's new procedures for scheduling hearings on Motions for Pre-Decree Relief and Motions for Post-Decree Relief as set forth in the Family Court's memorandum dated October 16, 1996.
- (b) The implementation of Act 60 from the 1996 legislative session which requires a new form of restraining order relating to the use and possession of firearms.

The Family Court's new procedures for scheduling hearings on Motions for Pre-Decree Relief and Motions for Post-Decree Relief are as follows:

- (a) All Motions for Pre-Decree Relief which are to be personally served within the Circuit and which are filed starting December 16, 1996 will be set for hearing at 8:00 or 8:30 a.m. on a date certain, usually the Wednesday of the third week following the week in which the motion is filed.
- (b) All Motions for Post-Decree Relief which are to be personally served within the Circuit and which are filed starting December 16, 1996 will be set for hearing at 1:30 p.m. on a date certain, usually the Wednesday of the third week following the week in which the motion is filed.
- (c) All Motions for Pre- and Post-Decree Relief which are to be personally served within the Circuit must be served on the Respondent by no later than noon on the Friday of the first week following the week in which the motion is filed.
- (d) If service of a Motion for Pre- or Post-Decree Relief is to be made other than by personal service within the Circuit, a hearing date will be set sufficiently far in the future to allow service more than 20 days prior to the hearing on the motion.
- (e) If service of a Motion for Pre- or Post-Decree Relief is to be made other than by personal service within the Circuit, a motion for an order authorizing

service in the manner desired must be presented to the Court when the motion is filed. If it is not, the Court Clerk will assume that service will be by personal service within the Circuit, and schedule the hearing date accordingly.

- (f) A Notice to Attend Kids First II must be submitted with all initial motions for Pre-Decree Relief, where appropriate. The Court Clerk will assign a Kids First II date. Ordinarily, the date will be the Wednesday evening one week before the hearing date.
- (g) If service does not occur in a timely manner, the Movant's counsel (or the Movant, if pro se) shall appear before the Family Court on the date and time set for the hearing, and state what attempts were made at service, and why service could not be accomplished. A new hearing date will be set by the Family Court. If service does not occur, and the Movant or Movant's counsel does not appear on the date and time set for the hearing, the motion will be dismissed without prejudice for failure to prosecute.
- (h) Any supplement to a Motion for Pre- or Post-Decree Relief, including a further supporting affidavit, must be filed and served on the Respondent by no later than noon on the Friday of the first week following the week in which the motion is filed.
- (i) Any written response by the Respondent to a Motion for Pre- or Post-Decree Relief must be filed and served on the Movant by no later than noon on the Friday of the week immediately preceding the week in which the motion is to be heard. If the motion seeks financial relief, the Respondent must provide the Movant with a copy of his or her two most recent pay statements, last W-2 statement, and last federal individual income tax return, and file with the Family Court and provide to the Movant current Income and Expense and Asset and Debt Statements.
- (j) For example, a Motion for Pre-Decree Relief which is to be personally served within the Circuit and which is filed anytime between January 6 and 10, 1997 would normally be set for hearing on January 29, 1997. Noon on January 17, 1997 would be the deadline for the Movant to serve the motion on the Respondent. Noon on January 17, 1997 would also be the deadline for Movant to file and serve any supplement to the motion. Noon on January 24, 1997 would be the deadline for the Respondent's written response, if any, and it would also be the deadline for the Respondent to file and serve his or her current Income and Expense and Asset and Debt statements, if the motion seeks financial relief.
- (k) A Movant with an emergency situation (domestic violence, extreme hardship, application for a kick-out order, etc.), may submit an ex parte motion for an order to set the hearing on an earlier date certain or on the first Wednesday 48 hours after service.

Copies of the new forms are attached. The calendaring changes implemented by the new forms are effective on January 1, 1997. The new forms must be used for motions filed on and after December 16, 1996. They may not be used before then. The forms which have been in use since April 1995 must be used for motions filed through December 13, 1996. In the event that a motion filed on or before December 13, 1996 cannot be served in time to make it returnable by the last Monday in December, the Movant shall submit an Amended Order for Hearing on Motion. The new forms which are attached are described as follows:

- (a) Motion and Affidavit for Pre-Decree Relief and Attachments (Custody/Visitation Statement, Continuation Sheet, Order for Pre-Decree Relief)
- (b) Motion and Affidavit for Post-Decree Relief and Attachments (Custody/ Visitation Statement, Continuation Sheet, Request for Conference or Short Trial, Scheduling Order for Post Decree Relief)
- (c) Proof of Service
- (d) Motion for Service by Mail and Affidavit; Order for Service by Mail
- (e) Amended Order for Hearing on Motion

## **I. COMPLETION AND USE OF FORMS**

### **A. MOTION AND AFFIDAVIT FOR PRE-DECREE RELIEF AND ATTACHMENTS**

**GENERAL INSTRUCTIONS** The Motion and Affidavit for Pre-Decree Relief , and the appropriate attachments, are used to request every type of available relief in a case where a Divorce Decree has not yet entered. More than one such motion can be filed in the pre-decree period.

### **MOTION AND AFFIDAVIT FOR PRE-DECREE RELIEF**

All of the relief sought, and the reasons why it is sought, must be clearly stated in the Motion for Pre-Decree Relief.

**CAPTION** The caption on the first page of the motion must conform to the caption in the initial pleading in the case. The motion can be filed at the same time as the initial pleading. Provide all of the information required in the top half of the upper right-hand box on the first page of the motion. Check the appropriate boxes to show all of the attachments which accompany the motion. Check the box indicating that the case is a “Domestic Abuse Case” if (and only if) paragraph(s) 10. and/or 11. in the motion are checked and completed.

1. **CUSTODY AND VISITATION** If orders are sought regarding legal custody, physical custody and/or visitation, request them in paragraph 1. State with particularity why the arrangement sought is best for the involved child/ren. Use the Continuation Sheet as necessary. Any custody and/or visitation request must be supported by a completed Custody/Visitation Statement and the Movant’s Income and Expense and Asset and Debt Statements. They must be dated current within sixty (60) days.
2. **CHILD SUPPORT** State the amount of child support requested. The Movant’s Income and Expense and Asset and Debt Statements must be attached. They must be dated current within sixty (60) days. If the Respondent’s financial circumstances are known, a Child Support Guidelines Worksheet should be attached.
3. **ALIMONY** State the amount of alimony sought. The Movant’s Income and Expense and Asset and Debt Statements must be attached. They must be dated current within sixty (60) days.
4. **LEGAL FEES** State the amount requested. The Movant’s Income and Expense and Asset

and Debt Statements must be attached. They must be dated current within sixty (60) days.

5. **OTHER PAYMENTS** If orders are sought requiring the Respondent to make other payments, request them in paragraph 5. The Movant's Income and Expense and Asset and Debt Statements must be attached. They must be dated current within sixty (60) days.

6. **MEDIATION** If an order requiring mediation is sought, request it in paragraph 6.

7. **CUSTODY STUDY** Complete paragraph 7. to request an order for a social study by the Family Court on custody and/or visitation disputes involving the subject child/ren. The Family Court will, in some cases, appoint a special guardian ad litem for the subject child/ren. The appointment of such a guardian may be requested in paragraph 14. Where there is the appointment of a special guardian ad litem, a social study is usually not ordered.

8. **FINANCIAL RESTRAINING ORDER** Paragraph 8. requests the entry of a restraining order prohibiting the unreasonable transfer of assets or incurring of indebtedness to preserve the economic status quo in the pre- decree period. The reasons justifying such a restraining order must be stated.

9. **RESTRAINING ORDER REGARDING CHILDREN** Complete paragraph 9. to request a restraining order which prohibits the removal of the subject child/ren pending the determination of custody and visitation issues in dispute. The reasons for the restraining order must be stated.

10. **DOMESTIC ABUSE RESTRAINING ORDER** Complete paragraph 10. to request a restraining order prohibiting domestic abuse. A request for such a restraining order must state what physical and other abuse has occurred in the past and/or what abuse has been threatened.

11. **PRESENCE OF FIREARMS** If the presence of firearms is suspected, paragraph 11. must be completed to show what firearms may be involved, their location, any history of the use of firearms, and the basis for any concern about the future use of firearms.

12. **RESPONDENT'S EMPLOYMENT CIRCUMSTANCES** If the Respondent is a police officer, sheriff, some other law-enforcement officer, a member of the Armed Forces of the State of Hawai'i, a member of the Armed Forces of the United States, an employee of the State of Hawai'i, or an employee of the United States, paragraph 12. in the motion must state the Respondent's occupation, and include the name and address of the Respondent's supervisor. Depending on the Respondent's particular employment circumstances, the effect of a restraining order regarding firearms may vary.

13. **INFORMATION REGARDING RESPONDENT** Information as to the Respondent's name, address, date of birth, social security number and telephone number must be provided if paragraph 11. of the motion is checked and completed.

14. **OTHER RELIEF SOUGHT** Any other relief which has not been specifically requested in the preceding paragraphs of the motion should be requested in paragraph 14. Examples include an order appointing a special guardian ad litem, an order referring designated financial issues to a special Family Court-appointed master, etc. Depending on the special and/or limited nature of the particular other relief sought, a separate motion may be presented at the option of the Movant.

15. **INVOLVEMENT IN OTHER CASES** Paragraph 15. must be checked to indicate whether the Movant has ever been a party to any other legal proceeding.

16. **HISTORY OF PARTICIPATION** The extent of the Movant's historic and present involvement in all other legal proceedings must be reflected in paragraph 16.

## **SIGNATURE AND ACKNOWLEDGMENT**

The Movant must sign the motion in the presence of a notary.

## **CUSTODY/VISITATION STATEMENT**

The Custody/Visitation Statement must be completed in its entirety if the motion seeks orders regarding legal custody, physical custody and/or visitation of the subject child/ren.

## **CONTINUATION SHEET**

Use the Continuation Sheet where space in the motion, or any of the attachments, is insufficient. A separate affidavit signed by the Movant may be included as part of the motion. If a separate affidavit is included, it must be listed as one of the attachments noted in the upper right-hand box on the first page of the motion.

**ORDER FOR PRE-DECREE RELIEF** The Order for Pre-Decree Relief directs the Respondent to respond to the Motion for Pre-Decree Relief and, depending on the contents of the motion, includes other orders. It is completed in part by the Movant, and in part by the Family Court, as follows:

**A. ORDER TO APPEAR** The Family Court will fill in the hearing date in paragraph 1. If service is to be made by personal service within the Circuit the Family Court will fill in a date certain, usually the Wednesday three weeks after the motion is filed. If service is to be made other than by personal service within the Circuit the Family Court will set a hearing date sufficiently far in the future to allow the required 20 day notice to the Respondent. Conform all copies to reflect the hearing date and time. The box next to paragraph 2. is pre-checked to set forth the deadline for service of the motion. The box next to paragraph 3. is pre-checked to set forth the deadline for the submission of any supplements, including further affidavits, to the motion. The box next to paragraph 4. is pre-checked to set forth the deadline for the presentation of a written response to the motion. Check the box by numbered paragraph 5. to require the Respondent to produce financial information but only if paragraphs 2., 3., 4. and/or 5. in the motion are checked and completed.

**B. FINDINGS REGARDING FIREARMS** Check the box next to numbered paragraph 1. if paragraph 11. in the motion is checked and completed. Check the box next to numbered paragraph 2. if paragraph 13. in the motion is checked and completed.

**C. DOMESTIC ABUSE RESTRAINING ORDER** Check the box next to numbered paragraph 1. if paragraph 10. in the motion is checked and completed. Check the box next to numbered paragraph 2. if paragraph 12. in the motion is checked and completed.

**D. FINANCIAL AND CUSTODY RESTRAINING ORDER** Check the box next to numbered paragraph 1. if paragraph 8. in the motion is checked and completed. Check the box next to numbered paragraph 2. if paragraph 9. in the motion is checked and completed.

**E. SERVICE OF MOTION** Check the box next to numbered paragraph 1. to require service of the motion and attachments by a police officer. Service by a police officer in a domestic abuse case is strongly recommended, although not required. A police officer effecting service has certain rights and responsibilities which other process servers do not. Check the box next to numbered paragraph 2. if paragraph 11. in the motion is checked and completed.

**EFFECTIVE DATE OF RESTRAINING ORDERS** The restraining orders contained in paragraphs C.1., D.1., and D.2. of the Order for Pre-Decree Relief are effective upon their service

on the Respondent and remain in effect until the further order of the Family Court.

**ENFORCEMENT AND PENALTIES** The violation by the Respondent of a restraining order is a criminal act. The order requires its enforcement by all police and other law enforcement officers.

**SIGNING OF ORDER** A Family Court clerk will sign the Order for Pre-Decree Relief unless any of paragraphs B.1., B.2., C.1., C.2., D.2., E.1., or E.2. are checked, in which case a Family Court judge must sign the order.

## **B. MOTION AND AFFIDAVIT FOR POST-DECREE RELIEF AND ATTACHMENTS**

**GENERAL INSTRUCTIONS** The Motion and Affidavit for Post-Decree Relief, and the appropriate attachments, are used to request every type of available relief in a case where a Divorce Decree has already entered. More than one such motion can be filed in the post-decree period.

**MOTION AND AFFIDAVIT FOR POST-DECREE RELIEF** All of the relief sought, and the reasons why it is sought, must be clearly stated in the Motion for Post-Decree Relief.

**CAPTION** The caption on the first page of the motion must conform to the caption in all of the other pleadings in the case. Provide all of the information required in the top half of the upper-right hand box on the first page of the motion. Check the appropriate boxes to show all of the attachments which accompany the motion.

**A. MODIFICATION** If orders are sought changing legal custody, physical custody and/or visitation, request them in paragraph 1. State with particularity why the change sought is best for the involved child/ren. If a change in an existing alimony order is sought, or if the establishment of alimony where alimony has been reserved is sought, request it in paragraph 2. State with particularity how the circumstances of the parties have changed materially since the last alimony order entered, or alimony was reserved. If a change in child support is sought, state what specific change is requested in paragraph 3. State with particularity how the circumstances of the parties and/or the subject child/ren have changed materially since the last child support order entered. If changes in other modifiable orders are sought, request them in paragraph 4. State with particularity the reason for the change. If modification of custody and/or visitation is requested, a completed Custody/Visitation Statement and the Movant's Income and Expense and Asset and Debt Statements current within sixty (60) days must be attached. If child support modification is requested, the Movant's Income and Expense and Asset and Debt Statements dated current within sixty (60) days must be attached. If the Respondent's financial circumstances are known, a Child Support Guidelines Worksheet should be attached. If alimony modification is requested, the Movant's Income and Expense and Asset and Debt Statements current within sixty (60) days must be attached.

**B. ENFORCEMENT** If enforcement of child support arrearages is sought, complete paragraph 1. If enforcement of alimony is sought, complete paragraph 2. If enforcement of an obligation to make other payments is sought, complete paragraph 3. If enforcement of other obligations is sought, complete paragraph 4. Complete paragraph 5. to specify the particular types of enforcement relief sought.

## C. OTHER RELIEF SOUGHT

If contribution to the Movant's legal expenses is sought, check the box next to numbered paragraph 1. If an order requiring mediation is sought, check the box next to numbered paragraph 2. If an order for a social study by the Family Court on custody and/or visitation disputes involving the subject child/ren is sought, check the box next to numbered paragraph 3. Any other relief which has not been specifically requested in the preceding paragraphs of the motion should be requested in paragraph 4.

Examples include an order appointing a special guardian ad litem, an order referring designated financial issues to a special Family Court-appointed master, etc.

Depending on the special and/or limited nature of the particular other relief sought, a separate motion may be presented at the option of the Movant.

**SIGNATURE AND ACKNOWLEDGMENT** The Movant must sign the motion in the presence of a notary.

**CUSTODY/VISITATION STATEMENT** The Custody/Visitation Statement must be completed in its entirety if the motion seeks orders modifying legal custody, physical custody and/or visitation of the subject child/ren.

## CONTINUATION SHEET

Use the Continuation Sheet where space in the motion, or any of the attachments, is insufficient. A separate affidavit signed by the Movant may be included as part of the motion. If a separate affidavit is included, it must be listed as one of the attachments noted in the upper right-hand box on the first page of the motion.

## REQUEST FOR CONFERENCE OR SHORT TRIAL

This part is optional. If both parties have agreed to request a conference with the Family Court in lieu of an initial hearing on the motion, check the first box and indicate the earliest date on which a conference should occur. If the parties agree that a short trial on the motion should be scheduled, check the second box and indicate the earliest date on which a short trial should occur. Do not request both a conference and short trial. If either a conference or a short trial is requested, check the third box and state with particularity why the parties believe that a conference or a short trial would be preferable to an initial hearing on the motion. Where a conference or a short trial is requested, both parties, or their attorneys, must sign.

**SCHEDULING ORDER FOR POST-DECREE RELIEF** The Scheduling Order for Post-Decree Relief directs the Respondent to respond to the Motion for Post-Decree Relief and, depending on the contents of the motion, includes other orders. It is completed in part by the Movant, and in part by the Family Court, as follows:

- ORDER TO APPEAR** If a conference or a short trial has not been requested, check the box next to numbered paragraph 1. Do not fill in the blank; the Family Court will. If a request for a conference or short trial is made, and it is denied by the Family Court, the Court will complete numbered paragraph 1. appropriately. Conform all copies to reflect the hearing date and time.
- SERVICE** If a conference or a short trial has not been requested, check the box next to numbered paragraph 2. If a request for a conference or a short trial is made, and it is denied by the Family Court, the Court will check the box next to numbered paragraph 2.
- AMENDMENTS** If a conference or a short trial has not been requested, check the box next to numbered paragraph 3. If a request for a conference or a short trial is made, and it is denied by the Family Court, the Court will check the box next to numbered paragraph 3.
- RESPONSE** If a conference or a short trial has not been requested, check the box next to numbered paragraph 4. If a

request for a conference or a short trial is made, and it is denied by the Family Court, the Court will check the box next to numbered paragraph 4.

5. **DOCUMENTS TO BE PRODUCED** Check the box next to numbered paragraph 5. to require the Respondent to produce financial information, but only if paragraphs A.1., A.2. and/or A.3. in the motion are checked and completed.

6. **APPROVAL OF STIPULATION TO WAIVE RETURN** If the Family Court approves either a request for a conference, or a request for a short trial, the Court will check the box next to numbered paragraph 6.

7. **SETTING OF PRETRIAL CONFERENCE** If the Family Court approves a request for a conference, the Court will check the box next to numbered paragraph 7. and indicate the date and time of the conference. Conform all copies to reflect the hearing date and time.

8. **SETTING OF SHORT TRIAL** If the Family Court approves a request for a short trial, the Court will check the box next to numbered paragraph 8. and indicate the date and time of the short trial. Conform all copies to reflect the hearing date and time.

**SIGNING OF ORDER** A Family Court clerk will sign the Scheduling Order for Post-Decree Relief. If a request for a conference or short trial is included in the motion, the clerk will first seek the approval of a Family Court judge before the clerk signs the order.

C. **MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL**

**INSTRUCTIONS AND USE** Complete the Motion for Service by Mail and Affidavit; Order for Service by Mail where the Respondent will be served by registered or certified mail other than on the island of O'ahu. The caption must conform to the caption in all of the other pleadings in the case. Provide all of the information required in the upper right-hand box. Provide the Respondent's mailing address in the box in the center. The Movant must sign the motion in the presence of a notary. Check the appropriate boxes at the bottom to show which pleadings will be served by mail.

D. **PROOF OF SERVICE**

**INSTRUCTIONS AND USE** If the Respondent is to be served on the island of O'ahu by an authorized process server, complete the Proof of Service. The caption must conform to the caption in all other pleadings in the case. Provide all of the information required in the upper right hand box. Check the appropriate box under the heading "Documents Served" to show what documents will be served. The process server will complete the Proof of Service and file it with the Family Court once service has been made or, despite due and diligent search, service cannot be made.

E. **AMENDED ORDER FOR HEARING ON MOTION**

**INSTRUCTIONS AND USE** The forms which have been in use since April 1995 must be used for motions filed through December 13, 1996. This form should be used in the event that a motion filed on or before December 13, 1996 cannot be served in time to make it returnable by the last Monday in December, such that the motion must be heard after January 1, 1997. This form is also used to reset a hearing on a motion filed on or after December 16, 1996 where service cannot be made in a timely fashion.

## II. PROCESSING OF FORMS AND OTHER CONCERNS

**OTHER SOURCES OF INFORMATION** The Fifth Edition of the Hawai'i Divorce Manual includes extensive information regarding pre- and post-decree practice and related matters. The Divorce Manual is available at the Hawai'i Supreme Court Library (Ali'iolani Hale) and all branches of the Hawai'i State Library. The Family Court staff will not provide legal advice in the completion of motion forms.

## **PREPARATION AND SIGNATURE**

All documents must be typed. All documents must be signed in ink.

Staple all forms together at the top, except for the Proof of Service and the Motion for Service by Mail and Affidavit; Order for Service by Mail.

## **MEDIATION**

The Family Court requires mediation in custody or visitation disputes unless there is a strong reason not to mediate (e.g. domestic violence, the parties reside in different jurisdictions, etc.).

**FAMILY COURT EDUCATIONAL PROGRAMS** The Family Court's Kids First Program provides assistance to divorcing parents and their children. For information regarding this program call 954-8281.

**INCOME AND EXPENSE STATEMENT** The Movant's Income and Expense Statement current within sixty (60) days must be submitted with any application for an order for, or modification of, financial or monetary relief of any kind, except for an award of attorney fees and enforcement proceedings. Where the Movant receives income on a periodic basis, the income information must correspond to the Movant's pay statement. Gross income is income before taxes and other payroll deductions. The Movant should provide his or her best estimate of current and anticipated regular monthly expenses. Both the Income and Expense and Asset and Debt Statements are signed under penalty of perjury.

**ASSET AND DEBT STATEMENT** The Movant's Asset and Debt Statement current within sixty (60) days must be submitted with any application for an order for, or modification of, financial or monetary relief of any kind, except for an award of attorney fees and enforcement proceedings. The Asset and Debt Statement should reflect all assets and liabilities both solely and jointly owned and owed. As much as possible, reflected account balances should correspond to the most recent statements received.

**CHILD SUPPORT GUIDELINES WORKSHEET** For instructions as to the completion of the Child Support Guidelines Worksheet refer to Family Court General Memorandum No. 3 (effective November 1, 1994) available at Family Court - Judicial Services Branch (Fourth Floor, Kapolei Court Complex, 4675 Kapolei Parkway, Kapolei, HI).

## **PRESENTATION OF DOCUMENTS TO THE FAMILY COURT**

Deliver the original and no less than three copies of the motion and attachments, the appropriate service document, and all other pleadings to be processed, to Family Court-Judicial Services Branch, Kapolei Court Complex, 4675 Kapolei Parkway, Fourth Floor. The Family Court staff will review the documents submitted. A Family Court clerk or judge will sign as necessary. A Family Court staff member will call to advise that the documents are available for pick up. The Family Court staff will not respond to calls regarding the status of documents except in an emergency.

Approved documents retrieved from Court Management Services must be filed. There is no filing fee to file a motion in a divorce case. Documents are filed with the Legal Documents Branch

of the First Circuit Court (first floor, Kapolei Court Complex, 4675 Kapolei Parkway or first floor, Ka'ahumanu Hale,

777 Punchbowl Street). Legal Documents will retain the original of all documents except the original Proof of Service, if submitted. Retain all file-marked copies. Request at least two certified copies. A certified copy must be served on the Respondent.

**SERVICE** A certified copy of a motion must be served on the Respondent. If a deputy sheriff is used to serve the Respondent on O'ahu, special written instructions must be completed. They are available at the Sheriff's Division, Department of Public Safety, District Court Building, 1111 Alakea Street, Second Floor. If a motion is to be served within the Circuit by a police officer, service documents must be taken to the substation which is nearest to the anticipated place of service. If a motion is to be served by personal service outside the Circuit, a motion authorizing such service must be approved. Service by certified or registered mail on a Respondent who resides away from the island of O'ahu must be made in accordance with the Motion for Service by Mail and Affidavit; Order for Service by Mail. Once personal service is completed, the serving officer will complete and file the Proof of Service. Once service by mail has been accomplished, a Statement of Mailing must be filed by the Movant.

Revisions to Pre- & Post-Decree Instructions 10-16-96

Appendix R.

**Advanced Healthcare Directive**

See next page

# HAWAI‘I ADVANCE HEALTH CARE DIRECTIVE

My name is:

\_\_\_\_\_

Last

\_\_\_\_\_

First

\_\_\_\_\_

Middle initial

\_\_\_\_\_

Date of Birth

\_\_\_\_\_

Date

## PART 1: HEALTH CARE POWER OF ATTORNEY – DESIGNATION OF AGENT:

I designate the following individual as my agent to make health care decisions for me:

\_\_\_\_\_  
Name and relationship of individual designated as health care agent

\_\_\_\_\_  
Street Address City State Zip

\_\_\_\_\_  
Home Phone Cell Phone E-mail

If I revoke my agent’s authority or if my agent is not willing, able, or reasonably available to make decisions for me, I designate the following individual as my alternate agent:

\_\_\_\_\_  
Name and relationship of individual designated as health care agent

\_\_\_\_\_  
Street Address City State Zip

\_\_\_\_\_  
Home Phone Cell Phone E-mail

### AGENT’S AUTHORITY AND OBLIGATION:

My healthcare agent should make decisions as I have instructed in Part 2 of this form or as I may otherwise provide orally or in writing. If there are decisions for which I have not provided instructions, I want my agent to make such decisions as I would have chosen to do, basing them on my values, goals, and preferences rather than those of my agent. If a guardian of my person needs to be appointed for me by a court, I nominate my agent.

### WHEN AGENT’S AUTHORITY BECOMES EFFECTIVE:

My agent’s authority becomes effective when my primary physician determines that I am unable to make my own health care decisions unless I mark the following box.

- If I mark this box, my agent’s authority to make health care decisions for me takes effect immediately. However, I always retain the right to make my own decisions about my health care. I can revoke this authority at any time as long as I have mental capacity.

## PART 2: INDIVIDUAL INSTRUCTIONS (You may modify or strike through anything with which you do not agree. Initial and date any modifications.)

### A. END OF LIFE DECISIONS

- If I have an incurable and irreversible condition that will result in my death within a relatively short time, OR
- If I have lost the ability to communicate my wishes regarding my health care and it is unlikely that I will ever recover that ability, OR
- If the likely risks and burdens of treatment would outweigh the expected benefits.

THEN I direct that my health-care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below: Check only one of the following boxes. You may also initial your selection.

I want to stop or withhold medical treatment that would prolong my life.

OR  
 I want medical treatment that would prolong my life as long as possible within the limits of generally accepted health care standards.

**YOURNAME:**

Print Your Full Name

Date of Birth

Date

**PART 2: INDIVIDUAL INSTRUCTIONS (CONTINUED)** (You may modify or strike through anything with which you do not agree. Initial and date any modifications.)

**B. ARTIFICIAL NUTRITION AND HYDRATION - FOOD AND FLUIDS:**

Artificial nutrition and hydration must be provided, withheld or withdrawn in accordance with the choice I have made in the preceding paragraph A unless I mark the following box.

\_\_\_  If I mark this box, artificial nutrition and hydration must be provided under all circumstances as long as it is within the limits of generally accepted healthcare standards.

**C. RELIEF FROM PAIN:**

If I mark this box, I choose treatment to alleviate pain or discomfort even if it might hasten my death.

**D. OTHER**

\_\_\_  If I mark this box, the additional instructions or information I have attached are to be incorporated into my care. (Sign and date each added page and attach to this form.)

**E. WHAT IS IMPORTANT TO ME:** (Optional. Add additional sheets if needed.) The things that I value and that make life worth living to me are: (examples: gardening, walking my pet, shopping, participating in family gatherings, attending church or temple):

---

I have attached \_\_\_ additional

---

My thoughts about when I would not want my life prolonged by medical treatment (Examples include: If I no longer have the mental capacity to make my own decisions, if I have lost all ability to communicate, if I can no longer safely swallow, etc):

---

I have attached \_\_\_ additional

---



## Appendix S.

### Family Law Resources

#### FAMILY LAW RESOURCES

1. Hawai'i Revised Statutes
  - a. HRS §576 Child Support
  - b. HRS §578 Adoption
  - c. HRS §580 Divorce, Annulment and Separation
  - d. HRS §584 Paternity
  - e. HRS §586A Domestic Abuse; TRO
  - f. HRS §587A Child Protective Act
  - g. HRS §560:5 Guardianship of a Minor
  - h. HRS §560:5 Guardianship of an Incapacitated Person
2. Uniform Probate Code
  - a. Title 30 A
  - b. HRS Chapter 560
3. Intestate Succession and Wills, Article 2
4. Part 5 Wills, Will Contracts, and Custody and Deposit of Wills, §§560:2-501 through 560:2-505.
- AT LEAST once a month, contact your child's caretaker or caseworker, and keep records of your communication. Usually it is best to let the caseworker know you're in jail, then to let her or him think you have abandoned your child (grounds for termination of parental rights).
  - Make sure the caseworker or child's caregiver always knows your present address and how to contact you. If your child is in foster care, write the caseworker a letter, asking for a written plan to have the child returned home to you as soon as you are out of prison.
  - Ask to be notified of the six-month review hearing if a CWS case. You should do everything you can to attend the review hearings. Do everything you possibly can to cooperate with the caseworker and to follow the case service plan.
  - If you have serious disagreements with the caseworker, get help from your attorney. If you have a child custody case in court, ask to be notified of all hearings. It is better to attend the court date if you possibly can.
  - Write to the court as soon as you know the court date and ask to be transported to court or to appear by telephone.
  - Participate in any classes and/or programs to help you be a better parent. Ask for a certificate or letter to show that you successfully completed the program. Send a copy to your child's caseworker as evidence of your progress.
  - If you have a history of drug or alcohol abuse, do everything in your power to get into a counseling and treatment program and stick with it. Try to plan ahead regarding caring for yourself and your child.
- In order to regain custody, YOU WILL NEED TO SHOW STABILITY and that you can be a RESPONSIBLE PARENT with:
  - employment (legal source of income)
  - adequate housing
  - provide for childcare
  - furthering education
  - other parole plan

## Appendix T.

### Resources for Incarcerated Parents

#### Resources for Incarcerated Parents

For ALL cases where children are Involved, it is MOST IMPORTANT that the “BEST INTEREST OF THE CHILD” always be considered first and foremost No matter who is taking care of your children, if you still have parental rights (rights have not been terminated by court by adoption or in CWS case):

- PLAN NOW to re-establish a home for your children
  - Keep records to document your progress towards the eventual return of your children by taking classes that increase your skills as a parent, provide you with employment skills, address problems that lead you to prison, (e.g. participation in parenting classes, drug treatment, get your GED if you don't have a high school diploma, take college courses if you can, take Solution-Focused Mediation & Restorative Facilitation Training; apply for a Huikahi Restorative Circle, etc.)
- Failure to make progress can be ground for termination of parental rights in CWS cases and may result in difficulty regaining custody after a divorce and/or after release from prison
- FYI: your prison records may be subpoenaed, so try to avoid having a disciplinary record and getting write ups, which can affect a judge's opinion of you as a parent
- Support your child financially by sending whatever you can, even \$5 per month, to your child's caregiver and keep a record
- VISITS are the most important way to stay connected to your child. Consistent visits are considered the strongest evidence of your interest in your child. Parenting from within prison is extremely difficult. You may decide that, although you need contact with your child, having them come to prison to visit is not in his or her best interest because it can be upsetting for them to see you in that environment, as well as dealing with the noise, chaos, and any no-contact orders. When visits aren't available, or you determine that they are not in the best interest of your child, be creative to keep contact with your child, and write a letter to make it clear that you are making this decision because you are thinking about what's best for your child
- Because visits can be traumatic for young children, you may ask for a special parent-child visit, or
- Be creative with distant parenting to retain connections

#### ***Distant parenting ideas:***

- Phone calls
- Letters
- Cards
- Read the same story and discuss it later
- Draw pictures, make arts and crafts gifts and send to your child
- Write a story together, taking turns with the story-line

#### ***Good Parenting Skills:***

- Be supportive of your child and child's caregivers
- Take accountability for your actions and help your child understand that it was bad choices and they can make better ones
- Work on forgiveness to move away from destructive patterns
- Work on forgiveness to move away from destructive patterns

**Reunification** usually takes time. It is usually better for you and your child if you can arrange a smooth, gradual transition, with reestablishing relationships.

- The court will look for evidence of: adequate housing, recovery from any drug or alcohol addiction, a stable, legal form of income to support the child and your stability including maintaining employment, independence, and healthy relationships with others
- Show that you can be a responsible parent, and that you are not likely to be arrested again

## **Bonding & Attachment**

### ***Maintaining family contact during incarceration can be beneficial to both children and their parents by:***

- Protecting the wellbeing of many children who continue to “know” their parents,
- May maintain parent-child relationships,
- Increases the likelihood of successful reunification after release
- Increases post-release success for the inmates (lower rates of recidivism & fewer parole violations)<sup>1</sup>

### ***Checklist for Moms:***

- Write to your child as often as you can.
  - If your child is too young to read, you can draw pictures or send a photograph of yourself to him or her, if possible.
  - Write a simple letter for your child’s caretaker to read to him or her
- Keep a record of your letters and all correspondence to your child.
  - If possible, keep a copy or first draft of all letters.
  - If you cannot, keep a notebook with a list of each date you wrote to your child and a sentence or two saying what you wrote about.
    - That way, you will at least have a clear memory of how often you kept in touch and can refer to it.
    - Be sure to show your attorney the records you have kept, or at least tell your attorney about the records, before any court date you may have.
- Ask your child’s caseworker or caretaker to arrange phone calls for you and your child as often as possible.
  - Keep a list of all dates of your phone visits with your child and the topic and dates you tried to call your child but could not, and the reason.
- Unless a court has ruled otherwise, you have a right to regular visits with your child. If your child’s caseworker or caretaker refuses to permit visits, contact the Family Advocate at the facility, a DHS worker, or your attorney for help.
  - BE PERSISTENT BUT POLITE. Sometimes it takes many calls or letters to get someone to bring your child to visit you.
  - Make sure the caseworker, or your child’s caretaker, ALWAYS knows your present address and how to contact you, and that you can prove this through correspondence.

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<sup>1</sup>NATIONAL CONFERENCE OF STATE LEGISLATORS, *CHILDREN OF INCARCERATED PARENTS* (MARCH 2009), [HTTP://WWW.NCSL.ORG/DOCUMENTS/CYF/CHILDRENOFINCARCERATEDPARENTS.PDF](http://www.ncsl.org/documents/cyf/CHILDRENOFINCARCERATEDPARENTS.PDF)

## Appendix U.

### Apology, Gratitude, and Apology & Gratitude Letter Guidelines

We attach here three different types of letter guidelines. Lorenn Walker developed them mainly, but the first one, the *Apology Letter* guidelines, are based on a website program that Lorenn Walker and Ben Furman, MD, developed and provide. The website [www.apologyletter.org](http://www.apologyletter.org) can assist you in taking specific steps for making a meaningful apology and also address forgiveness, even in cases where no one takes responsibility for causing harm.

The *Apology Letter* guidelines help you express a heartfelt and earnest apology to someone who you have hurt. The letter follows restorative justice principles.

The *Gratitude Letter* based is on the work of Dr. Martin Seligman at the University of Pennsylvania, who developed “positive psychology.” Research shows the gratitude letter has positive results on recipients and on those who write them too.

Lastly, the combined *Apology & Gratitude Letter* allows you to both apologize sincerely and also express your gratitude to someone you feel both sorry to and appreciative for.

All three letters help you write impactful letters.

**Please remember if there is a protective order that directs you not to contact the person you feel sorry for hurting or whom you feel grateful for, do not send them a letter.** But you can write them a letter and keep it for yourself and maybe eventually the protective order will be lifted, but do not ever violate a protective order and jeopardize causing anyone any further harm.

## APOLOGY LETTER GUIDELINES

We all hurt people sometimes unintentionally and sometimes we hurt others intentionally. You can use the following guidelines in developing an impactful apology letter. These guidelines are based on the free confidential program [www.apologyletter.org](http://www.apologyletter.org) developed and provided by Dr. Ben Furman a psychiatrist from Finland, and Lorenn Walker Hawai'i public health educator & former trial lawyer.

---

[fill in [bracketed] information with the specific facts about your situation and copy what is in **bold**]  
[write your name & address on letter]  
[fill in date you are writing letter]

**Dear** [person's name you have hurt. If in your situation you have hurt more than one person please write each person a separate letter]:

[Describe what you did to the person named above that was hurtful, wrong, or unfair towards him/her]

**I know I have hurt you with my actions and I want you to know that I truly regret my behavior. I have been thinking about what happened and I feel that I have learned a lesson. I have learned that:** [Describe what you have learned]

**I will never do anything similar again, to you or to anyone else. I am determined to deal differently with similar situations in the future. In similar situations, I will:** [Describe what you will do different in the future]

**I wish there was a way for me to try and make up for what I did to you. If you have any ideas for how I might repair the harm I caused, I will try my best to do it. One possibility I thought of is:** [Describe what you might do to make it up to the person you have hurt]

**I am also willing to listen to you and meet with you in person to discuss this situation too if you wish.**

**Please let me know if you want to meet, or if there is anything else I can do to make things Right.**

**You are free to accept or reject this apology. I have wronged you and I don't want you to feel any pressure from me to accept my apology. That is a different matter and totally up to you.**

**Yours sincerely** [or love, aloha, etc. & your name]

## GRATITUDE LETTER GUIDELINES

Being thankful and expressing your heartfelt gratitude is important for not only letting people know how their kindness has helped you and others, but it is also important for you to stay positive no matter what your situation may be. Feeling grateful and thankful can help you recover too from feeling guilty and resentful toward yourself for past decisions you now may regret.

One of the best ways to shift a negative mood, no matter what is happening, is to practice being thankful and grateful for the goodness in your life.

Taking the time to write a meaningful thank you letter to someone who has made a significant difference in your life, including caring for your children or other things that have helped you, can help many people including yourself.

In writing a thank you letter, you can follow the guidelines below that are based on the work of Martin Seligman, professor of psychology, author of numerous books and founder of positive psychology.

Of course, you can change this letter in any way to reflect your language and personal style. The guidelines are to only give you a basic idea of how to express genuine and deep appreciation.

---

[fill in [bracketed] information with the specific facts about your situation and copy what is in **Bold**]

[write your name & address on letter] [fill in date you are writing letter]

**Dear** [person's name who you are grateful for. If you are grateful to more than one person please write each person a separate letter]:

**I am writing to thank you and to express my gratitude to you for** [Describe what specifically the person did that has made a meaningful difference in your life e.g. "taking care of (your child's name)..."]

**You have made an important difference for me because** [Describe specifically the meaningful difference the person you are thanking has made for others e.g. "Your taking care of (child's name) has helped (her or him finish kindergarten, 6th grade etc)..."]

**I deeply appreciate all your hard work and kindness in** [doing whatever they did that you are thanking them for]

**Thank you from the bottom of my heart.**

**Yours sincerely** [or love, aloha, etc. & your name]

## APOLOGY & GRATITUDE LETTER GUIDELINES

Thanking people is vital for positive relationships. Some of the same people we are grateful for have also been hurt unintentionally and sometimes intentionally by our actions. We can express both gratitude and make a meaningful apology in one letter (there other forms for separate gratitude and apology letters). The following guidelines may be used for writing a combined gratitude and apology letter. These guidelines are based on work by Martin Seligman, positive psychology from Pennsylvania, and author of many books, and [www.apologyletter.org](http://www.apologyletter.org) by Dr. Ben Furman a psychiatrist from Finland, and Loren Walker Hawai'i public health educator and former trial lawyer.

---

[fill in [bracketed] information with the specific facts about your situation and copy what is in **bold**]

[write your name & address on letter] [fill in date you are writing letter]

**Dear** [person's name you are grateful for and who you have also hurt. If more than one person is involved please write each person a separate letter]:

**First, I want to thank you and to express my gratitude to you for** [Describe what specifically the person did that has made a meaningful difference in your life that you are grateful for]:

**You have made an important difference to me because** [Describe the meaningful difference the person you are thanking has made for others, e.g. "Your taking care of (child's name) has helped (her or him survive)... "]

**I deeply appreciate all your hard work and kindness in** [describe whatever they did that you are thanking them for... ] **Thank you from the bottom of my heart.**

**Second, I want to apologize to you for** [Describe what you did to the person named above that was hurtful, wrong, or unfair towards him/her]

**I believe my actions were hurtful to you and I want you to know that I truly regret my behavior. I have been thinking about what happened and I feel that I have learned a lesson. I have learned that:**

[Describe what you have learned]

**I will never do anything similar again, to you or to anyone else. I am determined to deal differently with similar situations in the future. In similar situations, I will:** [Describe what you will do different in the future]

**I wish there was a way for me to try and make up for what I did to you. If you have any ideas for how I might repair the harm I caused, I will try my best to do it. One possibility I thought of is:** [Describe what you might do to make it up to the person you have hurt]

**I am also willing to listen to you and meet with you in person to discuss this situation too if you wish. Please let me know if you want to meet, or if there is anything else I can do to make things right.**

**You are free to accept or reject this apology. I have wronged you and I don't want you to feel any pressure from me to accept my apology. That is a different matter and totally up to you.**

**Yours sincerely** [or love, aloha, etc. & your name]

## Appendix V.

### Substance Abuse Treatment in Hawai'i

#### Details

- Treatment resources available in the state of Hawai'i

**FROM HAWAII STATE DEPARTMENT OF HEALTH** (<http://health.hawaii.gov/substance-abuse/prevention-treatment/treatment/treatment-services/>):

#### How to Access Substance Abuse Treatment in Hawai'i

Asking for help is one of the most difficult tasks for a substance abuser. There are many treatment resources available to help with the disease of alcoholism and substance abuse. Substance abuse treatment is available at the following agencies funded by the Department of Health's Alcohol and Drug Abuse Division. If you or someone you know needs treatment, please contact the agencies listed below for further information:

#### **Oah'u**

- Alcoholic Rehabilitation Services of Hawai'i, Inc. (ARSH)
- Hina Mauka
  - Kaneohe (808) 236-2600
  - Services: Residential, Intensive Outpatient, Outpatient Treatment, and Dual Diagnosis
- CARE Hawai'i, Inc.
  - Honolulu (808) 533-3936
  - Services: Integrated Case Management for Offenders with Substance Dependence
- Ku Aloha Ola Mau (Formerly DASH)
  - Honolulu (808) 538-0704
  - Services: Outpatient Opioid Therapy Treatment (Including Methadone Maintenance Treatment) and Early Intervention Services
- Family Court – First Circuit
  - Honolulu (808) 534-6600
  - Services: Family Drug Court for Pregnant and Parenting Women in the First Circuit
- Ho'omau Ke Ola
  - Wai'anae (808) 696-4266
  - Services: Residential, Intensive Outpatient, Outpatient, and Therapeutic Living
- Salvation Army – Addiction Treatment Services
  - Honolulu (808) 595-6371
  - Services: Residential, Intensive Outpatient, Outpatient and Residential Detoxification Treatment, Case
- Kline-Welsh Behavioral Health Foundation
- Sand Island Treatment Center
  - Honolulu (808) 841-2319
  - Services: Residential Treatment Services
- Women In Need
  - Aiea (808) 486-1996
  - Services: Adult substance abuse treatment services
- Big Island Substance Abuse Council (BISAC)
  - Oahu (808) 695-9314
  - Services: Motivational Enhancement, Intensive Outpatient and Outpatient Treatment, Case Management, Clean and Sober Housing, Continuing Care and Cultural Activity
- Oxford House, Inc.
  - Honolulu (808) 957-0324
  - Services: Recovery Group Homes
- Po'ailani, Inc.
  - Kailua (808) 263-3500
  - Services: Residential, Intensive Outpatient Treatment
- The Queen's Medical Center Day Treatment Services
  - Honolulu (808) 547-4352 Services: Intensive Outpatient, and Outpatient Treatment
- Waikiki Health Center
  - Honolulu (808) 791-9302
  - Services: Early Intervention Services for HIV in Oahu, Hawai'i and Maui

Management, Continuing Care and  
Motivational Enhancement

- Salvation Army – Family Treatment Services
  - Honolulu (808) 732-2802
  - Services: Residential, Intensive Outpatient, and Outpatient Treatment and Therapeutic Supportive Living for Pregnant/Parenting Women and Their Children, Motivational Enhancement, Case Management, Clean and Sober Housing, Continuing Care, Interim Services and Cultural Activity

**Big Island of Hawai'i**

- Big Island Substance Abuse Council (BISAC)
    - East Hawai'i (808) 935-4927
    - West Hawai'i (808) 322-3100
    - North Hawai'i (808) 887-2175
  - Oah'u (808) 695-9314
    - Services: Intensive Outpatient and Outpatient Treatment, Therapeutic Living, Motivational Enhancement, Case Management, Clean and Sober Housing and Continuing Care
  - Bridge House, Inc.
    - Kona (808) 322-3305
    - Services: Clean and Sober Housing and Cultural Activity
- Ku Aloha Ola Mau (Formally DASH)
    - Hilo (808) 961-6822
    - Services: Outpatient Opioid Therapy Treatment (Including Methadone Maintenance Treatment) and Early Intervention Services
  - Puna (808) 982-9555
    - Services: Intensive Outpatient and outpatient Treatment

**Maui**

- Aloha House, Inc.
    - Paia (808) 579-8414
    - Services: Residential, Intensive Outpatient, Outpatient Treatment, Residential Detoxification Treatment, Clean and Sober Housing and Dual Diagnosis
  - 'Ohana Makamae, Inc.
    - Hana (808) 248-8538
    - Services: Dual Diagnosis, Intensive Outpatient Treatment, Cultural Activity and Clean and Sober Housing and Dual Diagnosis
- Malama Na Makua A Keiki
  - Makawao (808) 877-7117
    - Services: Therapeutic Living Services for Women and Women with Children; Intensive Outpatient and Outpatient treatment
  - Lanai (808) 565-9566
    - Services: Outpatient Treatment

**Moloka'i**

- Ka Hale Pomaikai Inc.
  - Kaunakakai (808) 558-8480
  - Services: Outpatient, Intensive Outpatient, Clean and Sober Housing, Case Management, Motivational Enhancement, Continuing Care and Cultural Activity

**Kauaëi**

- Child and Family Service
  - Lihue (808) 245-5914
- Women In Need
  - Lihue (808) 245-1996

- *Services: Specialized Substance Abuse Treatment to Pregnant/Parenting Women with Children, Motivational Enhancement, Outpatient, Continuing Care, Case Management, and Interim Services*

- *Services: Adult substance abuse treatment services*

## Appendix W.

### Application for Huikahi Reentry Planning Circle

#### **Details**

Application (next page)

More info:

- <http://hawaiifriends.org/pilot-programs-and-processes-for-prison/rj-in-prison-huikahi-restorative-circles/>

Email [lorenn@hawaiiifriends.org](mailto:lorenn@hawaiiifriends.org)  
 Phone for information: (808) 218-3712

Your Name:	Today's Date:	Your AO number: (protected & only used for research):	
Case Manager's Name:	Case Manager's Phone:	Expected release date:	
Age:	Highest level of education:	Last school attended:	Offense & date imprisoned for:
Date desired for Circle:	Date Referred		
Has Circle process been explained to you? <input type="checkbox"/> YES <input type="checkbox"/> NO First referral? <input type="checkbox"/> YES <input type="checkbox"/> NO		Hawaiian Ancestry? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Additional comments:			
Name of primary person (s) harmed:	Age(s):	Phone(s):	
NAME OF POTENTIAL SUPPORTERS: FAMILY & FRIENDS	RELATIONSHIP	PHONE	
	Father		
	Mother		
NAMES OF PROFESSIONALS/OTHERS	AGENCY	PHONE	

After this application is received a facilitator will schedule an interview with you unless you are familiar with the program from personal experience in one of our classes or participating a modified reentry circle. Please call (808) 218-3712 if you do not hear from us within two weeks. Your signature below indicates that you are voluntarily waiving your confidentiality rights and that you willingly give your permission for the facilitator to contact the people you listed above to discuss information you indicated, which we will only do after interviewing you if we don't know you already. By signing below, you also understand this is a research project and information about you (without personally identifying of you) may be shared for research and academic purposes. If you are not interviewed please sign and ask a witness to sign it too indicating you read this waiver information.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness (who attests you read the waiver above) \_\_\_\_\_ Date: \_\_\_\_\_

Witness's printed name: \_\_\_\_\_

**HAWAI'I FRIENDS OF RESTORATIVE JUSTICE**

## Appendix X.

### A Letter from the Future to Help with Depression & Trauma

#### Details

This exercise is based on Yvonne Dolan's work described in *One Small Step: Moving Beyond Trauma and Therapy to a Life of Joy*, published in 2000.

1. **Chose a date in the future.** It can be any number of years from today (2, 5, 10, 20...). Write your chosen date at the top of your letter. Imagine that all those years have passed and now you are writing a letter to a friend. Begin the letter with "Dear [your friend's name]"
2. **Begin writing the letter imagining that you are living a wonderfully happy and joyous life on the date of your letter you have chosen in the future.** No matter what your problems may be, as of this future date, all your struggles, suffering, and problems are gone or you are easily coping with them.
3. **Describe in your letter to your friend how you resolved all the prior problems you had.** Explain what you did that was most helpful as you look back on your current life from the future.
4. **Write in detail how you spend your time in your imaginary future life.** What do you do in a typical day? Where do you live? How do you have relationships with and what are they like? Describe your beliefs and your reflections on the past and what you think the more distant future will be like for you.

The letter is not meant to be mailed or share. It is to create a psychological realism of the future consciously and unconsciously.

Don't limit yourself too about the future you imagine for yourself. Write with an open mind and heart and give yourself room to surprise yourself! Possibilities are limitless!

## Appendix Y.

### Emotional Health

***The following information in Appendix Y concerning depression and anxiety is copied from the United Kingdom prison services department and references in it. References to “Samaritans” and other resources are not available in Hawai’i prisons. Please always contact your prison or jail’s health care office, your case manager, a counselor, or an adult corrections officer for help if you cannot cope on your own and need help with depression and/or anxiety.***

#### **Mindfulness in Daily Life**

##### 5 PRACTICES TO DEVELOP CALM & CLARITY

As we all know, the process of reentry is incredibly stressful. Taking time to breathe deeply, to be aware of, to care for our body and your emotions can be a big help. Mindfulness can help you to stay focused, calm, and balanced. ‘Mindfulness’ is just a fancy word for being aware of our thoughts, feelings, and physical sensations. Studies have shown that mindfulness can help reduce stress and improve our health. The practices and resources below may help you stay balanced and optimistic during what can be a challenging process of reentry. We hope these tools are helpful to you on your journey through reentry and throughout your life.

#### 1. **MINDFUL WALKING**

As you walk from your car or train to an office, on your way to a meeting or job interview, try to be aware of your breath and body. Notice the rise and fall of your chest with you inhale and exhale, the feeling of your feet touching the ground, the sensation of the sun or air on your skin. Try to leave early enough for your appointments so that your walk can be slow and unhurried. This simple practice can introduce greater calm into your day, and provide a few moments of relaxation before a potentially stressful situation.’

#### 2. **SITTING MEDITATION**

Simply sitting quietly, with eyes open or closed, following one’s breath, can be a powerful way to calm the mind and relax the body. Many people find this practice challenging at first, but that it becomes easier over time and provides tremendous benefits for body and mind. Start with just 5 minutes per day using one of the guided recordings listed below, or visit an introductory class at a local meditation center.

#### 3. **YOGA**

Yoga is another powerful mindfulness practice that can help with reducing stress and improving physical and mental health. Local yoga studios often offer donation-based or community classes.

#### 4. **MINDFUL EATING**

Mindful eating invites us to fully experience and enjoy our food. Whether eating alone or with others, taking time to see, smell, taste, and appreciate our food, and taking a break from TV, phones and work--can make meals a peaceful time to refocus and enjoy life.

#### 5. **4-7-8 BREATHING**

Dr. Andrew Weil’s technique of deep breathing is a great way to calm the nervous system throughout the day. See [www.drweil.com](http://www.drweil.com) for details. The basic instruction is to inhale for four counts (“1,2,3,4...”), hold for seven counts, and then slowly exhale for eight counts. Try doing five rounds of this breathing before bed and see how you feel.

## **Depression<sup>2</sup>**

*A self-help guide*

### **These are the thoughts of two people who are depressed:**

“I feel so alone, I will never see my friends again, I guess they have dropped me. They probably don’t like me - who would? There is no point in making any effort. It doesn’t pay off... I just hate myself.”

“I feel like crying all the time, but I feel I must hide it from others. I am so tired and can’t get interested in anything, or keep my mind on things I should be doing. I can’t even do basic things that seem so easy to other people...”

You may have had similar thoughts yourself. Depression is a very common problem and many people feel low or down in the dumps at times. This is often due to life stresses such as bereavement, money or housing problems or difficulties in relationships.

Being sentenced and sent to prison is also stressful so not surprisingly depression is often a problem for people in prison.

### **How can this guide help me?**

It may seem that nothing can be done to help you feel better if you are in prison. You may not know how to turn to. But there are things that you can do that may help. There is also further help you can get if the depression does not seem to be getting better. It is important to keep hopeful. Most people who have depression do get better.

This guide aims to help you cope with depression and begin to get better. It is written by psychologists and people who have experienced prison. It aims to help you understand depression and to offer some practical suggestions to help you cope.

We suggest you write things down in the booklet to help you begin to understand and begin to deal with depression practically. Sometimes stopping and thinking can make things clearer, as can writing things down. If writing is difficult, talking to someone you trust can help too.

### **What we know about depression**

Life is sometimes difficult and, as mentioned factors such as low income, divorce, relationship problems, loss of work and other hard things to deal with can make people more likely to become depressed. We now know that the way we think can also play an important role in depression.

The way a person think when they are depressed is very different from how they think when no depressed.

Perhaps you can identify some examples of depressed thinking in yourself or in someone you know who has depression. For example, someone may think they are useless or that things will never get better.

When thoughts begin to change like this, other changes also happen. Changes in thoughts, feelings, behaviors and in your body, are all part of depression.

### **These are some of the signs or symptoms that you may experience if you are depressed:**

#### **1. Emotions or feeling - (tick if you feel like this)**

- Feeling sad, guilty, upset, numb or despairing
- Losing interest or enjoyment in things
- Crying a lot or unable to cry when a truly sad event occurs
- Feeling alone even if you are in company
- Feeling angry and irritable about the slightest of things

#### **2. Physical or bodily signs**

- Tiredness
- Restless
- Sleep problems

- Feeling worse at a particular time of day - usually mornings
- Changes in weight, appetite and eating

### 3. Thoughts

- Losing confidence in yourself
- Expecting the worst and having negative or gloomy thoughts
- Thinking that everything seems hopeless
- Thinking you hate yourself
- Poor memory or concentration

### 4. Behavior

- Having difficulty in making decisions
- Can't be bothered to do everyday tasks
- Putting things off
- Taking it out on others

If you have ticked many of these boxes then you may be experiencing low mood or depression. When you're depressed you may believe that you're helpless and alone in the world; you often blame yourself for all the faults that you think you have. At the bottom of all this you feel bad about yourself, about the world and about the future. So you tend to lose interest in what's going on around you and you don't get any satisfaction out of the things you used to enjoy. It can become hard to make decisions or to carry out little tasks that you once did with no problem at all.

#### In summary

Stressful situations can lead to depression. When someone is depressed there are usually changes in the way they think, feel, behave and in their body's reactions.

Gloomy thoughts play an important part in depression.

#### How can I understand these feelings?

The way you think about things affects the way you feel, which affects the way you behave. It is difficult to change the way you feel, but you can change the way you think.

When you are feeling depressed you might have gloomy thoughts a lot of the time. With each negative thought the feelings of depression are likely to increase.

Sometimes negative thoughts can stop you from doing the things that you would normally do (for example "I can't be bothered, there is no point"). As a result, you may have critical thoughts which make you feel even worse. In other words, you get caught up in a negative circle.



Let's look at these **negative thoughts** in more detail:

1. Negative thoughts tend to **just pop into your mind**. They are not actually arrived at on the basis of reason and logic they just seem to happen.

2. Often the thoughts are **unreasonable and unrealistic**. They serve no purpose. All they do is make you feel bad and they get in the way of what you really want out of life. If you think about them carefully, you will probably find that you have jumped to a conclusion which is not necessarily correct. For example, thinking someone doesn't like you because they don't smile or acknowledge you.
3. Even though these thoughts are unreasonable they probably seem reasonable and correct to you **at the time**.
4. The more you believe and accept negative thoughts, the worse you are likely to feel. If you allow yourself to get into the grip of these thoughts, you find you are viewing everything in a negative way.

**As we have said, when people become depressed, their thinking often changes. You make some of the following thinking errors when you are depressed:**

1. **Exaggerating the negative**  
This means you think things are much worse than they really are. For example, you make a small mistake at work and fear that you may be disciplined because of it. In other words, you jump to a gloomy conclusion and believe that it is likely to happen or you may spend a long time worrying that you have upset a friend only to find later he or she couldn't even remember the comment
2. **Over-generalizing**  
For example, if one person doesn't get on with you, you may think, "no one likes me". If one of your many daily tasks hasn't been finished, you think, "I've achieved nothing - nothing has been done". In other words, from one thing that has happened to you, you wrongly jump to a conclusion which is much bigger and covers all sorts of things.
3. **Ignoring the positive**  
People who are depressed tend to focus their thinking on negative or bad events and ignore positive or good events. You might have played a game of pool and missed on easy shot, but played well in general. After the game, you just think about the one shot and not the others that you played well. You may have many good friends who you have known for years, but you concentrate and worry about one that has fallen out with you rather than remembering all the other good friendships.
4. **Taking things personally and being self-critical**  
Often if our mood is low we blame ourselves for anything which goes wrong, even if things have nothing to do with us in reality. For example, a prison officer appears to be off-hand with you - your automatic thought is "he's got it in for me... what have I done?" But it is more likely that he's tired or has had a bad day himself. In this example, you have taken the blame personally. You may also be self critical and put yourself down with thoughts such as "I am an idiot", "I never get things right".
5. **Mindreading**  
Sometimes we think we know what others are thinking and if our mood is low we expect it to be bad. For example, if your cell-mate is quiet you may think "that's because he thinks I am boring".

### **In Summary**

When people are depressed, they often have gloomy or unhelpful thoughts about themselves, the world and the future. They can also make errors in the way they think. They exaggerate the negative, over-generalize bad events, ignore positive in their lives and can take things personally. It is important to uncover gloomy thoughts and errors in thinking.

### **How can I help myself?**

So far, we have talked about how what we think affects the way we feel. We have looked at some ways of thinking which can make depression worse. In this section, we look at practical steps to help to overcome depressive feelings, thought and behaviors. Even though at first these steps appear difficult, it is worth making the effort in order to get through what feels like a very difficult time.

#### **1. Making a daily plan**

When people are depressed they often don't feel like doing anything, find it hard to decide what to do each day and can end up doing very little. When you are in prison, it can seem at first that it is difficult to plan your own time. But many people in prison still manage to make a daily plan to give structure to their lives. Making your own structure within the prison regime is important.

Begin by making a list of things to do. The things to do can be as simple as spending a little time doing exercises, such as sit-ups or press-ups. Then plan out an action list, start off with the easiest task at first and don't aim too high. It might be useful to take a sheet of paper and write the days of the week and the times, as shown.

You can then write down what you plan, and tick off what you've done. At the end of each day you'll be able to look back and see what you've achieved. Physical exercise and activity can really help to lift your mood. Try and build a little in each day. Mixing with others can also help, especially if they have a positive outlook.

Here is a list of suggested activities:

- a. Reading
- b. Exercise
- c. Learning yoga
- d. Taking part in educational activities
- e. Creative writing etc.

### 1. Achievements and pleasure

When people are depressed they often forget what they've achieved and what they enjoy. Most people have more things going for them than they are usually aware of. When you have started to keep an action plan, look back over what you have done and put a P next to those which have given you pleasure and an A next to those activities where you felt you achieved something and did well.

Try not to be too modest: people who are depressed tend not to take credit for their achievements. Try and build some pleasant events into your day. Each day treat yourself perhaps to something extra, a period of listening to music or to enjoying a television or radio program.

- a. If you make the effort to achieve something it will feel good if you reward yourself afterwards.

### 3. The ABC of changing feelings

Most people who are depressed think their lives are so awful that they have every right to feel sad. In fact, our feelings come from what we think about and how we make sense of what has happened to us. Try to think about a recent event which had upset and depressed you. You should be able to sort out three parts of it:

- i. The event
- ii. Your thoughts about it
- iii. Your feelings about it

Most people are normally only aware of A and C. Let's look at an example. Suppose someone criticizes you for something you have done.

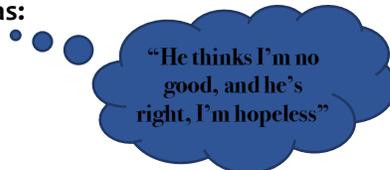
1. The event - criticism



3. Your feelings - hurt, embarrassed.

But what was **B!**...your thoughts? What were you thinking?

Let's imagine it was:



How depressing! No wonder you feel bad! It isn't always obvious what the thoughts are but it is important to become aware of these three stages A, B, and C as if we can change what we think about an event we may be able to change how we feel about it.

### 5. Balancing

1. A useful technique to try is called balancing. When you have a negative, critical thought, balance it out by making a more positive statement to yourself. For example:
2. The thought: “I’m no good at anything”, could be balanced with: “my friend said how much she missed me when she visited yesterday

**8. The double column technique**

Another thing you could do is write down your negative automatic thoughts in one column - and, opposite each one, write down a more balanced positive thought. Like this:

Negative automatic thought	Balancing thoughts
John doesn't like me; he ignored me today	He may be just having a bad day himself. Maybe he's had bad news.

**9. Try and remember details**

The person who is depressed doesn't remember details of events but tends to think in general statements, such as “I've never been any good at anything”. Try and train yourself to remember details so that good times and experiences are easy to recall. Think of particular examples, rather than in general.

A daily diary can help you to do this. Make lists of actual achievements and good aspects of yourself such as “I’m always on time”, “I helped my friend on Tuesday”, “I’m a good listener”, “I really care for my family”.

Try to keep a diary of event, feelings and thought. It may look a bit like the following table. Use the approaches described to gain more balanced thoughts. Look out for errors in thinking.

Event	Feeling or emotion	Thoughts in your mind	Other more balanced thoughts
<b>Example</b>	Low, depressed, angry	They think I'm stupid	
<b>People were laughing when I entered the room</b>		I'm taking this too personally, this may be nothing to do with me. There may have been some joke	

**In Summary**

Using a daily plan, pleasure and achievement notes and keeping a diary of automatic thoughts and more balanced thoughts can help you to fight depression and the gloomy thoughts that go with it.

**10. Solving difficult problems**

Sometimes we feel overwhelmed by the very complicated and difficult things we do. One thing which helps with this sort of problem is to write down each of the steps which you have to take in order to complete the job - then tackle one step at a time.

Problem solving can seem more difficult when you feel depressed. If you have a particular difficult problem, try and look back to times when you may have successfully solved similar problems and use the same approach. Or ask a friend (or Listener) what they would do in a similar situation. Be clear. Write down all your possible options. Use brainstorming - where even apparently silly solutions are written down to be considered. Choose the best approach.

**11. Long term beliefs**

Sometimes people have long held views about themselves that are very self-critical - for example, “I’m not a very clever person” or “I’m not a very lovable person”. These beliefs are often a product of our past experience and may hold no truth in present reality. Try to challenge this criticism, stop knocking yourself down and look for evidence that disproves the beliefs. What would you say to a good friend if they held that belief about themselves?

**12. Particularly stressful times**

- o Many people experience a difficult time in their lives that is linked with events that they cannot change. For example, a bereave mentor several bereavements over a short period, imprisonment, longstanding illness, chronic financial problems or isolation. Sometimes several of

these events happen together and depression can result. In time, most people bounce back, but it may be hard to do this without help.

- **Further help**

- We hope you will use the exercises suggested in this booklet. They should help you begin to overcome your depression and get back control over your thoughts and your life. If you feel that you are making little progress, other help is available to aid you in overcoming your problem. Discuss this with your case officer or enquire at the Healthcare Center if it is possible to see a counselor or to have contact with the Samaritans.

## **Anxiety**<sup>3</sup>

*A self-help guide*

**“Bad with your nerves”**

**“A worrier”**

**“Stressed out”**

**“Unable to relax”**

**“Tense and nervous”**

...are all phrases we might use to describe someone who has a problem with anxiety. If someone has too much stress for too long, anxiety is very often the result. This booklet is about anxiety, and aims to help you to:

- See whether or not you may be suffering from symptoms of anxiety
- Understand what anxiety is, what can cause it, and what can keep it going.
- Overcome your anxiety by learning better ways of coping with it.

The booklet has been written by psychologists and people who have experienced prison.

### **Is it normal to feel anxious?**

Anxiety is something we all experience from time to time. It is a normal response to situations that we see as a threat to us. For example, if we had to go into hospital, or to court, or if we have to attend a prison adjudication or wing review board, it would be normal to feel anxious. Anxiety at certain levels can even be helpful in some situations, like when we need to act under pressure, or cope with an emergency. Most people feel anxious at first when they come to prison. This is a normal response.

### **Some anxiety is not at all helpful because:**

- Symptoms of anxiety, whilst not dangerous, can be **uncomfortable**.
- Symptoms can also be **frightening** particularly if someone does not know that these symptoms are just signs of anxiety.
- Sometimes people with anxiety symptoms **worry** that they may have something seriously wrong with them. This worry can then produce more anxiety symptoms which of course increases the worry!
- When anxiety is severe and goes on for a long time it **can stop people doing what they want to do**

Many people experience a problem with anxiety at some point in their life and often this is linked with stress. Anxiety is a common problem for people in prison.

### **How can this guide help me?**

It may seem that nothing can help to ease anxiety. Perhaps you have experienced it for a long time and worrying feels like a habit. Or you may feel that your anxiety has been caused by being in prison. But there are things you can do to reduce your anxiety and make it feel better. Perhaps the first step is to see whether or not you have a problem with anxiety.

### **Do I have a problem with anxiety?**

- “Whenever the cell door opens or closes I jump and feel worried.”
- Sometime during association my heart starts to pound, and I start to sweat. Having to be amongst lots of people in prison makes me tense and sometimes I snap at others even though I don’t mean to”.
- “When I’m waiting for a visit or looking to see if I have got a letter my throat feels tight and my mouth goes dry. I begin to get panicky and it feels like I’m going to stop breathing”.
- “Sometimes for no reason when I’m out on the landing my mind starts to race, I feel like I’m out on the landing my mind starts to race, I feel like I’m going to lose control and go mad or something”.
- “I feel angry and irritable and on edge all the time”.

**Anxiety can affect us in at least four different ways.**

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<sup>3</sup> <http://www.selfhelpguides.nrw.nhs.uk/penninecare/leaflets/selfhelp/Prisoner%20Anxiety.pdf>

- The way we feel.
- The way we think.
- The way our body works.
- The way we behave.

**In order to check out whether you may be suffering from anxiety, place a tick next to those symptoms you experience regularly:**

#### **How you feel**

- Anxious, nervous, worried, frightened
- Feeling something dreadful is going to happen
- Tense, stressed, uptight, on edge, unsettled
- Unreal, strange, woozy, detached
- Panicky

#### **How you think**

- Constant worrying
- Can't concentrate
- Thoughts racing
- Mind jumping from one thing to another
- Imagining the worst and dwelling on it

#### **Common thoughts**

- "I'm losing control"
- "I'm cracking up"
- "I'm going to faint"
- "My legs are going to collapse"
- "I'm going to have a heart attack"
- "I'm going to make a fool of myself"
- "I can't cope"
- "I've got to get out"
- "I'm finished"

#### **What happens to your body**

- Heart pounds, races, skips a beat
- Chest feels tight or painful
- Tingling or numbness in toes or fingers
- Stomach churning or butterflies
- Having to go to the toilet
- Jumpy or restless
- Tense muscles
- Body aching
- Sweating
- Breathing changes
- Dizzy, light headed

#### **What you do**

- Pace up and down
- Start things and not finish
- Fidget
- Stay on the go all of the time
- Talk quickly or more than usual
- Become snappy and irritable
- Drink alcohol
- Use drugs
- Want to smoke more
- Want to eat more (or less)

- Avoid feared situations
- Shut yourself away from others

If you are regularly experiences some or all of these symptoms, then it is likely that you have anxiety.

### What is anxiety?

Anxiety is the feeling we get when our body responds to a frightening or threatening experience. It has been called the **fight or flight** response and is simply your body preparing for action, either to fight danger or run away from it as fast as possible. The purpose of the physical symptoms of anxiety, therefore, is to prepare your body to cope with threat. To understand what is happening in your body, imagine for a minute that you hear someone creeping behind you. You feel you are about be attacked. As soon as you are aware of the threat your muscles tense ready for action. Your heart beats faster to carry blood to your muscles and rain, where it is most needed. You breathe faster to provide oxygen which is needed for energy. You sweat to stop your body overheating. Your mouth becomes dry and your tummy has butterflies. If you then realize the attacker is in fact a friend, the feelings die away, but you may feel shaky and weak after the experience.

The **fight or flight** response is a really basic system that probably goes back to the days of cave men, and is present in animals who depend on it for their survival. Fortunately, we are not often nowadays in such life or death situations, but unfortunately many of the stresses we do face can't be fought or run away from. So the symptoms don't help, in fact they often make us feel worse, especially if we don't understand them.

### What causes anxiety?

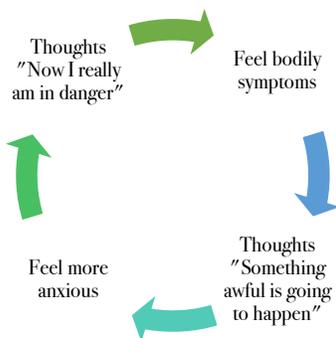
There may be many reasons why someone becomes anxious.

1. Some people may have an anxious personality and have learned to worry.
2. Others may have had a lot of stressful things to cope with, for example bereavements, redundancy, divorce, going to court, or going to prison.
3. Prison brings many pressures and often people in prison find it difficult to cope.

### What keeps anxiety going?

Sometimes anxiety can go on and on, and become a life-long problem. There can be a number of reasons for this:

1. If someone has an anxious personality and is a worrier, then they will probably be in the habit of feeling anxious.
2. Sometimes people have ongoing stresses over a number of years, which means they develop the habit of being anxious.
3. **Circle of anxiety** - As the bodily symptoms of anxiety can be frightening, unusual and unpleasant, people often react by thinking that there is something physically wrong, or that something truly awful is going to happen. This in itself causes more symptoms, and so a circle develops. It can be like a roundabout you can't get off. It can look a bit like this:



#### 4. Anxious Situation Cycle -

5. **Fear of Fear** - Someone who has experienced anxiety in a certain situation may start to predict feeling anxious, and become frightened of the symptoms themselves, this in turn actually causes the very symptoms that are feared.

**Fear of anxious symptoms coming on → Causes bodily symptoms**

**Avoidance** - once an anxiety circle has developed, with lots of anxious thoughts increasing the anxiety symptoms, avoidance is used as a way of coping. It is natural to avoid something that is dangerous, but the sorts of things that people tend to avoid when

they suffer from anxiety are most often not real dangers but places that make them anxious; for example, shops, eating in public, crowded places, going to association or going out on the prison exercise yard.

Not only are these things dangerous but they are quite useful. Avoiding them can make life very inconvenient and difficult. This sort of avoidance can also result in a great loss of confidence which can affect how good you feel about yourself, which in turn make you feel anxious.

### To summarize

- Anxiety is often the body's response to stress, although some of us may be a bit more prone to anxiety and worry than others.
- When we are suffering from anxiety, whilst it can be unpleasant, it is our body's normal response to threat or danger and is not dangerous.
- Anxiety symptoms are part of the fight or flight response and are intended to be helpful in spurring us into action.
- Anxiety symptoms are a problem when the symptoms are;
  - Severe and unpleasant
  - Going on too long
  - Happening too often
  - Causing us to worry that there is something seriously wrong
  - Stopping us doing what we want to do
- Anxiety often becomes a vicious circle where our symptoms, thoughts and behavior keep the anxiety going

### How can I manage my anxiety better?

As we have learned, anxiety is not an illness and so can't be cured. If we can break into the circle of anxiety, however, we can learn ways of reducing our anxiety and getting it to be more manageable. We can work on at least four different areas:

- Understanding our anxiety better.
- Reducing physical symptoms.
- Altering our thoughts related to anxiety.
- Changing our behaviors related to anxiety.

- **Understanding anxiety**

You may already by now have some ideas about what is causing your anxiety. The following sections will give advice on how to break out of the vicious circle that keeps anxiety going. Before you can do this thought, it is really useful for you to understand your own anxiety better. Is your anxiety related to certain situations, places or people? Is it worse at particular times of the day? Are there realistic worries you have that would make anyone anxious?

The following two exercises should help you to understand your anxiety better.

**2. Anxiety Diary** - for a period of two weeks (or longer if you prefer) keep an hourly diary of your anxiety and activity level. Rate your anxiety from 0-10. Note down anything that seems important. Where were you at the time, who were you with, what were you doing, what were you thinking about? You may start to become more aware of situations that make you anxious or that you may even be avoiding. What is your general level of stress like? This information will help you begin to tackle your anxiety.

**3. Worry** - if you become aware that you have a realistic worry or problem that you feel may be causing you anxiety a **problem-solving** approach may help.

A good way to begin is to write down a problem. Define it as clearly as you can for example "I don't get along with people", is too vague, something like "John appears to have stopped talking to me and this is upsetting me" is better. Next, write down as many possible solutions as you can. It doesn't matter how silly you may think the solutions are, the point is to think of as many as you can. Try to think how you have solved similar problems in the past. Ask a friend or Listener what they might do. Think to yourself what you might advise a friend to do if they had the same problem, e.g. possible solutions:

- Ask John what is wrong

- Check with others if he's not talking to them
- Be pleasant to John
- Tell yourself, "so what if John's not talking?"
- Talk to someone else instead of John

Choose what seems like the best solution and write down all the steps it would take to achieve that solution. Who might help? What might go wrong? Often it is helpful to think, "What is the worst thing that could happen?" If you can think of a plan to cope with this; your anxiety might reduce.

### **Stress - general tips**

Prison life is often stressful, and it is easy for pressures to build up. We can't always control the stress that comes from events around us but we can find ways to reduce the pressure we put on ourselves:

- Try to identify situation you find stressful by noticing the beginning of tension, for example tightness in the back of your neck or clenching your fists.
- Take steps to tackle what it is about these situations that you find stressful.
- Make sure you have time for things you enjoy. Try to do something you find relaxing each day, e.g: drawing, reading, watching TV, exercising, perhaps jogging on the exercise yard if possible, or meditating.
- Talk to family and friends as often as you can.
- Try and make sure you get the right amount of sleep
- Try and eat a well balanced diet. Whenever fruit or salad is available make sure you take it.
- Take regular exercise. Ask to go to the gym or work out your own exercise routine, if you can, even if this means sit-ups and press-ups in your cell.
- Learn to relax. (See if books or tapes on relaxation techniques are available in the library. If not, put in a special order to the librarian. They will be only too glad to help.)

### **3. Reducing physical symptoms**

#### **Relaxation**

In order to reduce the severity of physical symptoms it is useful to nip them in the bud, by recognizing the early signs of tension. Once you have noticed early signs of tension you can prevent anxiety becoming too severe by using relaxation techniques. Some people can relax through exercise, listening to music, watching TV, or reading a book.

For others it is more helpful to have a set of exercises to follow. Some might find yoga helpful. Check if there is a class or stress management courses near you.

Relaxation is a skill like any other which needs to be learned and takes time. The following exercise teaches deep muscle relaxation, and many people find it very helpful in reducing overall levels of tension and anxiety.

#### **Deep muscle relaxation**

It is helpful to read the instructions first and to learn them eventually. Choose a time of day when you feel most relaxed to begin with. Any time spent in your cell is a good time to practice. Lie down, on the floor or on the bed, get comfortable, close your eyes. Concentrate on your breathing for a few minutes, breathing slowly and calmly: in two-three and out two-three. Say the words "calm" or "relax" to yourself as you breathe out. The relaxation exercise takes you through different muscle groups, teaching you firstly to tense, then relax. You should breathe in when tensing and breathe out when you relax.

Starting with your hands, clench one fist tightly. Think about the tension this produces in the muscles of your hand and forearm.

Study the tension for a few seconds and then relax your hand, saying relax in your mind. Notice the difference between the tension and the relaxation. You might feel a slight tingling, this is the relaxation beginning to develop.

Do the same with the other hand. Then move to the forearms, the biceps, the shoulders, the neck and so on until you have tensed and relaxed as many muscle groups as you can think of.

Each time you relax a group of muscles think how they feel when they're relaxed. Don't try to relax, just let go of the tension. Allow your muscles to relax as much as you can. Think about the difference in the way they feel when they're relaxed and when they're tense. Enjoy the sensation.

**It is useful to stick to the same order as your work through the muscle groups:**

- **Hands** - clench fish, then relax.
- **Arms** - bend your elbows and tense your arms. Feel the tension especially in your upper arms. Remember, do this for a few seconds and relax.
- **Neck** - press your head back and roll it from side to side slowly. Feel how the tension moves. Then bring your head forward into a comfortable position.
- **Face** - there are several muscles here, but it is enough to think about your forehead and jaw. First lower our eyebrows in a frown. Relax your forehead. You can also raise your eyebrows, and then relax. Now, clench your jaw, notice the difference when you relax.
- **Chest** - take a deep breath, hold it for a few seconds, notice the tension, then relax. Let your breathing return to normal.
- **Stomach** - tense your stomach muscles as tight as you can and relax.
- **Buttocks** - squeeze your buttocks together, and relax.
- **Legs** - straighten your legs and bend your feet towards your face. Finish by wiggling your toes.

**To make best use of relaxation you need to:**

4. Practice daily.
5. Start to use relaxation in everyday situations.
6. Learn to relax without having to tense muscles. Use parts of the relaxation to help in difficult situations, eg breathing slowly.
7. Develop a more relaxed way of dealing with life.

Remember relaxation is a skill like any other and takes time to learn. Keep a note of how anxious you feel before and after relaxation, rating your anxiety 1-10.

**Controlled breathing**

Over-breathing: it is very common when someone becomes anxious for changes to occur in their breathing. They can begin to gulp air; thinking that they are going to suffocate, or can begin to breathe really quickly. This means they end up with the wrong amount of carbon dioxide. This has the effect of making them feel dizzy and therefore more anxious.

Try to recognize if you are doing this and slow your breathing down. Getting into a regular rhythm of in two-three and out two-three will soon return our breathing to normal. Some people find it helpful to use the second hand of a watch to time their breathing. Other people have found breathing into a paper bag or cupped hands helpful. For this work you must cover your nose and mouth.

It takes at least three minutes of slow breathing or breathing into a bag, for our breathing to return to normal.

**Distraction**

If you take our mind off our symptoms you will find that the symptoms often disappear. Try to look around you. Study things in detail, look at your surroundings, try to talk to people. Again, you need to distract yourself for at least three minutes before symptoms will begin to reduce.

Whilst relaxation, breathing exercises and distraction techniques can help reduce anxiety it is vitally important to realise that anxiety is not harmful or dangerous. Even if we did not use these techniques, nothing awful would happen. Anxiety cannot harm us, but it can be uncomfortable. These techniques can help reduce this discomfort.

- **Altering your thoughts related to anxiety**

We have seen the role that thought have in continuing the vicious circle of anxiety. Sometimes there may also be pictures in your mind.

To give an example, imagine you are exercising one day. All of a sudden you get a pain in your chest and feel really breathless. The thought goes through your mind, "I'm having a heart attack". This thought is, of course, very frightening, and so your heart starts to beat faster which makes you think "there must be something wrong with my heart". You may very well have a picture of yourself ending up in a hospital.

It isn't always that easy to know what thought are making your anxiety worse.

The sort of thought that make people anxious can come and go in a flash, and may be so much of a habit that they are automatic. They may be so familiar that they just feel like part of you.

Try to imagine the last time you felt very anxious. Try to run through it like a film, in as much detail as you can. See if you can write down any frightening thoughts now. No thought is too small or too sill. Even “oh no” or “here we go again” can increase tension and anxiety.

Once you know what it is you are thinking, you can begin to fight back, and break the circle.

**In particular, as yourself:**

- Am I exaggerating, e.g. “everything is bound to go wrong it always does”.
- Am I jumping to conclusions, e.g. “I have a pain in my chest therefore it must be my heart”.
- Am I predicting the future? E.g. “I know I’m not going to be able to cope”.

Use these questions to help yourself answer back. A good way of doing this is to write two columns - one for your thoughts that make you anxious, and the other for a more balanced thought, e.g:

Anxious Thought	Balanced Thought
The dizzy feeling means I’m going to faint	I have had it many times before and have not fainted. I have fainted once and that felt really different.
I’m going crazy	I have not gone crazy yet, and the doctor tells me anxiety is not craziness

Write down some of your thoughts now and write as many answers as you can. This question might also help. What would you say to a friend who was thinking that way?

The aim is to get faster at catching these anxious thoughts and answering back almost instantly. It takes a lot of practice, but really does work.

• **Changing behavior related to anxiety**

1. Try to notice when you are avoiding things and when you try to tackle these fear, not all at once but in a gradual way.
2. Set yourself very small goals
3. People often get into the habit of escaping from situations that make them anxious. Instead of escaping try gradually to increase how long you stay in a situation that makes you anxious. Anxiety often reaches a peak, then starts to go away naturally. If you stay in an anxious situation what do you predict will happen to your anxiety? People often think it will just keep getting worse and worse. This is not the case. It will start to come down.
4. People not only avoid situations and try to leave, they also often do things to make themselves feel more safe, e.g. hanging on to something, lying down, checking. These safety behaviors may help at the time, but they also help to keep the anxiety going because the anxious person never learns that nothing awful would have happened. For example, if someone hangs onto a rail to stop themselves collapsing, they may believe they would have collapsed had the rail not been there. Also, imagine how frightening it would be if no rail was available or hold on to.
5. Try to do things to test out whether your anxious thoughts are realistic? E.g. “would I really faint if I didn’t leave?”

It really is very important to recognize that the more you avoid something, the more difficult it will seem to overcome, which will in turn make you more anxious.

Prison life is often stressful, and it is easy for pressures to build up. We can’t always control the stress that comes from events around us but we can find ways to reduce the pressure we put on ourselves:

**What treatment is available for anxiety?**

2. Most people with anxiety can benefit from self-help such as this leaflet.
3. A member of the health care staff may also be able to give you further help in dealing with anxiety.
4. Occasionally, doctors prescribe tablets for anxiety. Those should only be taken for short spells to get over specific anxiety provoking situations.
5. Your doctor may also refer you to a mental health worker if your anxiety does not respond to self-help alone.
6. Many people find meditation or yoga to be helpful.

**Where can I find help if I think I am suffering from anxiety?**

First, we hope you will use the advice in this booklet, on our own or with someone else to help you. You should find it helpful. If, having used the booklet, you feel you need more help, you should discuss this with a member of staff (prison officer, probation officer, psychologist, teacher, nurse or chaplain) who will tell you about alternative treatments and services available.

**There are a number of self-help books that other people have found helpful.**

- Helen Kennerley: Managing Anxiety.
- David Burns: The Feeling Good Handbook.
- Dr. Clare Weeks: Self Help for your Nerves.
- Susan Jeffers: Feel the Fear and Do it Anyway.
- Kevin Meares and Mark Freeston: Overcoming Worry

## Appendix Z.

### Insurance Options

#### **Health Insurance Plans and Medical Coverage:**

- Med-QUEST
  - The State of Hawai'i Med-QUEST Division (MQD) provides eligible low-income adults and children access to health and medical coverage through managed care plans.
  - There are five health plans that participate:
    - AlohaCare<sup>4</sup> — Oahu 1-877-973-0712
    - HMSA<sup>5</sup> — 1-800-440-0640
    - Kaiser Permanente<sup>6</sup> — 1-800-651-2237
    - 'Ohana Health Plan<sup>7</sup> — 1-888-846-4262
    - United Healthcare Community Plan<sup>8</sup> 1-888-980-8728
  - These plans have limited services and more details and information can be found at their website<sup>9</sup>.
  - Applications can be done online here<sup>10</sup>, over the phone at 1-877-628-5076 , or by mail delivered to Med-QUEST Division Eligibility Offices
- [HealthCare.gov](https://www.healthcare.gov)<sup>11</sup>
  - This government website assists individuals anywhere in the country find different health care coverage options available.
  - There is information specifically for incarcerated individuals here<sup>12</sup>.
  - Through this website:
    - You can apply for Medicaid while you are incarcerated so that when you are released you will have health coverage and can access health care services.
    - You can apply for private health insurance after you have been released.
  - 1-800-318-2596

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<sup>4</sup> [ALOHACARE.ORG](http://ALOHACARE.ORG)

<sup>5</sup> [HMSA.COM](http://HMSA.COM)

<sup>6</sup> [KPINHAWAII.ORG](http://KPINHAWAII.ORG)

<sup>7</sup> [HTTP://OHANAHEALTHPLAN.COM](http://OHANAHEALTHPLAN.COM)

<sup>8</sup> [UHCCOMMUNITYPLAN.COM](http://UHCCOMMUNITYPLAN.COM)

<sup>9</sup> [HTTP://HUMANSERVICES.HAWAII.GOV/MQD/](http://HUMANSERVICES.HAWAII.GOV/MQD/)

<sup>10</sup> [WWW.MYBENEFITS.HAWAII.GOV](http://WWW.MYBENEFITS.HAWAII.GOV)

<sup>11</sup> [HTTPS://WWW.HEALTHCARE.GOV/](https://WWW.HEALTHCARE.GOV/)

<sup>12</sup> [HTTPS://WWW.HEALTHCARE.GOV/INCARCERATED-PEOPLE/](https://WWW.HEALTHCARE.GOV/INCARCERATED-PEOPLE/)

## Appendix AA.

### List of Medical and/or Dental Clinics in Hawai'i

#### Healthcare Facilities in Hawai'i

Below is a list of health centers and clinics that assist individuals in getting their medical needs met. Please call and/or visit the website of each clinic or center to find out more information about what services they provide and to find more clinics in specified areas of needs. Each center has different options for insurance coverage or payments, so be sure to ask about payment. This is not a complete list, but just a few to get you started.

To find more clinics in Hawai'i, these websites may be useful:

- [https://freeclinicdirectory.org/hawaii\\_care\\_bycity.html](https://freeclinicdirectory.org/hawaii_care_bycity.html)
- <https://www.freeclinics.com/sta/hawaii>

#### Health Centers

##### O'ahu

- Kalihi-Palama Health Center
  - Non-profit that provides individuals with health and social services who may have barriers to attaining help. They have different medical departments and health care for the homeless.
  - Main Medical and Dental Clinic (Honolulu): 808-848-1438
  - Visit their website for more information on services and other contact information<sup>13</sup>
- Waikiki Health
  - Multiple programs with different clinics providing medical, dental, preventative care, and social services.
  - Oahu Clinic: 808-922-4950 (Honolulu)
  - Visit their website for more information on services and other contact information<sup>14</sup>
- Wai'anae Coast Comprehensive Health Center
  - A healing center that provides accessible and affordable medical and traditional healing services.
  - Multiple locations and a range of services.
  - Main phone line: 808-697-3800 (Kapolei)
  - Visit their website for more details<sup>15</sup>
- Planned Parenthood
  - Provides women's and men's health care, abortion services, birth control, HIV testing, LGBT services, morning-after pill (emergency contraception), pregnancy testing and services, STD testing, treatment and vaccines.
  - Phone: 808-589-1149 (Honolulu)
  - Visit their website for more details<sup>16</sup>
- Aloha Medical Mission
  - Provides dental care for low-income individuals.

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<sup>13</sup> [HTTPS://WWW.HEALTHCARE.GOV/](https://www.healthcare.gov/)

<sup>14</sup> [WAIKIKIHC.ORG/](http://WAIKIKIHC.ORG/)

<sup>15</sup> [WWW.WCCHC.COM](http://WWW.WCCHC.COM)

<sup>16</sup> [WWW.PLANNEDPARENTHOOD.ORG/HEALTH-CENTER/HAWAII/HONOLULU/96814/HONOLULU-HEALTH-CENTER-2951-91810](http://WWW.PLANNEDPARENTHOOD.ORG/HEALTH-CENTER/HAWAII/HONOLULU/96814/HONOLULU-HEALTH-CENTER-2951-91810)

- Phone: 808-847-3400 (Honolulu)
- Visit their website for more information<sup>17</sup>

## Big Island of Hawai'i

- Bay Clinic
  - Provides health care services to individuals, including behavior health, cancer services, pharmacy, dental care, diabetes management, family planning, women's health, teenage and child care, and more.
  - Multiple locations and a variety of services. A few locations are:
    - Hilo Family Health Center (Hilo)
      - Phone: 808-969-1427
    - Kea'au Family Health and Dental Center (Kea'au)
      - Phone: 808-930-0400
    - Pāhoa Family Health Center (Pāhoa)
      - Phone: 808-965-9711
    - Ka'ū Family Health and Dental Center (Nā'ālehu)
      - Phone: 808-929-7311
  - Visit their website for more information<sup>18</sup>
- West Hawai'i Community Health Center
  - Provides mental, dental, and behavioral health services to individuals.
  - Main phone line: 808-326-5629 (Kailua-Kona)
  - Visit their website or call to inquire about services and other locations<sup>19</sup>

## Maui

- Community Clinic of Maui
  - Provides family practice, women's health, infant and child health care, disease treatment, behavior health, dental, nutrition, and hospital services.
  - Main phone line: 808-871-7772 (Wailuku)
  - Visit their website for more information<sup>20</sup>

## Moloka'i

- Moloka'i Community Health Center
  - Provides medical, women's health, infant and children, dental, and behavioral health services.
  - Phone: 808-553-5038 (Kaunakakai)
  - Visit their website for more information<sup>21</sup>

## Kaua'i

- Ho'ola Lahui Hawai'i

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<sup>17</sup> [ALOHAMEDICALMISSION.ORG/WHAT-WE-DO/DENTAL-CLINIC/](http://ALOHAMEDICALMISSION.ORG/WHAT-WE-DO/DENTAL-CLINIC/)

<sup>18</sup> [BAYCLINIC.ORG/](http://BAYCLINIC.ORG/)

<sup>19</sup> [WWW.WESTHAWAIIHCHC.ORG/](http://WWW.WESTHAWAIIHCHC.ORG/)

<sup>20</sup> [CCMAUI.ORG/](http://CCMAUI.ORG/)

<sup>21</sup> [MOLOKAICHC.ORG/](http://MOLOKAICHC.ORG/)

- Provides medical, dental, health care and preventative programs, fitness programs, pharmacy services, and behavioral health & substance abuse programs.
- Phone: 808-240-0100 (Waimea)
- Visit their website for more information<sup>22</sup>

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<sup>22</sup> [HTTP://WWW.HOOLALAHUI.ORG/](http://www.hoolalahui.org/)

Appendix BB.

**Hawai'i Reentry Contacts (Non-profit, faith-based, government-run, legal aid/clinics)**

**See Next Page**

# Hawai'i Reentry Contacts

## Non – Profit Organizations

<b>Organization /Agency</b>	<b>Key Contact – Other Contacts</b>	<b>Address &amp; Phone Number</b>	<b>Website &amp; E-mail</b>	<b>Description</b>	<b>Legal Services? (Y/N)</b>
OAHU					
<b>Honolulu</b>					
<b>The Community Assistance Center</b>	<b>Ed Slavish (President)</b>  Board members: Gene Grounds, Rae Hanson, Arkie Koehl, Jim Serna, Jerry Coffee, John Horak, Laura Thielen	200 N. Vineyard Blvd, #330 Honolulu, HI 96817  (808) 537-2917	<a href="http://www.chachawaii.org">http://www.chachawaii.org</a>  <a href="mailto:jha@hula.net">jha@hula.net</a>	Criminal justice agency w/ programs designed to support offenders & ex-offenders. Programs include: juvenile anger management, counseling, job placement, sex offender treatment, and assisting juveniles before release.	YES – advocacy for offenders & ex-offenders
<b>WorkNet, Inc.</b>	<b>Chas Williams (Founder, Exec Director, President)</b>  Warren Tang (Offender Services Specialist/CSA C), Stephanie Ann (women's Services Specialist), o	1130 N. Nimitz Hwy. #B-224 Honolulu, HI 96817  (808) 521-7770	<a href="http://www.worknetinc.org">http://www.worknetinc.org</a>  <a href="mailto:worknethawaii@gmail.com">worknethawaii@gmail.com</a>	Non-profit designed to prepare offenders for reentry into the community (aiming to reduce recidivism). CARE Project: markets & sells crafts made by offenders in prison or ex-offenders back in the community to provide funds that ease transition. All programs designed to aid in job search & provide vocational training.	NO

	Kalaikai (CARE Project), Ruby Menon (CARE Project – Program Director)				
<b>HOPE Inc.</b>		1545 Linapuni Street #B105 Honolulu, HI 96819 AND 634 Kilani Ave. Suite #2, Wahiawa, HI 96786  (855)294- 9979	<a href="http://www.hopehi.com/index.php">http://www.hopehi.com/index.php</a>  <a href="mailto:info@hopehi.com">info@hopehi.com</a>	Designed to meet the needs of those looking for help w/ chemical dependency. Services include: outpatient services, case management and group therapy	NO
<b>YWCA Fernhurst: The Home of Reawakening for Women</b>	<b>Talia Cardines (Program Manager)</b>	1566 Wilder Ave, Honolulu, HI 96822  (808) 941- 2231	<a href="https://www.ywcaoahu.org/work-furlough">https://www.ywcaoahu.org/work-furlough</a>	Ka Hale Hoala Hou No Na Wahine – A community-based program dedicated to the mission of empowering women to successfully transition from prison to the community. (Eligibility: non-violent female offenders can submit application to the work furlough program). Transitional Housing: created for homeless employed women transition to become economically independent (Eligibility: completion of the Work Furlough Program).	NO
<b>Hina Mauka</b>	<b>Alan Johnson (Chief Executive Officer)</b>  Desie Graves (Chief Financial	<u>Kaneohe Facility (Main Offices):</u> 45-845 Po’okela St. Kaneohe, HI 96744 (808)236-	<a href="http://hinamauka.org">http://hinamauka.org</a>  <a href="mailto:moreinfo@hinamauka.org">moreinfo@hinamauka.org</a>	Series of treatment programs for diagnosed substance abuse disorders (emphasis on behavioral health). Also available for pre-trial diversion.  Programs include: residential treatment services, outpatient services, aftercare, & peer mentoring	NO

	<p>Officer),          Sherrie          Kinoshita          (Director of          Admin),          Toshiyuki          Shibata MD          (Medical          Director),          William          Mousser          (Director of          Adult          Services),          Colleen Fox          (Director of          Adolescent          Services).</p>	<p>2600</p> <p><u>Waipahu</u>  <u>Outpatient</u>  <u>Office:</u>          94-216          Farrington          highway          #B2-306          Waipahu, HI          96797          (808)671-          6900</p> <p><u>Teen CARE</u>  <u>office:</u>          Temple          Valley          Shopping          Center 47-          388 Hui Iwa          Street,          Kaneohe HI          96744          (808) 236-          2600</p>			
<p><b>Big Brothers          Big Sisters          Hawai'i</b></p>	<p><b>Dennis Brown          (President/CE          O)</b></p>	<p>418 Kuwili St.          Suite 106,          Honolulu, HI          96817          (808)521-          3811</p> <p>Dennis          Brown –          (808)695-</p>	<p><a href="http://www.bbbshawaii.org">http://www.bbbshawaii.org</a>  <a href="mailto:info@bbshawaii.org">info@bbshawaii.org</a></p>	<p>One-to-one mentoring program that          matches Big brother/Big sister with Little          brother/Little sister for guidance &amp; support.          Ages 6-16 from a single parent home or          where the other parent is deployed or          incarcerated. Foster care children also          eligible. Services : community-based          mentoring, online mentoring program.</p>	<p>NO</p>

		4570			
<b><i>Alu Like Inc. – Ho’omanea ‘Oiwi (Employment &amp; Training) and Ho ‘Ala Hou High Risk Reduction</i></b>	<b>Mervina K.M. Cash-Kaeo (President/CEO)</b>  Kekama Helm (Chariperson), Kamika Smith (Vice Chair & Treasurer), Robert Hill (Director), Paige Ann Kapiolani Barber (Director), Laura Thompson (Director), Dr. Jill Oliveira (Past Chair)	2969 Mapunpuna Place, Suite 200, Honolulu, HI 96819  (808) 535-6700	<a href="http://www.alulike.org/servies/hoomanea.html">http://www.alulike.org/servies/hoomanea.html</a>	Employment & training program. Eligibility criteria: Native Hawai’ian, American Indian, or Alaska Native, 18 yrs+ unemployed or under employed (or working in employment w/o corresponding level of education/skills, low income, Selective Service verification, Veterans & spouses of (given first priority). Ho ‘Ala Hou High Risk Reduction – offers substance abuse education to ex-offenders and their significant others using Hawai’ian cultural method	NO
<b><i>Alu Like Inc. – Money Smarts Class</i></b>	<b>Greg Field</b>	1000 Uluohia St. Kapolei HI, 96707  (808)683-2303	<a href="http://www.alulike.org/services/kulialike.html">http://www.alulike.org/services/kulialike.html</a>  <a href="mailto:grfield@alulike.org">grfield@alulike.org</a>	Financial literacy curriculum (banking tools, budgeting & savings strategies, credit, credit reports, fixing credit, savings for education, starting a business, homeownership/retirement plans). Designed for individuals/families with up to moderate income. Course available for free.	NO

<p><b>Alu Like Inc.</b> - <b>Volunteer</b> <b>Income Tax</b> <b>Assistance</b> <b>Program</b> <b>(VITA)</b></p>		<p>2969 Mapunpuna Place Suite 200 Honolulu HI 96819</p> <p>(808)535- 6700</p>	<p><a href="http://www.alulike.org/service/kuliavita.html">http://www.alulike.org/service/kuliavita.html</a></p>	<p>Free tax help for low to moderate income individuals unable to prepare federal/state tax returns. Led by IRS trained &amp; certified individuals. Done by appointment only.</p>	<p>NO</p>
<p><b>CARE</b> <b>Hawai'i</b></p>	<p><b>Dr. Tina</b> <b>McLaughlin</b> (co-founder &amp; president)</p> <p>Maria Kinsler (CEO)</p>	<p>875 Waimanu St., Honolulu, HI 98613</p> <p>808 533- 3936</p>	<p><a href="http://carehawaii.info/">http://carehawaii.info/</a> <a href="mailto:info@carehawaii.info">info@carehawaii.info</a></p>	<p>Behavioral healthcare organization providing behavioral health services. For adolescents, adults &amp; seniors.</p>	<p>NO</p>
<p><b>Action with</b> <b>Aloha</b></p>	<p>Panel of experts; Julianna Moefu- Kaleopa (MSW, CSAC), Curte Oda (LSW, CSAC), Melissa Takeyama (LSW, CSAC), Leah Teglovic (LSW, CSAC), Wendy Yoshioka (MSW, LSW), Joyce Parkhurst (MSW, LSW), Jessica Manalo (MA),</p>	<p>Times Square Shopping Center 98-1256 Kaahumanu St. Suite E301, Pearl City, Hawai'i 96782</p> <p>or</p> <p>Aloha United Way Bldg. 200 N. Vineyard Blvd Suite 501, Honolulu, Hawai'i 96817</p>	<p><a href="http://www.actionwithaloha.com">http://www.actionwithaloha.com</a> <a href="mailto:admin@actionwithaloha.com">admin@actionwithaloha.com</a></p>	<p>Individual &amp; group counseling, substance abuse treatment (accepts court referrals, marriage &amp; couples counseling).</p>	<p>NO</p>

	Danmerle Capati (MSW)	(808) 484-4489			
<b><i>Hawai'i Friends of Restorative Justice</i></b>	<b>Board members:</b> <b>Richard Turbin</b> (president) Roger Epstein (Vice President), Lisa Jensen (Treasurer), Madonna Castro Perez (Secretary), Svitlana Pronina Campbell, Thomas Haia, Cheri Tarutani, Kellen Kashiwa, Ian Crabbe, Daphne Ho'okano	P.O. Box 489 Waialua, HI 96791  (808) 218-3712	<a href="http://hawaiifriends.org/about">http://hawaiifriends.org/about</a>  <a href="mailto:lorenn@hawaiifriends.org">lorenn@hawaiifriends.org</a>	Restorative justice advocates, practitioners, and researchers. Develop and provide talking circles to promote healing for people harmed by social injustice and crime. Helps people who have hurt loved ones and others to make amends, and helps harmed people address their suffering. Research shows the circles can increase healing and prevent crime. Circles may be provided for the incarcerated and for those harmed outside of prison.	NO
<b><i>Kahumauna – Ohana Ola O Kaumana and Ulu Ke Kukui</i></b>	<b>Ana Piloton</b> (Transitional Housing Director)	86-660 Lualualei Homestead Road, Wai'anae HI 96792  Ulu Ke Kukui	<a href="http://kahumana.org/homelessness">http://kahumana.org/homelessness</a>  <a href="mailto:apiloton@asihawaii.org">apiloton@asihawaii.org</a>	Provides temporary housing for homeless individuals & homeless families. 24-month period of transitional housing. Drug & alcohol-free environment.	NO

		Site: (808) 620-9011  Ohana Ola Site: (808) 696-4095			
<b>Holomua Na Ohana</b>	<b>Board Members: Walter Yim, Mark Nomura, Milton McAngus</b>	Weinberg Village Waimanalo: 41-490 Saddle City Road Waimanalo HI 96795. Weinberg Village: (808) 259 6658  Onemalu: 48 Belleau Woods Street Kapolei HI 96707-2141 Onemalu: (808) 682 3869	<a href="http://holomuanaohana.org/">http://holomuanaohana.org/</a>	Both locations are temporary housing structures (max length of stay: 2 years).  Weinberg Village services: TANF & SNAP application assistance, financial assistance, counseling, living essentials.  Onemalu services: case management, guidance counseling, TANF & SNAP application assistance, financial assistance, living essentials.	NO
<b>Coalition for a Drug-Free Hawai'i</b>	<b>Neil Yamamoto (President)</b>  Ivy Nip Asana (Secretary), Michael P. Choo (Treasurer),	1130 North Nimitz Highway, A259 Honolulu HI 96817  Main info line: (808)	<a href="http://www.drugfreehawaii.org/index.php">http://www.drugfreehawaii.org/index.php</a>  Main info email: <a href="mailto:cdfh@pixi.com">cdfh@pixi.com</a>  Prevention Resource Center: <a href="mailto:prc@drugfreehawaii.org">prc@drugfreehawaii.org</a>	Both centers provide family youth & community programs centralized in preventing drug abuse & its effects on children & families.	NO

	Alan H. Shinn (Executive Director). Directors: Eric Fujimoto, Jay Higa, David Livingston, Linda Lileikis, Benjamin Salazar, Darian Chun	545 3228  Hawai'i Pacific Center for Excellence: (808) 545 3228 x 34.  Prevention Resource Center: (808) 545 3228 x34			
<b>Waikiki Health</b>	<b>Francine Dudoit-Tagupa (Waikiki Health's Director of Native Hawai'ian Healing/Pu'u honua Prison Program)</b>	277 Ohua Avenue Honolulu, HI 96815  Phone: (808) 922-3776 Fax: (808) 922-4950	<a href="http://waikikihc.org">http://waikikihc.org</a>  General info: <a href="mailto:information@waikikihealth.org">information@waikikihealth.org</a>  Director's email: <a href="mailto:fdudoit@waikikihealth.org">fdudoit@waikikihealth.org</a>	Pu'u honua Prison Program: Pre/Post incarceration assistance. Call or email Francine Dudoit-Tagupa for further information and/or to schedule an appointment. This program offers direct assistance and linkages to health & Social services pre/post incarceration to inmates throughout the state.  Eligibility: Services are designed to assist current and former inmates and their families.	NO
<b>Aloha United Way</b>	<b>Cindy Adams (President and CEO)</b>  Jay King, Program Manager	200 N Vineyard Blvd #700 Honolulu, HI 96817  211 or (808)536-1951	<a href="http://auw.org">http://auw.org</a>  <a href="http://auw211.org">http://auw211.org</a>  <a href="mailto:Info211@auw.org">Info211@auw.org</a>  Cindy Adams; <a href="mailto:cindy@auw.org">cindy@auw.org</a>  Jay King; (808) 543-2212, <a href="mailto:jayking@auw.org">jayking@auw.org</a>	2-1-1 is a confidential, toll-free help hotline for anyone in Hawai'i in need of help. With 2-1-1, you can easily find information and referrals on everything from crisis intervention and counseling to job training, educational programs and child care. You may also email <a href="mailto:info211@auw.org">info211@auw.org</a> for confidential referrals and assistance. AUW also provides emergency housing assistance as funds as available.	NO

BIG ISLAND

<b>HOPE, Inc.</b>		308 Kamehameh a Ave Suite 201 Hilo, HI 96720  (855) 294 9979	<a href="http://www.hope.hi.com/index.php">http://www.hope.hi.com/index.php</a>  <a href="mailto:info@hopehi.com">info@hopehi.com</a>	Designed to meet the needs of those looking for help w/ chemical dependency. Services include: outpatient services, case management, group therapy	NO
<b>Going Home Hawai'i</b>	<b>Irene Nagao (Interim Board President)</b>  Faith Oshiro (Secretary), Gail Shioshita (Treasurer), Board members: Gil Silva, Roberta Kehau Fontes, Charles Bogdahn, Glenn Hansen, Peter MacDonald, Debra Ching- Maiava, Jay Kimura; Les Estrella (Interim CEO), Carol Matayoshi (Forensic Admin)	1990 Kinoole St. Suite 102 Hilo, HI 96720  (808) 937- 6257	<a href="http://goinghomehawaii.org">http://goinghomehawaii.org</a>  <a href="mailto:goinghomehawaii@gmail.com">goinghomehawaii@gmail.com</a>	To reintegrate former offenders into the community & workplace. Focuses on providing supportive services to those returning home from a correctional facility. Working to lower recidivism rates.	NO
<b>Big Brothers Big Sisters Hawai'i</b>	<b>Vanessa Carlson (Hawai'i Island Regional Director)</b>	P.O. Box 95254 Hilo HI 96720  (808) 260- 0084	<a href="http://www.bbbshawaii.org">http://www.bbbshawaii.org</a>  <a href="mailto:vcarlson@bbbshawaii.org">vcarlson@bbbshawaii.org</a>	One-to-one mentoring program that matches Big brother/Big sister with Little brother/Little sister for guidance & support. For ages 6-16 from a single parent home or where the other parent is deployed or incarcerated. Foster care children also eligible. Services: community-based mentoring, school-based mentoring.	NO

	<p>Kamea Wong (Community-based Case Manager, Match Coach), Ka'iulani Lum-Ho (School-based Case Manager), Kimberly Kahoonei (School-based Case Manager, Match Coach)</p>				
<p><b>Alu Like Inc.</b> <b>- Ho'omānea 'Ōiwi</b> <b>(Employment &amp; Training)</b></p>	<p><b>Mervina K.M. Cash-Kaeo (President/CEO)</b>  Kekama Helm (Chairperson), Kamika Smith (Vice Chair &amp; Treasurer), Robert Hill (Director), Paige Ann Kapi'olani Barber (Director), Laura Thompson (Director), Dr. Jill Oliveira (Past Chair)</p>	<p>32 Kino'ole St. #102 Hilo HI 96720  (808) 961-2625</p>	<p><a href="http://alulike.org/services/hoomanea.html">http://alulike.org/services/hoomanea.html</a>  For more information about a specific program: <a href="http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf">http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf</a></p>	<p>Employment &amp; training program. Eligibility criteria: Native Hawai'ian, American Indian, or Alaska Native, 18 yrs+, unemployed or underemployed (or working in employment w/o corresponding level of education/skills), low income, Selective Service verification, Veterans &amp; spouses of (given first priority). "Comprehensive services...are those which are necessary to enter, re-enter, or retain unsubsidized employment leading to self-sufficiency"</p>	<p>NO</p>

<p><b>HOPE Services Hawai'i Inc.</b></p>	<p><b>Anne Harpham, President</b></p>	<p>296 Kilauea Ave., Hilo, HI 96720</p> <p>(808) 935-3050 (808)933-6005</p>	<p><a href="http://hopeserviceshawaii.org">http://hopeserviceshawaii.org</a></p> <p><a href="mailto:info@hopeserviceshawaii.org">info@hopeserviceshawaii.org</a></p> <p><a href="mailto:jmccomber@hopeserviceshawaii.org">jmccomber@hopeserviceshawaii.org</a></p>	<p>Provides transitional housing services for men and women returning to our community from incarceration. Program is staffed 24/7 and is a sober living environment. Random drug testing is conducted on site. Daily evening classes include house meetings, relapse prevention groups, gender specific groups, meth groups, new hire club, budgeting, renter's education and other life skills classes. Structure recreational activities are coordinated and offered on the weekend. This program is funded by the Department of Human Services (DHS), County of Hawai'i, Hawai'i Island United Way and Hawai'i Community Foundation.</p>	<p>NO</p>
<p><b>Kea'au</b></p>					
<p><b>Big Island Substance Abuse Council</b></p>	<p><b>Pat Englehard (President)</b></p> <p>David Bishaw (VP), Richard Henderson (Treasurer), Richard Ryken (Secretary); Board Members: Randy Hu, Judi Steinman, Alice Davies, Catherine Kamau, Rev. Moki Hino, Jane Webb (honorary board member), William</p>	<p>16-179 Melehaiwa St. Kea'au, Hawai'i 96749</p> <p>(808) 969 9994</p>	<p><a href="http://www.bisac.org/">http://www.bisac.org/</a></p> <p><a href="mailto:info@bisac.com">info@bisac.com</a></p>	<p>Treatment designed for individuals dealing with alcohol &amp; drug abuse. Goal is to reduce effects of substance abuse. Programs include: outpatient care, community-based treatment, Therapeutic Living Program, Pregnant Parenting Woman &amp; Children, Parent Child Education, Family Education, mental health help</p>	<p>NO</p>

Walter  
(honorary  
board  
member)

KAUAI

**Kauai County**

<p><b>Big Brothers Big Sisters Hawaii</b></p>	<p><b>Kaulana Finn (Kauai Regional Director)</b></p> <p>Nicole Cowan (Case Manager, Match Coach)</p>	<p>3-2600 Kaunualii Hwy. Ste. 1300, PMB 493 Lihue, HI 96766</p> <p>(808) 631- 8642</p>	<p><a href="http://www.bbbshawaii.org/programs.html">http://www.bbbshawaii.org/programs.html</a></p> <p><a href="mailto:kfinn@bbshawaii.org">kfinn@bbshawaii.org</a></p>	<p>One-to-one mentoring program that matches Big brother/Big sister with Little brother/Little sister for guidance &amp; support. For ages 6-16 from a single parent home or where the other parent is deployed or incarcerated. Foster care children also eligible. Services: community-based mentoring, school-based mentoring.</p>	<p>NO</p>
<p><b>Alu Like Inc. - Ho'omānea 'Ōiwi (Employment &amp; Training)</b></p>	<p><b>Mervina K.M. Cash-Kaeo (President/CEO)</b></p> <p>Kekama Helm (Chairperson), Kamika Smith (Vice Chair &amp; Treasurer), Robert Hill (Director), Paige Ann Kapi'olani Barber (Director), Laura Thompson (Director), Dr. Jill Oliveira</p>	<p>2970 Kele St. Suite 116 Līhu'e, HI 96766</p> <p>(808) 245- 8545</p>	<p><a href="http://www.alulike.org/services/hoomanea.html">http://www.alulike.org/services/hoomanea.html</a></p> <p>For more information about a specific program: <a href="http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf">http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf</a></p>	<p>Employment &amp; training program. Eligibility criteria: Native Hawaiian, American Indian, or Alaska Native, 18 yrs+, unemployed or underemployed (or working in employment w/o corresponding level of education/skills), low income, Selective Service verification, Veterans &amp; spouses of (given first priority). "Comprehensive services...are those which are necessary to enter, re-enter, or retain unsubsidized employment leading to self-sufficiency"</p>	<p>NO</p>

(Past Chair)

MAUI

**Maui County**

<b>Big Brothers Big Sisters Hawaii</b>	<b>JD Wyatt (Executive Director)</b>  Char Tomas (Operations Manager), Courtney Cabebe (Match Specialist, Match Coach)	200 Waimaluhia Lane Wailuku, HI 96793  (808) 242 9754  JD Wyatt: (808) 442- 7897	<a href="http://www.bbbshawaii.org/programs.html">http://www.bbbshawaii.org/programs.html</a>  <a href="mailto:jd@bbbshawaii.org">jd@bbbshawaii.org</a>	One-to-one mentoring program that matches Big brother/Big sister with Little brother/Little sister for guidance & support. For ages 6-16 from a single parent home or where the other parent is deployed or incarcerated. Foster care children also eligible. Services: community-based mentoring, school-based mentoring.	NO
<b>Alu Like Inc. - Ho'omāneā 'Ōiwi (Employment &amp; Training)</b>	<b>Mervina K.M. Cash-Kaeo (President/CEO)</b>  Kekama Helm (Chairperson), Kamika Smith (Vice Chair & Treasurer), Robert Hill (Director), Paige Ann Kapi'olani Barber (Director), Laura Thompson (Director), Dr. Jill Oliveira (Past Chair)	737 Lower Main St. B-2 Wailuku, HI 96793  (808) 242- 9774	<a href="http://www.alulike.org/services/hoomanea.html">http://www.alulike.org/services/hoomanea.html</a>  For more information about specific program: <a href="http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf">http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%2005-2016.pdf</a>	Employment & training program. Eligibility criteria: Native Hawaiian, American Indian, or Alaska Native, 18 yrs+, unemployed or underemployed (or working in employment w/o corresponding level of education/skills), low income, Selective Service verification, Veterans & spouses of (given first priority). "Comprehensive services...are those which are necessary to enter, re-enter, or retain unsubsidized employment leading to self-sufficiency"	NO

<b>Wailuku</b>					
<b>Maui Economic Opportunity (MEO) Inc. - Community Services Department - B.E.S.T. Reintegration (Being Empowered and Safe Together)</b>	<b>Gerry Lum (Community Services Director)</b>  Kecia Sakugawa (Assistant Community Services Director), David Blair (Case Manager), Bishop Pahia (Case Manager), Alex Ishikawa (Ke Kahua - Hanai Project Coordinator)	99 Mahalani St. Wailuku HI 96793  (808) 249 2970	Program website: <a href="http://www.meoinc.org/content/5320ba4d5f720/B.E.S.T._Program.html">http://www.meoinc.org/content/5320ba4d5f720/B.E.S.T._Program.html</a>  Program brochure: <a href="http://www.meoinc.org/pdf/best_brochure.pdf">http://www.meoinc.org/pdf/best_brochure.pdf</a>	Provides support services & training to prepare inmates for successful return back into community. Services include case management, employment training, anger management, cognitive skills restructuring, pre-employment training	<b>NO</b>
<b>Maui Economic Opportunity (MEO) Inc. - Community Services Department - Enlace Hispano</b>		99 Mahalani St. Wailuku HI 96793  (808) 249-2993	<a href="http://www.meoinc.org/content/5320c98197974/Enlace_Hispano.html">http://www.meoinc.org/content/5320c98197974/Enlace_Hispano.html</a>	"Trained and experienced bi-lingual staff provide cultural sensitive integration services, translations, needs assessment, referrals, outreach, cultural community events, civic engagement, substance abuse education and work force development to the Hispanic community."	<b>NO</b>

<p><b>Maui Economic Opportunity (MEO) Inc. - Community Services Department - Rental Assistance</b></p>		<p>99 Mahalani St. Wailuku HI 96793</p> <p>(808) 249-2970</p>	<p><a href="http://www.meoinc.org/content/5320cbdeddc66/Housing_Assistance_.html">http://www.meoinc.org/content/5320cbdeddc66/Housing_Assistance_.html</a></p>	<p>MEO serves as one of the administrators of County of Maui Rental Assistance Program grant to help individuals/families in Maui County w/ assistance on rental deposit, utility deposit, &amp; ongoing rent subsidies for up to 6 months (contingent on applicant's circumstances). Serves: homeless, at-risk homeless, those in dangerous situations, those moving from emergency/transitional housing.</p>	<p>NO</p>
<p><b>Alu Like Inc. - Ho'omānea 'Ōiwi (Employment &amp; Training)</b></p>	<p><b>Mervina K.M. Cash-Kaeo (President/CEO)</b></p> <p>Kekama Helm (Chairperson), Kamika Smith (Vice Chair &amp; Treasurer), Robert Hill (Director), Paige Ann Kapi'olani Barber (Director), Laura Thompson (Director), Dr.</p>	<p>10 Mohala St. Kaunakakai HI 96748</p> <p>(808) 553-5393</p>	<p><a href="http://www.alulike.org/services/hoomanea.html">http://www.alulike.org/services/hoomanea.html</a></p> <p>For more information about specific program: <a href="http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%202005-2016.pdf">http://www.alulike.org/services/hoomanea/ET%20CSP%20BROCHURE%20-%202005-2016.pdf</a></p>	<p>Employment &amp; training program. Eligibility criteria: Native Hawaiian, American Indian, or Alaska Native, 18 yrs+, unemployed or underemployed (or working in employment w/o corresponding level of education/skills), low income, Selective Service verification, Veterans &amp; spouses of (given first priority). "Comprehensive services...are those which are necessary to enter, re-enter, or retain unsubsidized employment leading to self-sufficiency"</p>	<p>NO</p>

	Jill Oliveira (Past Chair)				
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**Faith-Based**

<b>Organization /Agency</b>	<b>Key Contact – Other Contacts</b>	<b>Address &amp; Phone Number</b>	<b>Website &amp; E-mail</b>	<b>Description</b>	<b>Legal Services? (Y/N)</b>
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OAHU

<b>Honolulu</b>					
<b>Good News Jail &amp; Prison Ministry - Hawaii Chaplaincy Support Team</b>	Chaplain Dennis Yokota  Chaplain Michael Sidman	Chaplain Dennis Yokota – (808) 677-6665  Chaplain Michael Sidman – (808)938-	<a href="http://www.goodnewshawaii.org/">http://www.goodnewshawaii.org/</a>  <a href="mailto:dennis.yokota@goodnewsjail.org">dennis.yokota@goodnewsjail.org</a>	Christrian outreach that provides chaplains, volunteers, counseling, & educational programs to jails & prisons in 21 states (including Hawaii)	NO

		3755			
<b><i>Diocese of Honolulu: Prison Ministry &amp; Re-Integration</i></b>		1184 Bishop St. Honolulu HI 96813  (808) 585 3300	<a href="http://catholichawaii.org/catholic-living/charity-justice/prison-ministry-re-integration">http://catholichawaii.org/catholic-living/charity-justice/prison-ministry-re-integration</a>	Catholic prison ministry aimed at providing reintegration help for the incarcerated, including bringing separated families back together / facilitating that process.	NO
<b><i>The Salvation Army (Corps Community Center)</i></b>	<b>Majors William and Elizabeth Welch</b>	45-175 Waikalua Rd Kaneohe HI 96744  (808) 235-1408	<a href="http://hawaii.salvationarmy.org/hawaii/kaneohe_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/kaneohe_corps_community_center_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Also provides Food & Nutrition programs, Character Building Programs.	NO
<b><i>The Salvation Army (Adult Day Health Services)</i></b>	<b>Mrs. Stacy Honma</b>	296 N. Vineyard Blvd. Honolulu HI 96822  (808) 521 6551	<a href="https://hawaii.salvationarmy.org/hawaii/kauluwela_mission_adult_day_health_services_page">https://hawaii.salvationarmy.org/hawaii/kauluwela_mission_adult_day_health_services_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services).	NO
<b><i>The Salvation Army (Corps Community Center; Japanese Program)</i></b>	<b>(For Corps Community Center) Captains John &amp; Angela Morrow (For Japanese</b>	296 N. Vineyard Blvd Honolulu HI 96817  (808) 521	<a href="http://hawaii.salvationarmy.org/hawaii/kauluwela_mission_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/kauluwela_mission_corps_community_center_page</a>	Religious services and character building programs	NO

	<b>Program) Reverend Paul Suzuki</b>	6551			
<b><i>The Salvation Army (Corps)</i></b>	<b>Mr. Rob Noland</b>	P.O. Box 620 Honolulu HI 96809  (808) 988 0634	<a href="http://hawaii.salvationarmy.org/hawaii/leeward_waianae_corps_page">http://hawaii.salvationarmy.org/hawaii/leeward_waianae_corps_page</a>	Religious services, also general social services—accept any in need of services	<b>NO</b>
<b><i>The Salvation Army - Addiction Treatment Services</i></b>		3624 Waokanaka St. Honolulu HI 96817  (808) 595- 6371	<a href="http://hawaii.salvationarmy.org/hawaii/ats">http://hawaii.salvationarmy.org/hawaii/ats</a>	Provides treatment services for substance abuse. Personal counseling, providing basic needs, spiritual regeneration. Three levels of care (Social detoxification, outpatient, residential).	<b>NO</b>
<b><i>The Salvation Army - Adult Rehabilitatio n Center</i></b>		322 Summer St. Honolulu HI 96817  (808) 522- 8400	<a href="http://hawaii.salvationarmy.org/hawaii/arc">http://hawaii.salvationarmy.org/hawaii/arc</a>	Residence for men with substance abuse issues. 6-month rehabilitation program, followed by aftercare. Referrals to social services, clergy, physicians, families, courts & employers. Intake determined by staff's discretion.	<b>NO</b>
<b><i>The Salvation Army - Family Treatment Services</i></b>		845 22nd Ave Honolulu HI 96816  (808) 739- 4952	<a href="http://hawaii.salvationarmy.org/hawaii/fts">http://hawaii.salvationarmy.org/hawaii/fts</a>	Substance abuse treatment specifically designed for women with children. Provides mental health services for children & parents. Specific programs: Women's Way, Ke Ola Pono, Ka 'Oahu Hou O Manoa Transitional Housing, Diamond Head Preschool, Therapeutic Nursery.	<b>NO</b>

<p><b><i>The Salvation Army - Family Services Office</i></b></p>	<p><b>Anna Stone</b></p>	<p>296 N. Vineyard Blvd Honolulu HI 96817</p> <p>(808) 841-5565</p>	<p><a href="http://hawaii.salvationarmy.org/hawaii/fso">http://hawaii.salvationarmy.org/hawaii/fso</a></p>	<p>All designated for the homeless. Emergency food bags &amp; clothes vouchers, financial assistance for emergency health &amp; housing, budget &amp; nutritional counseling.</p>	<p>NO</p>
<p><b><i>New Hope Prison Ministry, Oahu</i></b></p>	<p><b>Carlos Munguia</b></p>	<p>290 Sand Island Access Rd, Honolulu HI</p> <p>(808) 842-4242, x417 (Carlos Munguia)</p>	<p><a href="https://enewhope.org/ministries/mini.php?id=45">https://enewhope.org/ministries/mini.php?id=45</a></p> <p><a href="mailto:carlosmunguia@eNewhope.org">carlosmunguia@eNewhope.org</a></p>	<p>Religious outreach into Oahu correctional facilities &amp; aftercare program for those released from prison.</p>	<p>NO</p>
<p><b><i>Teen Challenge - Oahu Men's Training Center</i></b></p>		<p>1146 Elm St. #A Honolulu HI 96814</p> <p>(808) 589-0013</p>	<p><a href="https://www.teenchallengeusa.com/center/1505">https://www.teenchallengeusa.com/center/1505</a></p> <p><a href="mailto:tchioahu@yahoo.com">tchioahu@yahoo.com</a></p>	<p>Provides Christian based residential care to young people &amp; adults (men over 18 years old) w/ "life-controlling problems." Emphasis on cultivating religious devotion. Separate services available for adults, teens, and families. Non-Residential services: addiction treatment centers, substance abuse recovery, residential program recovery. Accepts men on parole.</p>	<p>NO</p>

<p><b>Executive Management team: Jerry Rauckhorst (President &amp; Chief Executive Officer), Stella M.Q. Wong (Vice President Programs), Glenn Yee (Vice President Administration), Tina Andrade (Vice President Catholic Identity &amp; Mission).</b></p>		<p>87-190 Maliona St. Wai'anae HI 96792</p> <p>(808) 696-4885</p>	<p><a href="http://www.catholiccharitieshawaii.org/about/locations/maili-land-transitional-housing">http://www.catholiccharitieshawaii.org/about/locations/maili-land-transitional-housing</a></p>	<p>44 unit short term residential facility. Services: case management, budget counseling, housing counseling, life skills, legal service assistance. Eligibility: homeless family w/ min. of 1 child under 19 yrs, verify ability to pay monthly program fees (~\$400/month), provide certification of household income that does not exceed 60% of Honolulu median income, participation in programs &amp; activities, maintain drug &amp; alcohol-free environment.</p>	<p>YES</p>
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BIG ISLAND

**Hilo**

<b>HOPE Services Hawaii</b>		296 Kilauea Avenue, Hilo HI 96720  (808) 935 3050	<a href="http://hopeserviceshawaii.org/find-help-today/prison-re-entry-services/">http://hopeserviceshawaii.org/find-help-today/prison-re-entry-services/</a>	Provides prison re-entry services, including transitional housing, drug addiction treatment, group therapy, mentoring program, case management, & life skill classes. Non-profit of the Roman Catholic Church in Hawaii.	NO
<b>Salvation Army</b>	<b>Captains Celestine &amp; Shoshannah Ruwethin</b>	219 Pono Hawaii St., Hilo HI 96720  (808) 935-1277	<a href="http://hawaii.salvationarmy.org/hawaii/hilo_temple_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/hilo_temple_corps_community_center_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Still social services based, says they take anyone in need of services.	NO
<b>YWCA Hawaii Island</b>		145 Ululani St. Hilo HI 96720  1382 Kilauea Ave. Hilo HI 96720  (808) 935 7141	<a href="http://ywcahawaiiisland.org">http://ywcahawaiiisland.org</a>  <a href="http://ywcahawaiiisland.org/contact/contact-by-email/">http://ywcahawaiiisland.org/contact/contact-by-email/</a>	Teen Court: diversion program offered to first time juvenile offenders between ages 10-17. treatment consists of community service & jury duty. Entire court staff consists of peers/teen volunteers from high school. Offender can clear record through diversion program (For contact: Amanda Quinn 808-969-7838). Sexual Assault Support & Services: counseling, crisis intervention, support during medical exam/legal process, therapeutic services, crisis line, community education & awareness.	YES

**Hamakua**

<b>The Salvation Army</b>	<b>Major Angeline Sholin</b>	45-511 Rickard Place, Honokaa HI 96727  (808) 775-7346	<a href="http://hawaii.salvationarmy.org/hawaii/honokaa_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/honokaa_corps_community_center_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Also Food & Nutrition Programs. Still social services based, says they take anyone in need of services.	NO
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**Keaau**

<b>Teen Challenge – Big Island Men’s Home</b>		Keaau Pahoia Bypass Rd, Keaau HI 96749  (808) 966-7980	<a href="http://www.teenchallengeusa.com/center/1536">http://www.teenchallengeusa.com/center/1536</a>  <a href="mailto:hale_tc@yahoo.com">hale_tc@yahoo.com</a>	Provides Christian based residential care to young people & adults (men over 18 years old) w/ "life-controlling problems." Emphasis on cultivating religious devotion. Separate services available for adults, teens, and families. Non-residential services: addiction treatment centers, substance abuse recovery, residential program recovery. Accepts men on parole.	NO
<b>Teen Challenge – Home of Hope</b>		P.O. Box 907 Keaau HI 96749  (808) 965-8403	<a href="https://www.teenchallengeusa.com/center/1537">https://www.teenchallengeusa.com/center/1537</a>  <a href="mailto:808tchi@gmail.com">808tchi@gmail.com</a>	Provides Christian based residential care to young people & adults (women over 18 years old) w/ "life-controlling problems." Emphasis on cultivating religious devotion. Separate services available for adults, teens, and families. Non-residential services: addiction treatment centers, substance abuse recovery, residential program recovery.	NO

**KAUAI****Kauai County**

<b>The Salvation Army</b>	<b>Lieutenant James Combs</b>	4465 Puolo Road, Hanapepe HI 96716  (808) 335-5441	<a href="http://hawaii.salvationarmy.org/hawaii/hanapepe_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/hanapepe_corps_community_center_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Also services the Kokua Soup Kitchen. Still social services based, says they take anyone in need of services.	NO
<b>The Salvation Army (Corps Community Center)</b>	<b>Lieutenant Elizabeth Gross</b>	4182 Hardy St. Lihue HI 96766  (808) 245 2571	<a href="http://hawaii.salvationarmy.org/hawaii/lihue_corps_community_center_page">http://hawaii.salvationarmy.org/hawaii/lihue_corps_community_center_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Also includes Character building programs, Food & nutrition programs.	NO

<b>U-Turn for Christ Kauai</b>		4-11-1 Kuhio Hwy #1781 Kapaa HI 96746 Intake Coordinator: (951) 204 2165	<a href="http://www.urnforchristkauai.com/index.html">http://www.urnforchristkauai.com/index.html</a> <a href="mailto:UturnforChristKauai@gmail.com">UturnforChristKauai@gmail.com</a>	Non-profit non-denominational drug & alcohol rehabilitation ministry that assists adult men suffering from substance abuse. Non-refundable donation \$3,400-\$3,450 (pricing includes boarding costs). Does not accept men convicted of sexual offense. Consists of two phases: Phase 1 = mandatory 60 days in the program, Phase 2 = 6-month commitment to reintegrate back into society, requires participation in the ministry & community during time period while monitoring employment status.	NO
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MAUI

<b>Maui County</b>					
<b>The Salvation Army</b>	<b>Lieutenants Steven &amp; Romelia Howard</b>	45 W. Kamehameha St. Kahului HI 96732  (808) 871-6720	<a href="http://hawaii.salvationarmy.org/hawaii/kahului_cops_community_center_page">http://hawaii.salvationarmy.org/hawaii/kahului_cops_community_center_page</a>	In addition to religious services (ministries, Christian education, worship services), also have Emergency shelter, Food & nutrition programs, Casework services, Emergency financial assistance	NO
<b>The Salvation Army - Homeless Programs</b>		35 Halekuai St., Kihei HI 96753  (808) 871-	<a href="http://hawaii.salvationarmy.org/hawaii/kahului_homeless_programs_page">http://hawaii.salvationarmy.org/hawaii/kahului_homeless_programs_page</a>	All of the usual religious services offered at all other locations but geared specifically towards the homeless community.	NO

		6720			
<b>The Salvation Army</b>	<b>Mr. David Hipp, Ms. Kaiulani Galon</b>	1946 Wells St., Wailuku HI 96793  (808) 760-8600	<a href="http://hawaii.salvationarmy.org/hawaii/kahului_mauai_safe_house_program_for_boys_FIS_page">http://hawaii.salvationarmy.org/hawaii/kahului_mauai_safe_house_program_for_boys_FIS_page</a>	All of the usual religious services offered at all other locations, but with program theme Safe House Program For Boys (FIS).	NO
<b>The Salvation Army (outpost)</b>	<b>Gina Kuahuia</b>	35 Halekuai St. Suite 105 Kihei HI 96753  (808) 567 9474	<a href="http://hawaii.salvationarmy.org/hawaii/kahului_molokai_outpost_page">http://hawaii.salvationarmy.org/hawaii/kahului_molokai_outpost_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Still social services based, says they take anyone in need of services.	NO
<b>The Salvation Army (Lighthouse Corps)</b>	<b>Envoy Kevin T. Nagasaki</b>	131 Shaw St., Lahaina HI 96861  (808) 661-5335	<a href="http://hawaii.salvationarmy.org/hawaii/lahaina_lighthouse_corps_page">http://hawaii.salvationarmy.org/hawaii/lahaina_lighthouse_corps_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Also casework services, group work services, nutrition programs. Still social services based, says they take anyone in need of services.	NO
<b>The Salvation Army (Women's Ministry)</b>	<b>Ms. Georgina Kuahina</b>	P.O. Box 38 Kualapu'u HI 96757  (808) 567 9474	<a href="http://hawaii.salvationarmy.org/hawaii/molokai_womens_ministry_page">http://hawaii.salvationarmy.org/hawaii/molokai_womens_ministry_page</a>	Consisting mostly of religious services (Christian education, men's ministries, women's ministries, worship services). Still social services based, says they take anyone in need of services.	NO

LOCATION UNCLEAR

<b>The Salvation Army - Pathway of Hope</b>	<b>Anna Stone (Director)</b>	(808) 440-1831	<a href="http://hawaii.salvationarmy.org/hawaii/pathwayofhope">http://hawaii.salvationarmy.org/hawaii/pathwayofhope</a>  <a href="mailto:Anna.Stone@usw.salvationarmy.org">Anna.Stone@usw.salvationarmy.org</a>	Group of case managers that aid individuals & families in breaking cycle of poverty & drug addiction. Qualifications: 18 yrs+, 90 days sober. Provides connections to spiritual programs, job training, health services, childcare/education, legal services, housing options.	YES
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## Government- Run Agencies & Organizations

<b>Organization /Agency</b>	<b>Key Contact – Other Contacts</b>	<b>Address &amp; Phone Number</b>	<b>Website &amp; E-mail</b>	<b>Description</b>	<b>Legal Services? (Y/N)</b>
<b>OAHU</b>					
<b>Honolulu</b>					
<b>O'ahu Worklinks (Work Hawai'i)</b>	<b>Gary Nakata (Director of City of Honolulu Department of Community Services)</b>  Barbara Yamashita (Deputy Director)	1505 Dillingham Boulevard Suite 110 Honolulu, Hawaii 96817  808-768-5700, 808-768-5600	<a href="http://www.honolulu.gov/dcs/workforce.html">http://www.honolulu.gov/dcs/workforce.html</a>	Helps connect job seekers & employers; provides employer resources & youth programs. Directs employers to job seekers & brings job seekers to helpful employment resources.	NO
<b>Office of Youth Services</b>	<b>Merton Chinen (Executive Director) - Phone Number (808) 587 5706</b>	(Director's Office for Dept. of Human Services Address) 1390 Miller St. Room 209 Honolulu, HI 96813  General contact: (808) 586 4993	<a href="http://humanservices.hawaii.gov/oys/">http://humanservices.hawaii.gov/oys/</a>  <a href="mailto:rcrisafulli@honolulu.gov">rcrisafulli@honolulu.gov</a> <a href="mailto:talkback@hawaiiconversation.org">talkback@hawaiiconversation.org</a>	Provides programs & services for youth & "at-risk" youth to prevent delinquency, reduce recidivism, & provide opportunities for productivity & responsibility through community & family-based treatment.	NO

		- Specific programs: (808) 955-8821			
<b>Department of Public Safety - Paroling Authority - Special Services Branch</b>		919 Ala Moana Blvd, Room 100 Honolulu HI 96814  (808) 587-2513	Official website: <a href="http://dps.hawaii.gov/hpa/">http://dps.hawaii.gov/hpa/</a> Information about Paroling authority - Special Services Section: <a href="http://honolulucounty.hi.networkofcare.org/mh/services/agency.aspx?pid=DepartmentofPublicSafetyParolingAuthoritySpecialServicesBranch_899_2_0">http://honolulucounty.hi.networkofcare.org/mh/services/agency.aspx?pid=DepartmentofPublicSafetyParolingAuthoritySpecialServicesBranch_899_2_0</a>	"Provides parole supervision, counseling, case management, referral, academic & employment advising, group caseload meetings." Target group = those w/ diagnosed serious mental illnesses (SMI), sex offenders & parolees considered high risk for reoffending. Free services. Eligibility: SMI released parolees, sex offenders, high-risk parolees.	NO
<b>Hawai'i's Opportunity Probation with Enforcement Program (HOPE) Probation</b>	Judge Steven S. Alm, creator of the program, First Circuit Court Judge, has retired	Address of First Circuit Court: 777 Punchbowl St. Honolulu HI 96813  (808) 539 4767	Judiciary Page: <a href="http://www.courts.state.hi.us/special_projects/hope/about_hope_probation">http://www.courts.state.hi.us/special_projects/hope/about_hope_probation</a>  HOPE page: <a href="http://hopehawaii.net/">http://hopehawaii.net/</a> HOPE Probation Report: <a href="http://www.courts.state.hi.us/docs/news_and_reports_docs/State_of_the_Art_of_HOPE_Probation.pdf">http://www.courts.state.hi.us/docs/news_and_reports_docs/State_of_the_Art_of_HOPE_Probation.pdf</a>	Probation program that focuses on group leadership, accountability, and reducing recidivism. Unlike many new probation programs, only high-risk reoffenders & sex-offenders are participants. Results have shown improvement in recidivism rates.	
<b>Family Self-Sufficiency Program (FSS)</b>	Lia S. Burton (FSS Program Supervisor & Homeownership Voucher Option coordinator)	1505 Dillingham Blvd Suite 216 Honolulu HI 96817  (808) 768 5727 (808) 768 5733]	US Department of Housing & Urban Development website: <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/fss">http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/fss</a>  FSS Program - Hawaii Public Housing Authority PDF: <a href="http://www.hcdch.state.hi.us/documents/section8/FSS.PDF">http://www.hcdch.state.hi.us/documents/section8/FSS.PDF</a>  <a href="mailto:uburton@honolulu.gov">uburton@honolulu.gov</a>	Housing initiative by Department of Housing & Urban Development to help Section 8 (Rental assistance, project based & public housing) families w/ attaining self-sufficiency, transitioning from government assistance to financial independence, employability skills, home ownership.	NO
<b>Department of Public Safety - Corrections</b>	Barry Coyne	Department of Public Safety: 919 Ala Moana	Articles about the treatment program: <a href="http://www.huffingtonpost.com/entry/sex-offender-treatment-program-hawaii_us_560d98f3e4b0af3706e01324">http://www.huffingtonpost.com/entry/sex-offender-treatment-program-hawaii_us_560d98f3e4b0af3706e01324</a>	No official website for the treatment program, but there exist articles that talk about its accessibility to sex-offenders & low eligibility requirements.	NO

<b>Program Services - Sex Offender Treatment Program</b>		Blvd Honolulu, HI 96814  (808) 587 1271	<a href="http://www.hawaiinewsnow.com/story/14636746/hawaiis-sex-offenders-part-2-preditor-behavior">http://www.hawaiinewsnow.com/story/14636746/hawaiis-sex-offenders-part-2-preditor-behavior</a>		
<b>The Corrections Population Management Commission (CPMC)</b>	<b>Chairperson: Nolan Espinda, Director, Department of Public Safety</b>  Commission Staff: Nona Lawrence and Marseille Reynolds	Department of Public Safety, 919 Ala Moana Blvd., Rm. 401, Honolulu, HI 96814  (808) 587-1356	<a href="http://dps.hawaii.gov/about/cpmc/">http://dps.hawaii.gov/about/cpmc/</a>  <a href="mailto:nona.m.lawrence@hawaii.gov">nona.m.lawrence@hawaii.gov</a>	The Corrections Population Management Commission (CPMC) was established through Act 343, Session Laws of Hawaii 1993. The objective for the CPMC is “establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility”.	NO
<b>Wai’anae</b>					
<b>O’ahu Worklinks</b>	<b>Director of City of Honolulu Department of Community Services: Gary Nakata</b>  Barbara Yamashita (Deputy Director)	85-670 Farrington Highway Wai’anae, Hawaii 96792  808-768-5800	<a href="http://www.honolulu.gov/dcs/workforce.html">http://www.honolulu.gov/dcs/workforce.html</a>	Helps connect job seekers & employers; provides employer resources & youth programs. Directs employers to job seekers & brings job seekers to helpful employment resources.	NO
<b>LOCATION UNCLEAR</b>					
<b>Temporary Assistance</b>	<b>Director of Department</b>	Director's Office: 1390	<a href="http://humanservices.hawaii.gov/bessd/tanf/">http://humanservices.hawaii.gov/bessd/tanf/</a>	Time-limited welfare reform programs for adults with children. Provide monthly cash benefits to families for food, clothing, shelter &	

<p><b>for Needy Families (TANF) and Temporary Assistance for Other Needy Families (TAONF)</b></p>	<p><b>of Human Services State of Hawaii:</b> <b>Pankaj Bhanot</b></p>	<p>Miller St., Room 209 Honolulu HI 96813</p> <p>Benefit, Employment Support Services Division (BESSD): 855 643 1643</p>	<p>Director's email: <a href="mailto:dhs@dhs.hawaii.gov">dhs@dhs.hawaii.gov</a></p>	<p>living essentials. Eligibility: include children under age 19, total gross income under 185% of 2006 Federal Poverty Level; all US citizens in the family = TANF, families w/ at least one non-citizen = TAONF (programs identical aside from funding sources); applicants are expected to fulfill compliance period before receiving benefits.</p>	
<p><b>First-To-Work Program (FTW)</b></p>	<p><b>Director of Department of Human Services State of Hawaii:</b> <b>Pankaj Bhanot</b></p>	<p>Director's Office: 1390 Miller St. Room 209 Honolulu HI 96813</p> <p>Benefit, Employment Support Services Division (BESSD): 855 643 1643</p>	<p><a href="http://humanservices.hawaii.gov/bessd/ftw/">http://humanservices.hawaii.gov/bessd/ftw/</a></p> <p>Director's email: <a href="mailto:dhs@dhs.hawaii.gov">dhs@dhs.hawaii.gov</a></p>	<p>Provides case management, employment &amp; support services to work-eligible individuals in TANF. Provides services to other work eligible individuals w/ temporary disability, rehabilitation from substance abuse, &amp; domestic violence status. Designed to help work-eligible individuals to obtain employment &amp; work towards self-sufficiency &amp; to assist other work eligible individuals to rehabilitate to start engaging in work &amp; employment. Programs: Job Readiness Training, Employment Placement, Vocational/Adult Basic Education, Skill Building.</p>	
<p><b>Division of Vocational Rehabilitation</b></p>	<p><b>Albert Perez (Administrator)</b>  Susan Foard (Assistant Administrator), Vikki Nakamura (Disability</p>	<p>Albert Perez: (808) 586 9755</p>	<p><a href="http://humanservices.hawaii.gov/vocationalrehab/">http://humanservices.hawaii.gov/vocationalrehab/</a></p>	<p>Provides services for those w/ barriers to employment because of physical or cognitive disability. Assists job seekers prepare, secure &amp; retain competitive employment in integrated work setting.</p>	

	Determination Branch Administrator), Lea Grupen (Services for the Blind Branch Administrator).				
<b>Work Hawai'i Division (contains information about programs without websites/much information)</b>	<b>Department of Community Services: Gary Nakata (Director)</b>  Barbara Yamashita (Deputy Director)	Department of Community Service: 715 South King St. Room 311 Honolulu HI 96813  Department of Community Service: (808) 768-7762	<a href="http://www.honolulu.gov/agencies/executive-branch/mainmenu-dcs/mainmenu-dcs-wh.html">http://www.honolulu.gov/agencies/executive-branch/mainmenu-dcs/mainmenu-dcs-wh.html</a>	Family Self-Sufficiency & Homeownership Program, Ho'ala Program, Rent To Work Program, Ticket to Work Program, Vocational Rehabilitation Employment Program, Youth Services Center.	

<b>Department of Labor and Industrial Relations - Workforce Development Division</b>		(808) 586 8877	<p>One Stop Centers: <a href="http://labor.hawaii.gov/wdd/onestop/">http://labor.hawaii.gov/wdd/onestop/</a></p> <p>Hirenet Hawaii: <a href="https://www.hirenethawaii.com/vosnet/Default.aspx">https://www.hirenethawaii.com/vosnet/Default.aspx</a></p> <p>Hawaii Workforce Infonet: <a href="https://www.hiwi.org/vosnet/dashboards/default.aspx?menuid=MENU_START_PAGE_DASHBOARD&amp;pu=1">https://www.hiwi.org/vosnet/dashboards/default.aspx?menuid=MENU_START_PAGE_DASHBOARD&amp;pu=1</a></p> <p>Department of Labor &amp; Industrial Relations main page: <a href="http://labor.hawaii.gov">http://labor.hawaii.gov</a></p> <p><a href="mailto:dliir.workforce.develop@hawaii.gov">dliir.workforce.develop@hawaii.gov</a></p>	<p>Department provides links and services for job seekers, including those that have a criminal record, are unemployed, or have other conditions that prevent them from access to employment opportunity. Programs include Hirenet Hawaii, Worklinks, One Stop.</p>	
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**LEGAL AID OR LEGAL CLINICS**

<b>Organization /Agency</b>	<b>Key Contact – Other Contacts</b>	<b>Address &amp; Phone Number</b>	<b>Website &amp; E-mail</b>	<b>Description</b>
<b>Legal Aid Society of Hawai'i</b>	<p><b>M. Nalani Fujimori Kaina (Executive Director)</b></p> <p>Madonna Castro Perez (Fair Housing)</p>	<p>924 Bethel St. Honolulu HI 96813</p> <p>Oahu: (808) 536 4302.</p> <p>Neighbor Islands 1(800) 499 4302</p>	<p><a href="http://www.legalaidhawaii.org/">http://www.legalaidhawaii.org/</a></p> <p><a href="mailto:Nalani.Kaina@legalaidhawaii.org">Nalani.Kaina@legalaidhawaii.org</a></p>	
<b>Hawai'i State Judiciary -</b>		<p>Honolulu Distrcit Court: 1111</p>	<p><a href="http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers">http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers</a></p>	<p>Access to Justice Room: Volunteer attorneys provide limited legal service to unrepresented litigants in civil cases. Monday, Wednesday,</p>

<b>Access to Justice Room</b>		Alakea St., Third Floor Honolulu HI 96813  District Court Service Center (transferred to Access to Justice Room): (808) 538 5629		and Fridays from 9 a.m. – 1 p.m.
<b>Native Hawaiian Legal Corporation</b>	<b>Roy Catalani (President)</b>  Robert Merce (Vice President, Secretary). Board Members: Kevin Cockett, Mike Hodson, Malia Ka'aihue, Gina Lobaco, Jon Matsuoka, Mark Kawika Patterson, Teresa Tico	1164 Bishop St Suite 1205 Honolulu HI 96813  (808) 521-2302	<a href="http://www.nhlchi.org/our-services">http://www.nhlchi.org/our-services</a>  <a href="mailto:info@nhlchi.org">info@nhlchi.org</a>	Legal representation in protecting & preserving Native Hawaiian traditions & lands.
<b>Hirota &amp; Associates, LLC</b>	<b>Maile M Hirota</b>  Stella Shimamoto	735 Bishop St. Suite 402 Honolulu HI 96813	<a href="http://www.hawaiiimmigrationlaw.com/attorneys/maile-m-hirota/">http://www.hawaiiimmigrationlaw.com/attorneys/maile-m-hirota/</a>  <a href="http://www.hawaiiimmigrationlaw.com/contact-us/?attorney=Maile+M.+Hirota">http://www.hawaiiimmigrationlaw.com/contact-us/?attorney=Maile+M.+Hirota</a>	Focus primarily on US immigration & nationality matters. Business immigration, family-based immigration, citizenship, removal defense

		(808) 587-9600		
<b>Hawai'i Appleseed Center for Law and Economic Justice</b>		P.O. Box 37952 Honolulu, Hawai'i 96837-0952  (808) 587-7605	<a href="http://hiappleseed.org/">http://hiappleseed.org/</a>	Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit, 501(c)(3) law firm created to advocate on behalf of low-income individuals and families in Hawai'i on civil legal issues of statewide importance and to complement the assistance provided by existing legal services providers in the state. Hawai'i Appleseed conducts important research on housing, health, education, immigrants and disability rights issues, to identify underlying problems in the community.

**BIG ISLAND**

<b>Hilo</b>				
<b>Hawai'i State Judiciary – Self-Help Center</b>		777 Kilauea Ave., 1st Floor Hilo HI 96720  (808) 961-0609	<a href="http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers">http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers</a>	Self Help Center: Volunteer attorneys & AmeriCorps Advocates provide legal info to help self-represented litigant navigate through court forms & processes
<b>Legal Aid Society of Hawai'i</b>	<b>M. Nalani Fujimori Kaina (Executive Director)</b>	305 Wailuku Drive Hilo, HI 96720  1(800) 499-4302	<a href="http://www.legalaidhawaii.org/">http://www.legalaidhawaii.org/</a>	Assists individuals with IDs, Birth Certificates, Immigration status, and Social Security cards. Represents clients in cases involving landlord tenant issues, public benefits, family law, consumer protection, worker's rights, and homeless outreach. Runs a hotline / resource navigation page: <a href="http://www.lawhelp.org/hi">http://www.lawhelp.org/hi</a> . Also runs the Hawaii Immigration Justice Center ( <a href="http://www.legalaidhawaii.org/immigrant-justice-center.html">http://www.legalaidhawaii.org/immigrant-justice-center.html</a> )

**KAUAI**

<b>Kaua'i County</b>				
<b>Hawai'i State</b>		3970 Ka'ana St. Lihu'e HI	<a href="http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers">http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers</a>	Self Help Center: Volunteer attorneys & AmeriCorps Advocates provide legal info to

<b>Judiciary - Self Help Center</b>		96766  (808) 482 2660		help self-represented litigant navigate through court forms & processes
<b>Legal Aid Society of Hawai'i</b>	<b>M. Nalani Fujimori Kaina (Executive Director)</b>	3016 Umi St. Suite 208 Lihue, HI 96766  1(800) 499-4302	<a href="http://www.legalaidhawaii.org/">http://www.legalaidhawaii.org/</a>	Assists individuals with IDs, Birth Certificates, Immigration status, and Social Security cards. Represents clients in cases involving landlord tenant issues, public benefits, family law, consumer protection, worker's rights, and homeless outreach. Runs a hotline / resource navigation page: <a href="http://www.lawhelp.org/hi">http://www.lawhelp.org/hi</a> . Also runs the Hawaii Immigration Justice Center ( <a href="http://www.legalaidhawaii.org/immigrant-justice-center.html">http://www.legalaidhawaii.org/immigrant-justice-center.html</a> )

MAUI

<b>Maui County</b>				
<b>Hawai'i State Judiciary – Self Help Center</b>		2145 Main St Wailuku HI 96793  (808) 495 5527	<a href="http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers">http://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers</a>	Self Help Center: Volunteer attorneys & AmeriCorps Advocates provide legal info to help self-represented litigant navigate through court forms & processes
<b>Legal Aid Society of Hawai'i</b>	<b>M. Nalani Fujimori Kaina (Executive Director)</b>	24 N Church St. Suite 401 Wailuku, HI 96793  1(800) 499-4302	<a href="http://www.legalaidhawaii.org/">http://www.legalaidhawaii.org/</a>	Assists individuals with IDs, Birth Certificates, Immigration status, and Social Security cards. Represents clients in cases involving landlord tenant issues, public benefits, family law, consumer protection, worker's rights, and homeless outreach. Runs a hotline / resource navigation page: <a href="http://www.lawhelp.org/hi">http://www.lawhelp.org/hi</a> . Also runs the Hawai'i Immigration Justice Center ( <a href="http://www.legalaidhawaii.org/immigrant-justice-center.html">http://www.legalaidhawaii.org/immigrant-justice-center.html</a> )

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STATE WIDE

<b><i>Hawai'i Legal Services</i></b>		335 Merchant St. #3437 Honolulu HI 96801  (808) 599- 3681	<a href="http://www.processserverhawaii.com/">http://www.processserverhawaii.com/</a> <a href="mailto:staff@ProcessServerHawaii.com">staff@ProcessServerHawaii.com</a>	Process Services - Offered on each of the Hawaiian Islands
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## Appendix CC.

### **Human Services Hawai'i Directory by *Mental Health America of Hawai'i***

For more information or services

- Call: (808) 242-6461, fax: (808)242-1887, or email: [info@mentalhealth-hi.org](mailto:info@mentalhealth-hi.org), or write 1124 Fort Street Mall, Suite #205, Honolulu, Hawai'i 96813
- Maui Branch
  - Call: (808) 242-6461, fax\_(8808)242-1887, email: [info@mauimentalhealth.org](mailto:info@mauimentalhealth.org), or write 95 Mahalani Street, Suite #5, Wailuku, HI 96793

Link – *FINDING HELP: A Human Services Directory for the State of Hawai'i*  
(<https://ihshawaii.org/documents/Human-Services-Hawaii-Directory-by-MHA-Hawaii.pdf>)

## Appendix DD.

### Child Care Services

Child care assistance info and contact info in Hawai'i

- PATCH-People Attentive to Children
  - This is Hawaii's statewide child care resource and referral agency (<http://patchhawaii.org/about-us/>).
  - There are programs that provide child care assistance to low income individuals. More information and details on programs can be found at <http://patchhawaii.org/financial-aid/paying-for-child-care/>. The programs include:
    - Kauai
      - Child and Family Service, Inc.
        - 808-245-5914
    - Big Island of Hawai'i
      - Family Support Services of West Hawaii
        - 808-326-7778
      - CDI (Community Development Institute) Head Start
        - 808-961-0570
    - Maui
      - Maui Economic Opportunity, Inc.
        - 808-249-2988
      - Maui Family Support Service, Inc.
        - 808-242-0900
    - O'ahu
      - PACT Early Head Start
        - 808-842-5996
      - Parents and Children Together
        - 808-733-9022
      - Hawai'i Department of Health
        - 808-733-9022
      - Honolulu Community Action Program, Inc.
        - 808-521-4531

Appendix EE.

## HAWAI‘I DISABILITY RIGHTS CENTER

HAWAI‘I’S PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES  
HAWAI‘I’S CLIENT ASSISTANCE PROGRAM



OUR  
CENTER  
OUR  
SERVICES

1132 Bishop Street, Suite 2102, Honolulu, Hawai‘i 96813

Telephone (v/tty): (808) 949-2922 – Toll Free: (800) 882-1057 – Fax: (808) 949-2928

E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) — Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)

# HAWAI‘I DISABILITY RIGHTS CENTER OUR CENTER OUR SERVICES

## INTRODUCTION

### A. History and Mission

- a. The Hawai‘i Disability Rights Center (HDRC) is Hawai‘i’s designated Protection and Advocacy (P&A) system for people with disabilities and designated Client Assistance Program (CAP). HDRC was established as a non-profit corporation, dba Protection and Advocacy Agency of Hawai‘i in 1977 to protect and advocate for the human, civil and legal rights of people with disabilities:
  - i. Human Rights are those natural rights that are accorded to all human beings. They are clearly stated in the U.S. Constitution as the right to life, liberty and the pursuit of happiness.
  - ii. Civil Rights are an expansion of basic human rights and are specified in the U.S. Constitution, the Bill of Rights and the Hawai‘i State Constitution. They include the rights to: freedom of religion, speech, press, assembly, equal protection under the law, privacy and confidentiality.
  - iii. Legal Rights are an expansion of our human and civil rights as established by specific laws, such as those laws which authorize protection and advocacy for people with disabilities.

### B. Federal Mandates

- a. The Protection and Advocacy (P&A) System for people with disabilities is mandated in seven separate federal laws:
  - i. Protection and Advocacy for Individuals with Developmental Disabilities (PADD) is authorized in the Developmental Disabilities Assistance and Bill of Rights Act, 42 USC 15001.
  - ii. Protection and Advocacy for Individuals with Mental Illness (PAIMI) is authorized in the Protection and Advocacy for Mentally Ill Individuals Act, 42 USC 10801.
  - iii. Protection and Advocacy for Individual Rights (PAIR) is authorized in the Rehabilitation Act, 29 USC 794e.
  - iv. Protection and Advocacy for [Individuals in Need of] Assistive Technology (PAAT) is authorized in the Assistive Technology Act, 29 USC 3011, 3012.
  - v. Protection and Advocacy for Beneficiaries of Social Security (PABSS) is authorized in the Ticket to Work and Work Incentives Improvement Act, 42 USC 1320b-20.
  - vi. Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI) in the Children's Health Act of 2000, 42 USC 300d-

53. Protection and Advocacy for Voter Assistance (PAVA) in the Help America Vote Act of 2002, 42 USC 15461-62.

- vii. The Client Assistance Program (CAP), is nationwide system authorized in the Rehabilitation Act, 29 USC 732 to:
  - 1. Inform and advise all applicants and recipients of all available services under the Rehabilitation Act and to help them obtain services;
  - 2. Investigate complaints, resolve problems, appeal decisions; or to represent applicants and clients of vocational rehabilitation in legal or other proceedings; and
  - 3. Provide information about Title I of the ADA.

### **C. State Mandate**

- a. Protection and Advocacy is also authorized in Hawai'i Revised Statutes 333F-8.5, and HDRC is designated by Executive Orders 77-3, 82-4, 89-2 and 94-06 to provide its important protections for people with disabilities in the State of Hawai'i.

### **D. Coordination and Partnerships**

- a. The Hawai'i Disability Rights Center assures that its programs are coordinated through centralized intake, case assignment and supervision, creation of priorities and objectives, public comments, client grievance procedures and a consolidated information system.
- b. HDRC meets regularly with the State Planning Council on Developmental Disabilities (SPCDD) and the University Center for Excellence (UCE) to assure coordination of mandates and activities established in the federal DD Act. HDRC serves on the SPCDD Council and on the UCE Advisory Council. HDRC meets with the Office of the Long Term Care Ombudsman (LTCO) to assure coordination of services.

### **E. Constituents - People with Disabilities**

- a. HDRC serves people with disabilities. Disability is usually defined in terms of functional limitation in the following areas: Capacity for self-care, Mobility, Independent living, Economic self-sufficiency, Learning, Self-direction, or Receptive and expressive language.
- b. The Americans with Disabilities Act (ADA) definition of disability consists of three parts:
  - i. A physical or mental impairment that substantially limits one or more major life activity;
  - ii. A record of such impairment(s); or
  - iii. The perception of having such impairment.
- c. According to U.S. Census Bureau data the State of Hawai'i has about 1,419,000 residents. Federal health and census data conservatively estimates that 15% of the population has a disability; therefore, it is estimated that 210,000 of Hawai'i's citizens have a disability and are potential beneficiaries of HDRC.

### **F. Resources**

- a. HDRC has resources to serve one to two percent (2,100 to 4,200) of the State's citizens with disabilities a year. HDRC maintains a staff of approximately 20 employees to serve the entire State of Hawai'i.

## SCOPE OF SERVICES

### 1. Rights Issues

- a. HDRC has identified and organized the “universe” of issues in which the Center may protect and advocate for the human, civil and legal rights of people with disabilities, as follows:
  - i. Care and Treatment - the right to receive care and treatment in the most integrated setting appropriate; which is free from abuse and neglect; and which is provided with access to due process, informed consent, confidentiality and privacy.
  - ii. Citizenship – the rights to accessible public facilities; to move about freely; to vote; serve on juries; to enter into contracts; to own and dispose of property; and to become naturalized citizens.
  - iii. Education – the rights to individualized educational programs and related services; integration into regular classrooms; freedom from discriminatory arrest, suspension, expulsion from school.
  - iv. Employment – the rights to freedom from discrimination in hiring, provision of reasonable accommodation, advancement, or termination in competitive, supported, or sheltered employment; the right to assistance resolving problems with VR services.
  - v. Freedom of Association – the rights to form and maintain relationships; to reproduce; to raise children.
  - vi. Housing – the rights to freedom from discrimination in obtaining and maintaining housing and to keep companion/service animals in one's home.
  - vii. Justice - the right to be considered competent and to conduct one's own affairs, unless determined by a court of law to lack such capacity. Protection of civil rights in commitment and release proceedings, and the right to humane treatment during confinement.
  - viii. Programs and Services - the right to accessible programs and services; and to freedom from discrimination in obtaining and maintaining services for which one is legally qualified, such as Assistive Technology, Medicaid, SSI/SSDI, transportation, services for specific disabilities, etc.

### 2. Advocacy Outcomes

- a. In all its work, HDRC strives to achieve one of the following broad outcomes to advance the human, civil and legal rights of all people with disabilities:
  - i. Freedom from Abuse and Neglect - People with disabilities are free from acts, or failures to act, which result in their physical, psychological or financial harm or death.

- ii. Accessible Communities - People with disabilities gain access to employment, public facilities, programs and services and transportation as established in the Americans with Disabilities Act.
- iii. Freedom from Prejudice, Discrimination and Stigma – People with disabilities have the right to enjoy the human, civil and legal rights bestowed upon all residents and citizens of the United States without prejudice (negative opinions solely because of their disability); discrimination (negative and unfair treatment solely because of their disability); and stigma (being solely identified on the basis of their disability).
- iv. Self Determination - People with disabilities advocate and make choices for themselves; select, control and evaluate the services they receive; and demonstrate their own competence.
- v. Provision of Information - People who do not qualify for HDRC services are provided with information about and referral(s) to other sources of assistance so they may continue to pursue resolution of their problem(s).

**\*It is the policy of the Hawai'i Disability Rights Center to advocate for as many people with disabilities in the State of Hawai'i on as wide a range of disability issues as our resources allow; and to: Resolve rights violations with the lowest feasible level of intervention; but, if necessary, to also: Provide full legal representation to protect the rights of people with disabilities, consistent with authorizing statutes and Center priorities.**

## A. Service Priorities

- a. Priorities are those issues that are given preference in the case screening and selection process. Once each year HDRC holds a public comment period to solicit comments and recommendations from its constituency and the community on those issues which should be priorities for the Center. HDRC client services priorities should be:
  - i. Compatible with our mission and values
  - ii. Compatible with our areas of expertise (i.e. problems have legal implications)
  - iii. Compatible with our eligibility requirements
  - iv. Unmet by other organizations
  - v. Of probable significant impact (Individual and systemic)
  - vi. Feasible - cost is within HDRC resources; and
  - vii. Consistent with funding requirements

## ELEMENTS OF ADVOCACY

- Advocacy Activities
  - HDRC engages in the following activities to accomplish its objectives:
    - Outreach - Identification of and outreach to un-served and under-served (racial, ethnic, geographic) groups. Service on councils, groups, task forces concerned with disability issues.
    - Provision of Information - Provision of information, and referral to other sources of assistance when HDRC is not able to help an applicant.
    - Education and Training - Education and training activities for people with disabilities, families, communities, legal professionals and service providers.
    - Individual Casework - Provision of advocacy to resolve issues or problems for individuals with disabilities. Individual advocacy includes: Technical Assistance for Self-Advocacy, Short Term Assistance and Comprehensive Advocacy.
    - Systemic Casework - Activities undertaken to implement changes in policies and practices of systems that impact people with disabilities. Systemic advocacy may include planned collaborative activities with other organizations to effect change; advocacy to change legislation and regulations that affect people with disabilities; and legal remedies, such as class action litigation, which effects changes for many people with disabilities.
- Advocacy Interventions
  - HDRC always tries to resolve problems with the lowest feasible level of intervention, such as counseling/professional assistance, investigation, monitoring, mediation, negotiation, arbitration, administrative reviews; and administrative appeals.
  - However, Congress has directed that protection and advocacy systems should have the capacity to provide full legal representation for its clients, including litigation, if necessary.
- Advocacy Principles
  - HDRC strives to provide services that are:

- Sensitive to the personal dignity, choice and cultural/ethnic diversity of each client;
- Offered with appropriate accommodations;
- Distributed based on the needs of people with disabilities; and
- Consumer driven and consumer responsive.

## ADVOCACY ELIGIBILITY AND ASSISTANCE

- Basic Eligibility Requirements
  - The individual has a disability, as defined in our CAP or one of our P&A programs; and
  - The individual meets the eligibility criteria as defined in our CAP or P&A programs; and
  - The individual has a problem that has resulted from or is related to the disability; and
  - The individual's problem is within HDRC's current Client Service priorities
- HDRC does not provide assistance when:
  - The individual does not have a disability or does not have a disability-related problem.
  - The individual is represented by another attorney or agency.
  - The individual's problem is one commonly accepted by the private bar or by local legal services programs, or the legal expertise is available elsewhere.
  - The individual's problem involves a statutory right to appointed counsel.
  - The problem concerns the interests of service providers or families, guardians, or conservators of persons with disabilities, unless that interest is consistent with the interest of the person with a disability.
- HDRC only assists with these issues in compelling and unique circumstances:
  - Bankruptcy
  - Consumer protection or products liability
  - Conservatorship or guardianship of the person or property
  - Criminal proceedings
  - Estate planning and wills
  - Family law - adoption, child support, custody, divorce
  - Malpractice
  - Private insurance issues
  - Property disputes
  - Tax issues
  - Tort-Personal Injury – Money Damages
  - Workers compensation or ERISA
- These questions help HDRC EVALUATE requests for assistance:
  - Is the individual able to advocate for the resolution of his/her own problem?
  - Are there other advocacy resources available to this individual?

- How immediate, severe and long-lasting are the effects of the problem on the individual?
- How complex is the individual's problem or the bureaucracy or service delivery system causing the problem?
- Does the individual have a claim backed up with strong legal grounds or other evidence?
- Does this claim have the potential to impact the legal rights of other people with disabilities?
- Does this claim have a good possibility of satisfactory resolution through HDRC intervention?
- Does HDRC staff have the expertise necessary to resolve this problem?
- Does HDRC have adequate staff and resources to accept this case without negatively affecting existing clients?

#### HDRC SERVICES:

2. No Income Requirements
3. No Forms to Complete
4. Always Free
- 5.

#### TO REQUEST ASSISTANCE:

3. Visit our Office
4. Call us
5. Visit our Website

**Please contact us for copies of this publication in alternate formats.  
This publication may be downloaded from our website.**

**1132 Bishop Street, Suite 2102, Honolulu, Hawai'i 96813**  
**Telephone (v/tty): (808) 949-2922 – Toll Free: (800) 882-1057 – Fax: (808) 949-2928**  
**E-mail: [info@hawaiidisabilityrights.org](mailto:info@hawaiidisabilityrights.org) — Website: [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org)**

## HDRC ADVOCACY GOALS

HDRC Services are Provided to Protect these RIGHTS (1-8),  
Advocate for these OUTCOMES (A-E) and Achieve these GOALS (1.A –

	1. CARE & TREATMENT	2. CITIZENSHIP	3. EDUCATION	4. EMPLOYMENT	5. FREEDOM OF ASSOCIATION	6. HOUSING	7. JUSTICE	8. PROGRAMS & SERVICES
<i>A. FREEDOM FROM ABUSE AND NEGLECT</i>	1.A – Goal People with disabilities who live in 24-hour care and treatment facilities are free from abuse and neglect	2.A - Goal People with disabilities are not abused or neglected while performing their duties as citizens	3.A - Goal Children with disabilities are not unlawfully disciplined, suspended or expelled from school.	4.A - Goal People with disabilities are not abused or neglected in the workplace.	5.A - Goal People with disabilities are not subject to involuntary sterilization	6.A - Goal People with disabilities are not abused or neglected in their homes	7.A - Goal People with disabilities are not abused or neglected during detention, nor denied lawful release	8.A - Goal People with disabilities are not abused or neglected by their service providers
<i>B. ACCESSIBLE COMMUNITIES</i>	1.B - Goal Care & treatment facilities are accessible to people with disabilities	2.B - Goal Public facilities are accessible to people with disabilities	3.B - Goal Schools are accessible to children with disabilities	4.B - Goal Vocational preparation sites and workplaces are accessible to people with disabilities	5.B - Goal Freedom of Association is not limited by inaccessible facilities	6.B - Goal People with disabilities have accessible homes	7.B - Goal Judicial and detention facilities are accessible to people with disabilities	8.B - Goal Programs and services are accessible to people with disabilities
<i>C. FREEDOM FROM PREJUDICE, DISCRIMINATION AND STIGMA</i>	1.C - Goal People with disabilities will receive care and treatment that is appropriate and provided in the least restrictive environment	2.C - Goal People with disabilities can vote, serve on juries, and become naturalized citizens.	3.C - Goal Children with disabilities are identified, evaluated, and receive a free and appropriate public education and related services.	4.C - Goal People with disabilities receive training and are accommodated in hiring, employment and advancement.	5.C - Goal People with disabilities enjoy freedom of movement and choice of activities	6.C - Goal People with disabilities live in the community; and keep service or companion animals at home	7.C - Goal People with disabilities have competent and timely legal representation	8.C - Goal People with disabilities have the finances, services technology and transportation they need to live independently
<i>D. SELF-DETERMINATION</i>	1.D - Goal People with disabilities make their own decisions about their care and treatment	2.D - Goal People with disabilities can own property, enter contracts, make wills and travel freely.	3.D - Goal Parents and children make decisions about their education.	4.D - Goal People with disabilities make decisions about their vocational training goals and employment.	5.D - Goal People with disabilities make decisions about relationships, marriage, and parenthood.	6.D - Goal People with disabilities own homes, make decisions about their housing.	7.D - Goal People with disabilities with capacity are their own guardians.	8.D - Goal People with disabilities make decisions about their programs and services
<i>E. PROVISION OF INFORMATION</i>	1.E - Goal People with disabilities have information about and appropriate referrals for care and treatment issues not addressed by HDRC.	2.E - Goal People with disabilities have information about and appropriate referrals for citizenship issues not addressed by HDRC.	3.E - Goal People with disabilities have information about and appropriate referrals for education issues not addressed by HDRC.	4.E - Goal People with disabilities have information about and appropriate referrals for employment issues not addressed by HDRC.	5.E - Goal People with disabilities have information about and appropriate referrals for family issues not addressed by HDRC.	6.E - Goal People with disabilities have information about and appropriate referrals for housing issues not addressed by HDRC.	7.E - Goal People with disabilities have information about and appropriate referrals for justice issues not addressed by HDRC.	8.E - Goal People with disabilities have information about and appropriate referrals for service issues not addressed by HDRC

**DISABILITY RIGHTS VIOLATIONS**

**HDRC Works to Protect these RIGHTS (1-8), Advocate for these OUTCOMES (A-E)**

**and Resolve these RIGHTS VIOLATIONS (1.A - 8.E)**

A. *Care & Treatment*    B. *Citizenship*    C. *Education*    D. *Employment*    E. *Freedom of Association*    F. *Housing*    G. *Justice*    H. *Programs & Services*

	1.A – Violations	2.A – Violations	3.A – Violations	4.A – Violations	5.A – Violations	6.A – Violations	7.A – Violations	8.A – Violations
* <b>Freedom from Abuse and Neglect</b>	* Death	* Neglect	* Abuse at School	* Abuse in the Workplace	* Involuntary Sterilization	* Unlawful Eviction	* Denial of Rights in Pre-Sentencing	* Abuse in Provision of Programs & Services
	* Abuse	* Facility Condition	* Arrest, Suspension, Explosion	* Neglect in Vocational Rehabilitation Programming		* Other Abuse in Housing	* Inhuman Treatment during Detention	
	* Financial	* Failure to Discharge					* Delayed Release After Civil Commitment	
	* Physical	* Personal Care					* Delayed Release after Criminal Commitment	
	* Psychological	* Personal Safety					* Denial of Rights during Probation or Parole	
	* Sexual	* Medical						
	* Medications	* MH Treatment						
	* Medical	* MH Aversive Therapy						
	* MH Treatment	* MH ECT						
	* MH Aversive Therapy	* Medical						
	* MH ECT							
	* Inappropriate or Excessive							
	* Physical Restraint							
	* Chemical Restraint							
* Mechanical Restraint								
* Seclusion								
* <b>Accessible Communities</b>	1.B Violations	2.B Violations	3.B Violations	4.B Violations	5.B Violations	6.B Violations	7.B Violations	8.B Violations
	* Accessible Care & Treatment Facilities	* Accessible Public Facilities	* Accessible Schools * AT – Accessible Voter Registration * Accessible Emergency Shelters	* Accessible Workplaces		* Accessible Housing * Accessible Housing	* Accessible Judicial & Detention Facilities	* Accessible Programs and Services * Accessible Public Transportation
* <b>Freedom from Prejudice, Discrimination and Stigma</b>	1.C – Violations	2.C – Violations	3.C – Violations	4.C – Violations	5.C – Violations	6.C – Violations	7.C – Violations	8.C – Violations
	* Care and Treatment in most Integrated Setting * ADA Integrations Mandate	* Jury Service * Naturalization * Voting * Education & Registration * Voting Complaints	* Early ID & Intervention * Evaluation * IEPs * 504 Plans * Placement – Integration * School to Work Transition	* VR Services * Discriminations in Hiring/Discharge * Reasonable Accommodation * Advance toward Competitive Employment * Return to Gainful	* Freedom of Movement * Choice of Activities	* Eligibility * Zoning/NIMBY * Companion or Service Animal at Home	* Access to Timely Legal Representation * SSI * SSDI * Independent Living * AT – Medicaid * AT – Medicare	* Access to: * Assistive Technology * DD Services * Financial Entitlements * Habilitation/Rehabilitation * HIV/AIDS * Insurance

- \* Related Services
- \* AT – SPED
- \* AT – Post-Secondary

- Employment
- \* Supported Employment
- \* Employment Benefits
- \* AT – Employment
- \* AT – SSI/SSDI Work Incentives
- \* AT – VR Services

- \* AT – Private Insurance
- \* AT – Transport
- \* Emergency Preparedness Plans
- \* POA – Ed
- \* POA Health
- \* Substandard Programs & Services

- \* Legal Services
- \* Medical/Med-QUEST
- \* Mental Health
- \* P&A Information
- \* Recreation
- \* Transportation
- \* ACD
- \* DME
- \* Vehicle Mod

1.D. – Violations	2.D. – Violations	3.D. – Violations	4.D. – Violations	5.D. – Violations	6.D. – Violations	7.D. – Violations	8.D. – Violations
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|---|---|--|--|---|--|---|---|
| <ul style="list-style-type: none"> <li>* Admission, Commitment</li> <li>* Advance Directives</li> <li>* Right to/Choice Treatment – (ISP)</li> <li>* Informed Consent</li> <li>* Records – Access</li> <li>* Records – Confidential</li> <li>* Right to Privacy</li> <li>* Failure to Follow Advance Directives</li> <li>* Consumer Finances</li> </ul> | <ul style="list-style-type: none"> <li>* Contracts &amp; Property Ownership</li> <li>* Wills and Estates</li> <li>* Rights to Travel from State to State</li> <li>* Personal Assistance</li> <li>* Discharge w/ Appropriate Services</li> <li>* Maintain Services</li> <li>* Recidivism Prevention</li> </ul> |  |  | <ul style="list-style-type: none"> <li>* Reproductive Rights</li> <li>* Parental Rights to Raise Children</li> <li>* Rights to Form and/or End Personal/Sexual Relationships</li> </ul> | <ul style="list-style-type: none"> <li>* Home Ownership</li> </ul> | <ul style="list-style-type: none"> <li>* Guardian ad litem</li> <li>* Termination of Guardianship</li> <li>* I&amp;R on Guardianship</li> <li>* Civil Commitment for Treatment of Mental Illness</li> <li>* Criminal Commitment for Treatment of Mental Illness</li> <li>* Criminal Justice Issues</li> </ul> | <ul style="list-style-type: none"> <li>* Decision-Making About: See 01-23 in Box 8.C</li> </ul> |
|---|---|--|--|---|--|---|---|

1.E – Violations	2.E – Violations	3.E – Violations	4.E – Violations	5.E – Violations	6.E – Violations	7.E – Violations	8.E – Violations
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|--|--|---|--|--|---|--|---|
| <ul style="list-style-type: none"> <li>* Medical Malpractice</li> <li>* Other Malpractice</li> </ul> | <ul style="list-style-type: none"> <li>* Bankruptcy</li> <li>* Estate Planning</li> <li>* Tax Issues</li> <li>* Tax Defense</li> </ul> | <ul style="list-style-type: none"> <li>* Student Loans</li> </ul> | <ul style="list-style-type: none"> <li>* ERISA Issues</li> <li>* Workers Compensation</li> </ul> | <ul style="list-style-type: none"> <li>* Adoption</li> <li>* Child Support</li> <li>* Custody Issues</li> <li>* Divorce</li> <li>* TROs</li> <li>* Other Family Law Matters</li> </ul> | <ul style="list-style-type: none"> <li>* Landlord/Tenant Disputes</li> <li>* Real Estate Issues</li> <li>* Other Property Issues</li> </ul> | <ul style="list-style-type: none"> <li>* Criminal Defense</li> </ul> | <ul style="list-style-type: none"> <li>* Consumer Protection</li> <li>* Products Liability</li> </ul> |
|--|--|---|--|--|---|--|---|

\* **Self-Determination**

\* **Provision of Information**

## Appendix FF.

### **Legal Aid Society of Hawai'i Brochures**

- How to obtain Hawai'i State I.D.
- How to File a Housing Discrimination Complaint with the Hawai'i Civil Rights Commission
- Public Housing: The Grievance Process Procedure
- Eviction: The Court Process
- Housing: Tenant Rights and Responsibilities



# LEGAL AID SOCIETY OF HAWAI'I



## HOW TO OBTAIN A HAWAII STATE ID

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through the AmeriCorps  
Project Laulima at the  
Legal Aid Society of Hawaii



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Revised July 2013 . O22. How to Obtain A Hawaii State ID.

## OBTAINING A HAWAII STATE ID:

In order to obtain a Hawaii State ID, you must present documentary proof of **legal name, date of birth, social security number, legal presence** and **proof of principal residence**. Documents presented for proof of name, date of birth, legal presence, and Social Security Number must be valid originals or certified copies. Below is a list of acceptable documents for a Hawaii state identification card presenting documentary proof of legal name, date of birth, and legal presence:

- *U.S. State, Local Government –issued Certificate of Birth ID Card*
- *Valid U.S. Passport or Passport Card*
- *U.S. State, Local Government –issued Consular Report of Birth Abroad*
- *Certificate of Citizenship (N560)*
- *Certificate of Naturalization*
- *Non-U.S. Citizen – Valid DHS/USCIS I-551 Permanent Resident Card issued since 1997*
- *Non-U.S. Citizen – Valid DHS/USCIS I-688 Temporary Resident Card*
- *Non-U.S. Citizen – Valid DHS/USCIS I-688B, I-766 Employment Authorization Card*
- *Non-U.S. Citizen – Valid Foreign Passport with Appropriate Immigration Documents*

For presenting proof of Social Security Number, the following documents will be sufficient:

- *Social Security Card*
- *A pay stubs with the applicant's name and Social Security Number printed*
- *Wage and Tax Statement Form W-2 or 1099R, provided the Social Security Number is printed on the document, original or certified copy.*
- *Medicare ID Card (Suffix A, M, T, and TA only – indicates Social Security Number for the person named on the card)*
- *SSA-1099 form, from a previous year*
- *Non SSA-1099 form, from a previous year*

For presenting proof of principal residence address, you must provide **two documents** from the following:

- *Valid Driver's License*
- *Vehicle registration or title issued at least 30 days before the application date*
- *Voter registration card or other mail addressed to the applicant from a government or medical entity*
- *Utility bill with the applicant's name and address*
- *Checking or savings account statement not more than two months old*
- *Payroll check or payroll check stub with applicant's name and address issued by an employer within two months of the application date*
- *Mortgage account or proof of home ownership*
- *Current property tax assessment form*
- *Receipt for personal property taxes paid*
- *Residential rental or time-share agreement for six months or more*
- *A W-2 form or 1099 form*

- *Student identification card or document*
- *Medical card issued by a health insurance agency*
- *Letter from the Hawaii State Department of Human Services indicating the person is receiving welfare assistance and that person's address*
- *Department of taxation form A-6, application for tax clearance*
- *Homeless applicants may use the address of their current shelter agency, or if not staying in a shelter, may use the general delivery of the post office nearest where they spend most of their time*
- *If the applicant is in a shelter because of abuse, the applicant may display the address of a relative or friend or post office box number on the card, but must provide the applicant's principal address for file purposes*
- *Applicants documenting enrollment in a State or Federal address confidentiality program which allows an applicant to obtain and use alternative addresses may use an alternative address on the card, but must provide the applicant's permanent address for file purposes*
- *In areas where a number and street name have not been assigned for United States mail delivery, an address convention used by the United States Postal Service is acceptable*
- *Spouse or parent affidavit, provided the spouse or parent's address can be verified*
- *Other documents the examiner of drivers accepts of proof of Hawaii principal address*

For a full list of acceptable documents of a Hawaii State ID, go to <http://hidot.hawaii.gov/hawaiistateid/>. In general, 1) a certified copy of your birth certificate or current U.S. Passport AND 2) Social Security card will suffice to show documentary proof of legal name date of birth, social security number, and legal presence. This brochure will guide you on how to obtain a certified copy of your birth certificate and social security card.

#### WHAT IF I HAVE THESE ITEMS ALREADY?

If you have all of these items, you can go to any of the following Driver License locations listed below. Bring \$20 cash or \$15 if you are 65 years of age and older. Please call or check on-line for current fees as these may have changed. The applications for a State ID are available online, as well as in paper form, at any of the locations listed below.

#### **Driver License Locations:**

##### **City and County of Honolulu**

- Kalihi-Kapalama – 1199 Dillingham Blvd., Driver Licensing A-101, (808) 532-7730
- Wahiawa – 330 North Cane St., (808) 621-7255
- Waianae – 85-670 Farrington Hwy., (808) 768-4222
- Kapolei – 1000 Ulu`ohi`a St., (808) 768-3100
- Koolau – 47-388 Hui Iwa St., Suite 19, (808) 239-6301

##### **Maui County**

- Kahului – 70 E. Kaahumanu Ave., Suite A-17 (Maui Mall Shopping Center), (808) 270-7363
- Kihei – 303 East Lipoa St., (808) 270-7363
- Lahaina – 900 Front St., Unit I-17, (808) 270-7363
- Pukalani – 91 Pukalani St.(Hannibal Tavares Community Center), (808) 270-7363

- Hana – Hana Hwy. and Uakea Rd. (County Public Works Office), (808) 248-7280
- Lanai – 309 Seventh St. #101, (808) 565-7878
- Molokai – 100 Ailoa St. (Mitchell Pauole Center), (808) 553-3430

**Hawaii County**

- Hilo – 349 Kapiolani St., (808) 961-2222
- Kona – 74-5044 Ane Keohokalole Hwy. (West Hawaii Civic Center), (808) 323-4800

**Kauai County**

- Lihue – 4444 Rice St., Suite A-480, (808) 241-4242

**WHAT IF I DON'T HAVE A CERTIFIED COPY OF MY BIRTH CERTIFICATE?**

If you need to replace your ID and do not have a certified copy of your birth certificate, you can go in person to the Department of Health at 1250 Punchbowl Street, Honolulu, HI 96813 between the hours of 7:45 a.m. to 2:30 p.m.. Although the application states that you must show ID, if you are obtaining your own birth certificate, the State of Hawaii does not require you to show ID. If you were born out of state, contact that state's department of health and find out how you can order your birth certificate via mail.

**WHAT IF I DON'T HAVE A SOCIAL SECURITY CARD?**

Your Social Security Card is just one way of showing documentary proof of your social security number. Go to <http://hidot.hawaii.gov/hawaii-state-id/> for a list of acceptable documentary proof of your social security number. If none of these apply, you can get or replace a social security card by completing a form SS-5 and taking or mailing your completed form to your local Social Security office. The form is available online at <http://www.ssa.gov/ssnumber/>. Please note that because the Honolulu Social Security office is located inside the Federal Building, individuals without an ID can only enter the building escorted by a security guard at 10am or 2pm. Arrive at 9:30am or 1:30pm and wait to be escorted into the office.

See next page for helpful contact information.

**SSA Branch Office Locations:**

**Honolulu**

RM 1-114 Fed Bldg  
300 Ala Moana Blvd.  
Honolulu, HI 96850

**Kapolei**

Kapolei Pacific Center  
970 Manawai Street  
Kapolei, HI 96707

**Lanai**

Suite 125  
2200 Main Street  
Wailuku, HI 96793

**Maui**

Suite 125  
2200 Main Street  
Wailuku, HI 96793

**Kauai**

Suite 105  
4334 Rice Street  
Lihue, HI 96766

**Big Island (Hawaii)**

Suite 710  
111 E. Puainako Street  
Hilo, HI 96720

**Molokai**

Suite 125  
2200 Main Street  
Wailuku, HI 96793

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**Legal Aid Society of Hawai'i**

924 Bethel Street  
Honolulu, HI 96813

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

**Legal Aid's Hotline:**

**O'ahu:** 808.536.4302  
**Neighbor Islands:** 1.800.499.4302

**REMEMBER:**

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

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## What if I missed the 180-day deadline to file with HCRC?

1. You can still file a complaint with the Department of Housing and Urban Development (HUD). You have **1 year** from the date of the last alleged discrimination to file a complaint with HUD. You can fill out the complaint form at the HUD website:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opportunity/online-complaint](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity/online-complaint)
2. You can still file a lawsuit in either state or federal court. You have **2 years** from the last date of discrimination to file suit. You should seek the advice of a licensed attorney because this process can be quite long and is very complicated.

## Can Legal Aid Help me with my HCRC Complaint?

Although we cannot guarantee assistance in every case, the Fair Housing Enforcement Program (FHEP) at the Legal Aid Society of Hawai'i may be able to assist you with your HCRC complaint. Please contact the Fair Housing Hotline for possible assistance at (866) 527-FAIR.

## FAIR HOUSING ENFORCEMENT PROGRAM

### ABOUT OUR PROGRAM

The Fair Housing Enforcement Program at the Legal Aid Society of Hawai'i is dedicated to ensuring that all persons are afforded equal access to housing, furthering the goal of equal opportunity housing and providing assistance in the enforcement of fair housing law.

State and Federal laws prohibits housing discrimination based on race, color, religion, national origin, religion, gender identity or expression, family status, disability, marital status, age, sexual orientation and HIV infection.

### FAIR HOUSING HOTLINE

Oahu: (808) 527-8024  
Neighbor Islands: (866) 527-FAIR (3247)  
[www.fairhousinghawaii.org](http://www.fairhousinghawaii.org)

## LEGAL AID SOCIETY OF HAWAI'I

924 Bethel Street  
Honolulu, HI 96813

### MAIN LEGAL INTAKE HOTLINE

Toll Free: (800) 499-4302

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

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LEGAL AID SOCIETY OF HAWAI'I



## HOW TO FILE A HOUSING DISCRIMINATION COMPLAINT WITH THE HAWAI'I CIVIL RIGHTS COMMISSION

**\*\*You have 180 days from the last date of discrimination to file a complaint with the Hawai'i Civil Rights Commission\*\***

## How do I File my Complaint?

**STEP 1:** You must complete a Pre-Complaint Questionnaire (PCQ) for Real Property Transactions. For a copy of this form, you can either contact HCRC or print it from their website at: <http://labor.hawaii.gov/hcrc/forms/>

**STEP 2:** Fill out the PCQ completely. Make sure you identify the key instances of discrimination by your housing provider (e.g. statements or actions).

**STEP 3:** Make 3 copies of your completed PCQ (1 for you and 2 for HCRC).

**STEP 4:** Submit your completed PCQ with two copies to HCRC by mail or facsimile.\*

### Hawai'i Civil Rights Commission

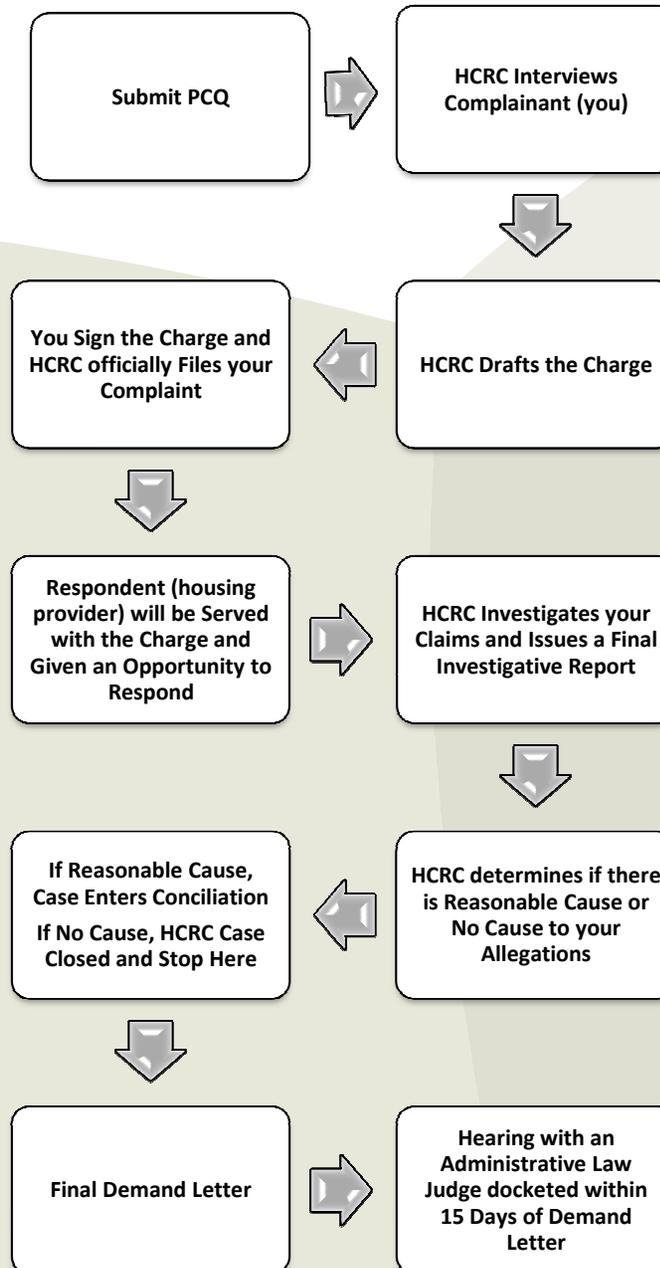
Address: 830 Punchbowl Street, Room 411  
Honolulu, HI 96813

Phone: (808) 586-8636

Fax: (808) 586-8655

\*You MUST still mail the original and two copies of your PCQ if you fax it. HCRC may not accept your faxed complaint if you do not also mail the original + 2 copies.

## What happens after I file my PCQ?



## Pre-Determination Settlement

After your PCQ has been filed, HCRC will give you an opportunity to take part in pre-determination settlement (PDS). PDS aims to resolve the dispute between Complainant and Respondent without the completion of a formal investigation. The PDS process is voluntary and confidential. PDS is similar to mediation and is designed to help the parties achieve a mutual resolution. HCRC works impartially with both parties to reach a settlement that may benefit everyone. If a settlement can be reached during PDS, that is not an admission that Respondent has violated the law, nor is it an admission by Complainant that his or her allegations do not have merit. It is merely a process by which the parties try to reach a quick, amicable resolution.

## What Can I Do if HCRC Issues a No Cause Determination?

- Write a letter to HCRC requesting reconsideration. In your letter, clearly outline any reasons why you believe HCRC should reconsider and submit any new evidence supporting your position. You have 30 days from the date you receive the Notice of Dismissal to submit your Request for Reconsideration letter.
- Consider filing a private lawsuit in State Circuit Court within 90 days after receiving the Right to Sue Letter. Seek legal advice about your options and deadlines to file in State vs. Federal Court.



# LEGAL AID SOCIETY OF HAWAI'I



## PUBLIC HOUSING: THE GRIEVANCE PROCEDURE

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### IMPORTANT

This brochure applies to tenants in public housing developments operated by the Hawaii Public Housing Authority (“HPHA”).



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Revised July 2016. [H21] Public Housing – Grievance Process

# INTRODUCTION TO THE GRIEVANCE PROCEDURE

The Grievance Procedure applies to tenants in public housing developments operated by the Hawaii Public Housing Authority (“HPHA”). A “**grievance**” is any complaint a tenant may have about an action, decision, or inaction of the HPHA. Tenants can use the Grievance Procedure to challenge HPHA actions, decisions, or inactions, which violate individual lease agreements and/or tenants’ rights.

The Grievance Procedure applies to all individual complaints, EXCEPT those that involve:

- Eviction due to:
  - Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or HPHA employees; OR
  - Any drug-related criminal activity *on* or *off* the housing premises;
- Any dispute between tenants that does not involve HPHA;
- Any attempt by a tenant to change HPHA-Tenant policies.

The Grievance Procedure can be broken down into two parts: (1) an Informal Conference, and (2) a Formal Grievance Hearing. If at first you cannot resolve the dispute during your Informal Conference, then you may request a Formal Grievance Hearing.

The Grievance Procedure is time-sensitive. If you miss important deadlines, HPHA is not obligated to go through the grievance process with you. Still, you should submit any/all complaints because HPHA may grant a hearing regardless of missed deadlines.

## PART I: INFORMAL CONFERENCE

The first part of the Grievance Procedure is an Informal Conference (informal settlement meeting). The purpose of the Informal Conference is to discuss and, perhaps, resolve the dispute without moving to a Formal Hearing. Take the following steps to begin the grievance process:

### **STEP 1: Ask your Property Manager for an Informal Conference.**

You should submit a written request for an Informal Conference to the HPHA main administrative office, or your Property Management office. *(NOTE: You may request an Informal Conference verbally but if your case moves to a Formal Hearing, you may have difficulty proving the details of your request).* You must submit your request for an Informal Conference no later than the first working day after the day of the incident. Your request must include:

- The reason for your Informal Conference request;
- The solution you seek;

- Your name, address, and telephone number AND/OR the name, address, and telephone number of your legal representative.

You may use the blank form at the back of this brochure called, "Request for an Informal Conference." You should make a copy of any/all grievances for your personal records.

**STEP 2: Attend the Informal Conference.**

The purpose of the Informal Conference is to settle the dispute by speaking directly with your Property Manager. You should attend the Informal Conference regardless of whether you think you will be able to find a solution to the problem. If you do not attend the Informal Conference, you may not have another opportunity to voice your complaint.

**STEP 3: Wait to receive a written summary of your Informal Conference from your Property Manager.**

Your Property Manager should provide a written summary of your Informal Conference within seven (7) business days. The summary must include:

- The names of all participants;
- The date of the meeting;
- The proposed solution (if one was decided upon), and the reason for the proposed solution.

The summary must also include detailed instructions on how to request a Formal Grievance Hearing if you are not satisfied with results of the Informal Conference.

**STEP 4: Request a Formal Grievance Hearing.**

If you are not satisfied with the results of the Informal Conference, you must submit a written request for a Formal Grievance Hearing within fifteen (15) days of receiving your Property Manager's summary of the Informal Conference. You may submit your hearing request at your Property Manager's office or at HPHA's Hearings Office. Your request must state:

- Exactly why you want a Formal Grievance Hearing (for example, "I was charged to repair a toilet that I did not break").
- The "relief" you seek. This means that you must explain what you want HPHA to do if win your Formal Grievance Hearing (for example, "I want the charge to repair my toilet removed from my bill").

You may use the blank form at the back of this brochure called, "Request for a Formal Grievance Hearing." You should make a copy of your hearing request for your personal records.

**IMPORTANT:** If you do not request a Formal Hearing within fifteen (15) days of receiving your Property Manager’s summary of the Informal Conference, you lose your right to a Formal Grievance Hearing and the results of the Informal Conference become final. Note, however, that if you lose your right to a Formal Grievance Hearing, you may still take legal action against HPHA (file a lawsuit) at any time.

## **PART II: FORMAL GRIEVANCE HEARING**

### **STEP 1: Prepare for your Formal Grievance Hearing**

After you submit your request, you should immediately begin to prepare your case for the hearing. This means collecting evidence, finding witnesses, and getting ready to argue your case. Review Legal Aid’s brochure “How to Represent Yourself” for more information on preparing for your hearing. You may also contact the Legal Aid Intake Hotline to determine whether you qualify for additional assistance and/or representation in your hearing.

### **STEP 2: Scheduling**

HPHA will assign a “hearing officer” (an impartial person, who is NOT responsible for making or approving the action under review) to listen to your case in the Formal Grievance Hearing. The hearing officer will schedule your Formal Hearing Date within twenty-eight (28) days of receiving your written request. He/She must then provide you with written notification of the date, time, place, and procedures governing the hearing.

### **GRIEVANCE PROCEDURE FOR NON-PAYMENT OF RENT**

If your dispute concerns monthly or unpaid rent, you may be required to submit an “Escrow Deposit.”

1. Before a Formal Grievance Hearing is scheduled, you must first pay all rent that is due up to the month preceding the month in which the rent dispute occurred.
2. Then, in the amount of time it takes you to go through the grievance process, you are required to pay your standard monthly rent into an escrow account. This money will be held in escrow until the dispute is resolved. If you fail to make the required escrow payment(s), HPHA will terminate the Grievance Procedure and your dispute will go unresolved.

**IMPORTANT:** HPHA may waive the escrow requirement if you have trouble paying the minimum rent AND/OR your welfare benefits have been reduced due to work requirements. Ask your Property Manager to waive the Escrow Deposit if either of the above-mentioned circumstances apply.

### **STEP 3: Attend your Formal Grievance Hearing**

At your Formal Hearing, you will need to present your case using the evidence and/or witness testimony you prepared in “Step 1.” Your objective is to show *why* you deserve the solution you are proposing. HPHA has the burden of explaining the cause/reason for the action that caused the complaint, and hence, why you do not deserve the solution you are proposing. Review Legal Aid’s brochure “How to Represent Yourself” for additional information. You may also call the Legal Aid Intake Hotline to determine if you qualify for representation.

## **FREQUENTLY ASKED QUESTIONS**

- **WHAT HAPPENS IF I MISS THE FORMAL GRIEVANCE HEARING?**

If either you or an HPHA representative fails to appear at the Formal Grievance Hearing, the hearing officer shall rule that the party who failed to appear thereby waives their right to a hearing. The attending party shall win the dispute by default (automatically). To avoid the possibility of losing your grievance, make sure you show up to the Formal Hearing, and show up on time.

- **WHAT ARE THE HEARING PROCEDURES?**

The hearing procedures are meant to protect your right to “due process.” This means the rules ensure that your hearing is fair and you are given a chance to defend yourself. You are entitled to the following due process rights:

- The right to examine your tenant file:

You have a right to look at your tenant file, and make copies of documents, records, and HPHA policies that relate to your case. You are required to pay for any/all copies you make, and you must notify the HPHA Hearings Office of any/all copies you plan to use at least twenty-four (24) hours prior to your Formal Hearing. If you fail to notify HPHA of the copies you plan to use, you will not be allowed to rely upon them in your hearing. If HPHA denies your request to review and/or copy any document, record, or policy, HPHA cannot use those materials against you in the hearing.

- The right to representation:

You may appoint an attorney, paralegal, or other legal advocate to represent you in the Formal Grievance Hearing.

- The right to a Private Hearing:

You are entitled to a Private Grievance Hearing, or you can request that it be made open to the public.

□ The right to present evidence and arguments:

You have the right to present evidence and arguments that support your case and/or go against HPHA's evidence, and you may confront and cross-examine all witnesses who testify for HPHA.

□ The right to a decision on the facts:

You have a right to a decision based solely on the facts presented in your hearing.

Although these rules always apply, the Grievance Hearing is meant to be informal. This means that the language and procedures used are more relaxed than in a traditional courtroom setting. Furthermore, the rules of evidence do NOT apply in Grievance Hearings. If either the HPHA representative or hearing officer challenges you about your use of a particular piece of evidence, you should argue that the evidence is acceptable because the Grievance Hearing does not strictly follow the rules of evidence.

**REMEMBER:** Even though the Grievance Hearing is less formal than a traditional courtroom hearing, attendees are expected to behave in an orderly and respectful manner. If either you or the HPHA representative fails to act in such a manner, the opposite party may automatically win the Grievance Hearing.

● **WHAT DO I NEED TO KNOW ABOUT THE HEARING OFFICERS' DECISION?**

The hearing officer(s) must prepare a written statement that clearly explains the decision. A copy of the decision should be sent to both you and HPHA within a reasonable amount of time after the Grievance Hearing.

● **WHAT IF THE GRIEVANCE HEARING INVOLVED A PROPOSED TERMINATION OF TENANCY?**

If your Grievance Hearing involved a proposed termination of tenancy (eviction), and the hearing officer ruled in favor of HPHA, you do NOT have to leave the premises until after the eviction process.

Under the eviction process, you will receive written notice that HPHA will begin eviction proceedings if you do not leave the premises within a specific amount of time. If you don't move out by the date specified in the eviction notice, HPHA must notify you of an Administrative Hearing in front of the Oahu Eviction Board. HPHA cannot evict you until after the Eviction Board Hearing.

**NOTE:** If you have received a notice to attend an Oahu Eviction Board Hearing, call the Legal Aid Society of Hawaii Intake Hotline immediately.

**REQUEST FOR AN INFORMAL CONFERENCE**

Dear Project Management Representative,

I write in hopes of resolving an issue I am currently experiencing with my housing situation, and to give notice that I am hereby invoking the Grievance Procedure. I would like to schedule an informal conference to discuss the issue and proposed solution.

I dispute the following action, decision, or inaction of the Hawai`i Public Housing Authority, its agents, and/or successors:

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I would like to propose the following solution:

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Thank you for your prompt attention to this matter.

Respectfully,

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REQUEST FOR A FORMAL GRIEVANCE HEARING**

Dear Project Manager Representative,

I write to request a Formal Grievance Hearing. I dispute the following action, decision, or inaction of the Hawai'i Public Housing Authority, its agents, and/or successors:

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I seek the following action or relief:

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**ESCROW DEPOSIT** (check one)

- I do not believe an escrow deposit is required in this situation because my grievance does NOT involve the amount rent I owe. If you believe otherwise, please notify me of the requirement and/or amount *in writing* as soon as possible.
  
- Attached is a money order or cashier's check for \$\_\_\_\_\_ to be deposited by HPHA into an escrow account pending the outcome of my Formal Grievance Hearing.
  
- I do not know whether I am required to make an escrow deposit or not. If I am required to make an escrow deposit and you will not agree to waive the requirement, please notify me of the amount I must deposit *in writing* as soon as possible.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR ADDITIONAL INFORMATION CALL THE LEGAL AID SOCIETY OF HAWAI'I INTAKE HOTLINE**

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**Legal Aid Society of Hawai'i**

924 Bethel Street  
Honolulu, HI 96813

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

**Legal Aid's Hotline:**

**O'ahu:** 808.536.4302  
**Neighbor Islands:** 1.800.499.4302

**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.

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

[www.hijcenter.org](http://www.hijcenter.org)  
[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

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# LEGAL AID SOCIETY OF HAWAI'I



## EVICTIION: THE COURT PROCESS

This brochure describes what a private landlord and tenant go through when the landlord is trying to evict the tenant. If you are preparing for trial, pick up Legal Aid Society of Hawai'i's Answer and Counterclaim Packet for more detailed information.

### IMPORTANT

- This brochure does not apply to federally funded Hawai'i Public Housing Authority buildings though it does apply to state-funded Hawai'i Public Housing Authority.
- If you live in a HUD-subsidized building, you have extra rights and protections

Call the Legal Aid Society of Hawai'i for more information or visit us on the Web at <http://www.legalaidhawaii.org>.

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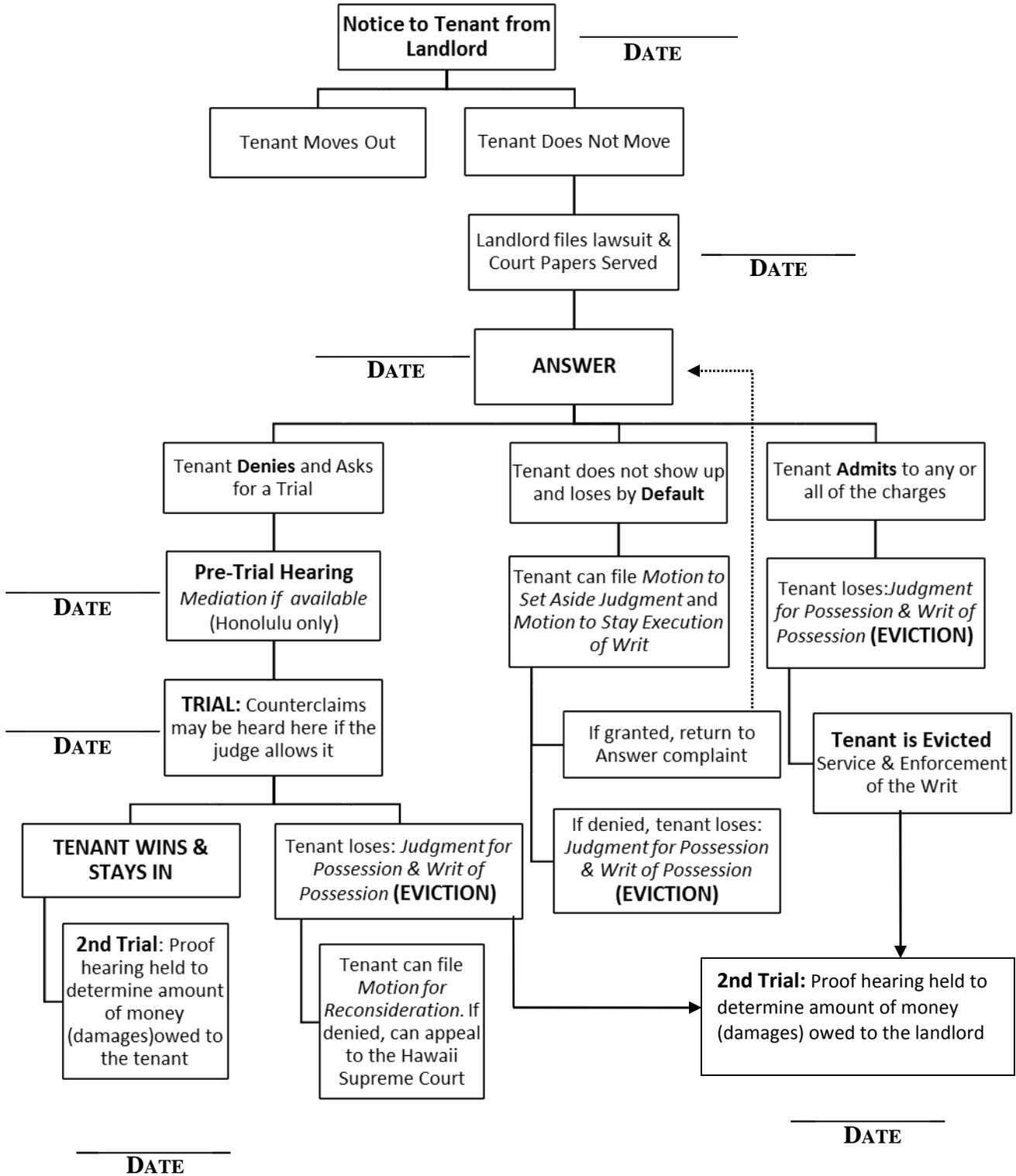
Aloha United Way

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# Landlord-Tenant Evictions

Use this page as a checklist whenever you have dates scheduled.  
**Write in the dates next to each event and make notes.**



# My landlord wants to evict me – Can this brochure help me?

This brochure outlines the steps a landlord must take before they have the right to remove you from your home. Most of the information provided here is based on the eviction process in Honolulu District Court; however, the process is similar in District Courts across the State of Hawaii and offers useful information for anyone involved in an eviction. If possible, you should seek the advice of an attorney because this brochure is meant to provide information only and is not a substitute for legal advice.

## Overview: How can my landlord evict me?

Your landlord must go through a court process to evict you from your unit. It is illegal for the landlord to personally remove you from the rental unit unless the landlord first has a “Writ of Possession” from the Court, which must be “served” (given to you) by a sheriff or police officer. A Writ of Possession is a judgment by the Court that officially gives the unit back to the landlord.

**Notice:** Your landlord must give you written notice that you have to leave, unless you are at the end of a term lease and lease has expired. The notice must give you a certain number of days to either leave or correct the problem.

This notice is what triggers the right for your landlord to go to court and evict you if you do not leave or correct the problem.

For example, if you are behind on your rent, your landlord must send you a 5-day notice to pay in full or move. If you pay in full within that 5-day period, no eviction proceedings should begin. If you do not pay in full, including any late fees, your landlord has the right to file for eviction on day six.

### Proper Notice

To be proper, a notice must be written and it must give you a specified amount of time to fix the problem.

Non-payment of rent .....5 business days  
Violation of rules or lease ..... 10 days  
Termination of rental (for reasons except non-payment or lease violations)  
    month-to-month..... 45 days  
    week-to-week ..... 10 days  
If written lease and lease term is ending, NO notice is required.

REMINDER: These notices do NOT need to be served by a Sheriff or police officer.

There are other time limits. Call Legal Aid Society of Hawai`i for more information.

## I have received a notice from my landlord – What do I do now?

If you have received a notice from your landlord because you have not paid your rent or because you have violated the rules or lease, you need to decide if you want to fix the problem or move. If you know that you are no longer able to afford the rent because you lost your job, for example, it may be in your best interest to move in with family and friends temporarily. If you want to move after receiving this notice, talk to your landlord and try to reach an agreeable date. Make sure to get any agreement in writing – even if it is a letter or e-mail to your landlord saying “Thank you for your understanding given the recent loss of my job. Per our conversation, I will be vacating the unit on March 15<sup>th</sup>. I look forward to seeing you at noon on the 15<sup>th</sup> for my move-out inspection.” You need to think about which option is best for you.

If you have received a notice from your landlord which you believe is wrong, or if you know you are in violation of the rules or lease but cannot reach an agreement with your landlord, then you need to start preparing for eviction.

**Court Action:** If you do not move out or fix the problem, your landlord must go to court and start a court action by filing a “Complaint for Summary Possession.” Summary Possession means the landlord wants to regain possession of the unit.

**Court Papers Served:** After filing the Complaint, the landlord must have a sheriff, police officer, or someone over 18 years who is not a part of the eviction “serve” (give you) the court papers. The court papers do not have to be served to you personally, as long as it is given to a responsible person at your home who is 18 or older. Or the Court may allow the notice to be “posted” (taped to your door). These papers tell you what the landlord wants and when to go to your first court date.

Once you have been served with the Complaint, the court process to have you evicted begins.

#### **What should I do now?**

**Decide:** You need to decide if you want to move out or not. You may have some reasons why you want to stay. Your landlord may be wrongfully trying to make you move out. If you fight in court and lose, you may have to pay more than your back rent. You need to think about which option is best for you.

**Look for new housing:** If you have received court papers, start looking for new housing as soon as possible. If the landlord wins, the judge may let you have a little time to move out, but he does not have to. The sheriff can remove you as soon as the “Writ of Possession” is issued.

**Prepare for your next hearing:** Your next hearing could be the Answer Date, the Pre-Trial (for Honolulu only), or the Trial. This brochure covers each of those areas in detail below.

## **I was served with a Complaint – What happens next?**

When you receive the court papers, they will contain both a **Complaint** and a **Summons**. In the Complaint, the landlord can ask for the judge to order you to move out. The Complaint may also ask the judge to order you to pay back rent, court fees, and attorney’s fees. If the Complaint asks for **damages**, that just means your landlord wants you to pay him money, for example any past rent due or rent for the days after the eviction notice expired. It does not mean that you are accused of causing physical damage to the unit.

The final part of the Complaint is called the **Summons**. The Summons is almost always on the last page of the Complaint. The Summons is a command from a judge for you to appear at the first hearing, the “Answer Date.” The Summons will either (1) tell you to come to a specific court on a specific time, date, and place, or (2) tell you to come to court on the fifth day after you receive the document. If it tells you to come on the fifth business day, start counting the day after you received it. Do NOT include weekends or holidays. Example: if you received the Complaint on a Monday, you should start counting on Tuesday: Tuesday, Wednesday, Thursday, Friday, *Monday*. Show up on the following Monday. If in doubt, call the Court where your hearing is scheduled and ASK!

Pay attention to what time you are required to be in Court and plan to arrive at least a half hour before your scheduled time. Sometimes it can take 30 minutes to get through the security checkpoint and if you are even a minute late – you could lose!

# Your First Court Appearance: The Answer

## What's going to happen today?

The Answer date is simply a time when you go before the Judge and respond to the landlord's Complaint. The Judge uses the Answer Date to determine whether or not this case needs to go to trial. You can call the Legal Aid Society of Hawaii for an Answer and Counterclaim Packet you can fill out. There are 5 important things to remember.

### 1. Show up on time or lose

If you do not show up for your Answer Date, or any other hearing, you could lose. The landlord will get everything he or she asked for, and you could be evicted that day. This is called a Default Judgment.

In Honolulu, the first court date is extremely fast. Even if you are only two minutes late to your hearing, you could have already lost. Make sure you are early and leave plenty of time to find parking (feed the meter for at least 1 1/2 hours)

### 2. Find your case

Go to the courtroom at least a half hour before the time of the hearing and bring the Complaint and Summons. Find the case list and make sure your case is listed. The case list is typically posted on a clipboard right outside the courtroom door or is inside the courtroom. You need to look at this list to make sure your case is scheduled and you are in the right courtroom. Make a note of the number next to your case (1, 2, 3, etc.) because the cases may not always be called in order, but they will call your case by that number.

If your name is on the list, let the clerk know you are there and take a seat inside. If it is not, then check with the clerk to see who you need to call or where you need to go. Let the clerk know your case is not on the list and they will double check to make sure they have the most updated version of that day's case list. If your case is not on the list and you think it should be - do NOT leave the courtroom until you have spoken with the clerk and received instructions on what to do next. In Honolulu, after speaking to the clerk in the courtroom and confirming you are not on the calendar for today, you should go to the service center on the third floor and find out when your hearing is scheduled.

### 3. Wait for your case to be called

After you check in with the clerk, wait inside the courtroom until your case is called. Turn your cell phone off, take off your hat and remove your sunglasses. The cases are not necessarily heard in any order. The Judge may skip around to different cases on the list. You should not leave the room at any point because your case could be called at any time. If you are not present when the judge calls your case, you may lose by default. When your case is called by the court clerk, answer "Here" loudly and go up to the Judge.

## I missed a hearing

If you miss any of your court dates (Answer Date, Pre-trial hearing, or Trial), you could lose by default. Everything in the landlord's complaint will be seen as true, and you will be evicted. You may be able to ask the judge to give you another hearing if you have a good reason for being late or not appearing. You must file these forms as soon as possible:

- Motion to Set Aside Judgment and
- Motion to Stay the Writ of Execution.

To do this, you can pick up forms for these at Legal Aid Society of Hawai'i, or pick up a form for the Motion to Set Aside Judgment at the District Court. Fill these out and file them the same day if possible.

You must prove 1) you had a good reason for missing your hearing (e.g. in the hospital), AND 2) you have a valid defense to the eviction which would merit rescheduling your hearing.

#### 4. Give the Court your “Answer” – Admit or Deny/Agree or Disagree

On the Answer Date, all the Court wants to hear is your answer to the Complaint.

If you “Admit” or “Agree” to the Complaint, you are telling the Court you agree with **everything** in the Complaint and you don’t want to tell your “side of the story” to the Judge. If you admit (agree) to anything mentioned in the Complaint in court, the Judge may decide on the spot that the landlord is the winner and may order you to leave your unit immediately. For example, if the case is about nonpayment of rent and you admit that you owe any money to the landlord, you may be evicted as soon as the Order is entered.

If you “Deny” or “Disagree” with the Complaint, you are telling the Court you disagree with **something** in the Complaint, and you want to tell your “side of the story” to the Judge. For example, if your landlord claims you owe three month’s rent in the Complaint but you have receipts proving you only owe one month’s rent then you disagree with something in the Complaint.

#### What if I also have legal claims against my landlord?

A **counterclaim** is a separate court action you file in response to your landlord’s claims, which fights your eviction and asks the court to award you money. It is like a counter-suit. You need to file and serve your landlord after you receive the complaint and summons BUT before your answer date hearing. Legal Aid has an Answer and Counterclaim packet that you can use.

If you do not have time before your answer date, you need to ask the court’s permission. At your Answer Date, ask the Court for “leave to file a counterclaim.” The Judge will give you a deadline to file – make sure you write it down! If the Court says no, call Legal Aid for more assistance.

What Happens if I “Admit?”	What Happens if I “Deny?”
<ul style="list-style-type: none"> <li>• The allegations your landlord put in the Complaint will be considered true, your landlord will be entitled to any money he or she demanded, and your case will be over.</li> <li>• The Judge will issue a Judgment of Possession, granting your landlord the immediate right to take back the premises and ordering you to vacate (likely the same day).</li> <li>• The Judge will issue a Writ of Possession, allowing the Sheriff to physically remove you, and your possessions, if you do not move out as your were ordered.</li> <li>• The Judge will issue a Judgment, directing you to pay money to your landlord any rent due and additional damages such as court costs, interest, and reasonable attorneys fees.</li> <li>• Your credit and renting history may be damaged.</li> </ul>	<ul style="list-style-type: none"> <li>• The allegations in the Complaint will have to be proved by your landlord, and you may plead counterclaims, affirmative defenses, and defenses—your case will continue.</li> <li>• The judge will schedule the next court date (Pre-Trial or Trial) and you may argue your case to the judge.</li> <li>• You will have the opportunity to mediate with your landlord to try to settle the dispute.</li> <li>• You will have time to vacate your rental unit and obtain legal counsel.</li> <li>• <b>RISKS:</b> You may have to pay more money to your landlord for rent, court costs, interest, and reasonable attorneys fees if you lose.</li> </ul>

## 5. Note Your Next Hearing (Pre-Trial in Honolulu, Trial in other Courts)

If you “Deny,” the Judge will set a specific date and time for the next hearing. Make sure you write down the day and time! If you are in the Honolulu District Court, your next hearing will be a Pre-Trial Hearing, typically scheduled for the following Monday. If you are at any other courthouse, you will be given a specific date for the Trial, usually within a week.

### Can I try to reach an agreement with my landlord outside of Court?

YES! At any time during the eviction process, you and your landlord (or your landlord’s attorney) can try to reach an agreement. If you already have a new place to move, you can reach an agreement as to a move-out date. If you pay your landlord any back rent owed, you may be able to stop the eviction. Make sure you get any agreement in writing and you must still show up to court for your next scheduled appearance to inform the Court of 1) your agreement and/or 2) to dismiss the case.

Keep in mind, if your landlord filed for eviction properly because you owed back rent or broke the rules, you may still be responsible for attorney’s fees and costs. If you and your landlord can reach an agreement outside of court, you could be saving yourself from more costs.

## Your Second Court Appearance: Pre-Trial

**FOR HONOLULU CASES ONLY!**

**IF YOU HAD YOUR HEARING AT ANOTHER COURTHOUSE, SKIP TO THE TRIAL STAGE.**

Pre-Trial is the second proceeding in the eviction process. You will meet your landlord, his or her attorney (if applicable), and the Judge for an informal conference. The Judge will begin by asking whether you have reached an agreement. If you have not reached an agreement, the Judge will ask you to meet with a mediator to try and resolve your eviction dispute. The mediator’s job is to help you settle the dispute; he/she is not on any “side.” Rather, the mediator’s job is to listen to both sides of the story and to try and help you reach a fair settlement. After mediation, you will meet with the Judge again to tell him/her whether you have reached a settlement.

### What happens if we reach a settlement?

If you reach a settlement, the mediator will put the agreement in writing. Make sure you review it and understand what you are agreeing to. Never sign an agreement you do not agree with or do not understand! You will go back in front of the Judge with your landlord and the mediator. The Judge will review the agreement and make sure both you and your landlord agree to the terms. If you both agree to the written terms of the settlement, the Judge will read the agreement into the court record. Once the agreement is read into the record it becomes a binding court order. At this point, you should not have any additional court dates unless you agreed to one in your

### Mediation

In Honolulu, the Judge usually asks you and your landlord to meet with a mediator, provided by the Court, at your Pre-Trial.

In other courts, the Court may or may not provide mediation. If they do provide mediation, usually you will meet with the mediator on the same day as your answer date (instead of pre-trial).

The mediator’s job is to help you and the landlord settle the lawsuit. The mediator should listen to your side of the story as well as the landlord’s.

To prepare for this meeting, think about the kind of settlement that you would be willing to accept from the landlord. It might be a good idea to write this down in a note to yourself. In the middle of a meeting it is easy to get sidetracked or swayed by what others are saying. Do not accept a settlement that is not fair to you or that you cannot follow.

You do NOT have to reach an agreement at the mediation. You have the right to go to trial and have your story heard by the Judge.

settlement. For example, you may have reached a settlement agreement to pay your landlord \$500 to stay for an additional two weeks. Your landlord may not be willing to dismiss the eviction case because they want to make sure you actually move out in two weeks. So, in the settlement agreement, you could agree to a court date in one month to make sure everyone follows the terms of the agreement. If you do move out and pay the \$500, then your landlord will dismiss the case at the next court date. If you do not follow the terms of the agreement, then your landlord has the right to come back to court at that next court date.

**What happens if we can't reach a settlement?**

If you can't reach a settlement, the Judge will schedule your case for Trial. Typically, the Trial will be scheduled within a week or less. You will have to tell the Judge the names of witnesses you expect to have at your Trial. Your landlord will do the same. You will also be given a date to exchange exhibits with your landlord. Exhibits are things like letters or pictures that you want the Court to see as proof of your side of the story. Exchanging exhibits is part of the discovery process. Discovery is the legal process where you obtain information from your landlord to help prove your case, and vice-versa.

It is VERY important to exchange your exhibits with your landlord on the date the Court ordered you to do so. If you do not exchange your exhibits by the court-ordered date, the Judge may not allow you to use them in the trial and you could lose because you will have no documents as evidence.

**Will I have to pay to stay?**  
 If the landlord requests it, or the Judge decides it is necessary, you may be ordered to deposit any disputed rent as it becomes due, not including past rent, into a **rent trust fund** (held by the Court). If you cannot put up the money, then the landlord could automatically win the case and you may be evicted. If this happens, call Legal Aid Society of Hawai'i immediately.

If the Judge plans to set up a trust fund, object on the ground that the landlord did not ask for a trust fund in the original complaint. If the landlord did ask for one in the original Complaint, say it violates "due process" because you can be evicted for not paying into the trust fund without the chance to present a defense.

**Preparing for Trial:**

- 1) Consider any defenses you can prove to the Court as to why you should not be evicted. Gather all evidence you can to prove these defenses.

<b>What's an Affirmative Defense?</b>	<b>What's a Defense?</b>
<p>You are telling the Judge you should not be evicted because of an action taken by your landlord that violates the Landlord-Tenant Code, including:</p> <ul style="list-style-type: none"> <li>• Failure to maintain electrical, plumbing, appliances, and other facilities, in a good working order, including repairs.</li> <li>• Failure to keep common areas clean and safe.</li> <li>• Failure to allow you to fix the rental agreement violation.</li> <li>• Illegal lockout, utility shut off, or rent increase.</li> </ul>	<p>A Defense is a response to the allegations in the Complaint, including:</p> <ul style="list-style-type: none"> <li>• Improper Notice (e.g. you never received a 5-day notice for failing to pay you rent).</li> <li>• Incorrect amount of rent in dispute.</li> <li>• Compliance with the terms of your rental agreement, or house rules (e.g. your landlord claims you had a loud party late at night but you can prove with airline tickets you were not on the island the night of the incident).</li> </ul>

- 2) Locate useful witnesses that will help your case, for example:
  - a. building inspectors (who can testify to the condition of your rental unit),
  - b. utility company workers (who can testify to your utilities being shut off),
  - c. other tenants (who can testify to your landlord’s general disposition and treatment of the rental unit and/or other tenants),
  - d. family members (who can testify to the events that occurred).
- 3) Gather the documents to prove your case, for example:
  - a. If your landlord is evicting you for non payment of rent, you will need any receipts, canceled checks, bank statements, etc. which prove you paid.
  - b. If your landlord is claiming your damaged the unit, bring any pictures you have which prove it was already damaged.
  - c. If your landlord is evicting you for unauthorized tenants, bring proof that the person your landlord believes is living with you lives somewhere else – a lease or their mail.
- 4) Gather any correspondence between your and your landlord that supports your case, for example:
  - a. Letters,
  - b. Emails,
  - c. Text messages (have your cell phone provider print them up for you),
  - d. Hand-written notes

Note: if you are concerned that a useful witness may not show up at Trial you can Subpoena them. Obtain a Subpoena Form from the District Court, and serve the form on the witness: 1) personally by a Sheriff or individual over the age of 18 years-old who is not a party to the case do it; or 2) by registered mail.

You should also read Legal Aid’s brochure on “How to Represent Yourself” so that you understand how the procedures work at Trial and what you will need to do for the Judge to consider all your evidence.

## **Your Final Court Appearance: Trial**

Trial is the third court hearing in the eviction process for Honolulu and the second hearing for other courts. You and your landlord will appear before the judge and present your case. Your landlord will present his/her case first and you will follow. There will be no jury. The Judge will decide the case based on 1) the evidence, testimony, and exhibits; and 2) how those facts fit the law.

Your landlord must prove to the Judge that the facts in the Complaint are true. For example, you have not paid your rent, you were given proper notice, or you violated your lease/house rules. Your landlord will also have to prove that you are still living in the unit.

If the Judge decides that your landlord has not proven the facts in the Complaint, you then get a chance to tell the Judge your side of the story. Once the Judge hears from you and your landlord, he/she will decide which one of you he/she agrees with.

### **Can my landlord do that?**

Just because your landlord owns the property does not mean he or she can do anything illegal, such as:

- Locking you out without a court order
- shutting off your utilities
- evicting you in retaliation (e.g. you reported a code violation to the city)
- discriminating against you
- taking your personal property

If you feel your landlord is evicting you illegally or threatening to do something illegal, call Legal Aid immediately.

## What Happens if I Win?

If you win, your landlord may be subject to stiff penalties. By example, the Judge may award you damages, including: reasonable attorneys fees (usually 25% of the rent owed, if you hired an attorney), court costs, interest, etc. The Judge may even order your landlord to allow you to stay in the rental unit, with necessary repairs (if applicable). Finally, the Judge may schedule a Proof of Damages Hearing to determine if you are entitled to any additional damages (money).

## What Happens if I Lose?

If you lose, the Judge will issue:

- 1) Writ and Judgment of Possession:  
This gives your landlord the right to take possession of your unit away from you. The landlord now has the right to have a Sheriff physically remove you, and your belongings, from the unit. They now have the right to change the locks.
- 2) Judgment:  
The Judgment is a Court Order which directs you to pay your landlord a certain amount of money.

The Judge may determine how much you owe your landlord at the Trial. The Judge may decide to schedule a separate trial on damages only to determine how much you owe your landlord.

## How can the landlord collect the money from me?

If the landlord wins the case, the landlord will have a Judgment against you which allows the landlord to collect money owed by you. The Judgment will likely appear on your credit report. If you have little or no assets, you may be considered judgment proof. This means the landlord cannot collect from you because you make too little to take.

If you have a job, or make over \$217.50 a week (this amount changes, so call Legal Aid for up to date information), the landlord may be able to “garnish” (take) some of your wages directly from your paycheck. The landlord must follow certain steps to garnish your paycheck and you will get a notice from your employer if the landlord tries to do this.

## If I lose, how much will I have to pay?

The Court decides how much you owe and orders you to pay it. If you have claims about what the landlord did, that may offset some of the amount awarded to the landlord. The costs you may have to pay include:

- **Rent and late fees** the landlord proved you owe.
- **Landlord’s attorney fees**, usually 25% of the amount of rent owed to the landlord as determined by the Judge. These can be collected only if the landlord actually hired an attorney.
- **Landlord’s court costs** such as the filing fee and the sheriff’s fee for serving the court papers.
- **Holdover Rent** is a penalty for staying in the rental unit after you should have gone. The Judge usually decides the amount. Holdover rent is normally twice the normal rent and is “prorated” from the time the rental agreement terminated to the time that you actually leave the rental unit. “Prorated” means that the monthly rent is broken down to a day-by-day rate.
- **Cost of repairs** for any damages to the unit.
- **Interest** may be applied at a reasonable rate to the balance of any money owed.

The landlord could also follow the legal process to put a “lien” on any property you have. This would mean the landlord would get any profits from the sale of those things, such as a house, car, or boat. For more information on how your landlord can collect his or her judgment, call Legal Aid Society of Hawaii.

### **If I lose, is there any way to change the Court’s order?**

If there are extreme circumstances such as fraud or new evidence which was not available at the time of your Trial, you may be able to ask the Court to change its ruling. Call the Legal Aid Society of Hawai‘i or a private attorney for more information. You will have to file a Motion for Reconsideration with the Court. This does not stop the enforcement of the Writ of Possession, unless you file a separate Motion asking the Court to Stay the Writ of Possession. This is an extremely time consuming and potentially costly process should you lose and be held responsible for your landlord’s additional attorney’s fees. Carefully consider if the new information or evidence is enough that you think a Judge would reopen your case and reconsider the facts.

#### **Additional Legal Aid Society of Hawai‘i Brochures you may find helpful:**

*Affordable Housing Listing*

*Housing and Rental Assistance Programs and Agencies*

*Illegal Lockouts & Utility Cut-Offs Self-Help Packets*

*How to Stop an Eviction when you missed your Court hearing (Motion to Set Aside Judgment and Motion to Stay Writ of Execution)*

*How to Answer and Counterclaim if you are facing an Eviction*

*Debt Collection & Garnishment*

### **Useful Names & Numbers**

**Legal Aid Society of Hawai‘i -<http://www.legalaidhawaii.org>**

Legal Hotline

Oahu: 536-4302

Maui: 242-0724

Hilo: 934-0678

Kona: 329-8331

Kauai: 245-7580

Lanai: 565-6089

Molokai: 553-3251

Open M-F (9-11:30am; 1-3:30pm)

**District Court**

Oahu: 538-5151 Maui: 244-2800

BIG ISLAND:

Hilo: 961-7470 Kona: 322-2022

Hamakua: 885-4615

Kauai: 246-3330 or 246-3337

Molokai: 553-5451

Lanai: 565-6447

**Office of Consumer Protection’s Landlord/Tenant Hotline**

586-2634 (Oahu)

974-4000, EXT. 62634 (FROM THE BIG ISLAND)

274-3141, EXT. 62634 (FROM KAUAI)

984-2400, EXT. 62634 (FROM MAUI)

1-800-468-4644, EXT. 62634 (FROM MOLOKAI & LANAI)

**REMEMBER: THIS PAMPHLET IS MEANT TO GIVE YOU GENERAL INFORMATION AND NOT TO GIVE YOU SPECIFIC LEGAL ADVICE ABOUT YOUR CASE. THE LAW OFTEN CHANGES. EACH CASE IS DIFFERENT**



# LEGAL AID SOCIETY OF HAWAI'I



## HOUSING: TENANT RIGHTS AND RESPONSIBILITIES



This brochure was created  
through the AmeriCorps  
Project Lauima at the  
Legal Aid Society of Hawaii



Aloha United Way

This handout provides an overview of the various types of housing in Hawai'i and the rights of tenants in each housing type. It also provides information on how to avoid problems that may lead to the loss of a family's housing or housing subsidy.

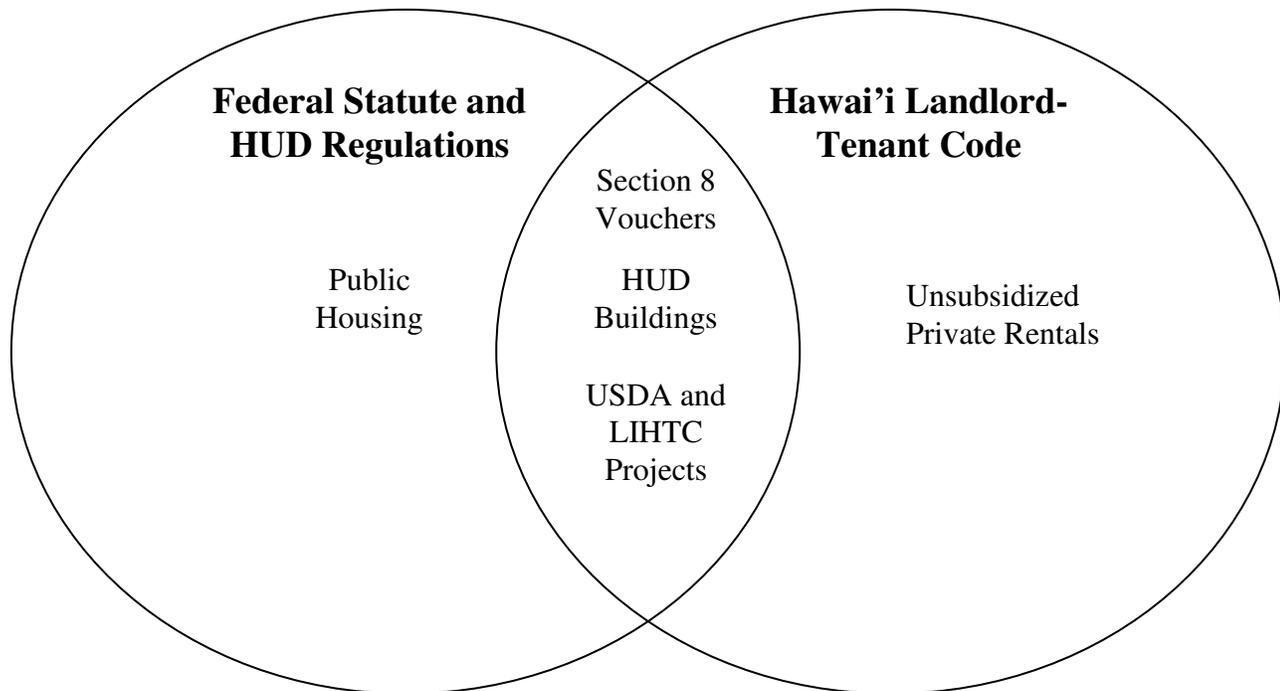
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Legal Aid Society of Hawaii  
924 Bethel Street  
Honolulu, Hawaii 96813  
(808) 536-4302

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# Overview of Hawai'i Housing Law



## **I. IDENTIFYING THE DIFFERENT TYPES OF HOUSING**

There are many different types of rental housing in Hawai'i. For each type, different rules, regulations and procedures apply. When analyzing a housing issue, the landlord/tenant must determine which type of housing the tenant has, and identify the applicable laws.

### **A. Private Rentals (Unsubsidized Housing)**

1. Private Landlord
2. No government involvement
3. Hawai'i's Residential Landlord-Tenant Code ("the Code") governs the relationship

In private rentals, the landlord is a private landlord and there is no government involvement in the tenancy, *except* that the landlord and tenant must comply the Code. The Code governs all residential rental leases/agreements between private landlords and tenants. The Code does not govern most federally-funded public housing, hotels, homeless/transitional shelters, and/or commercial leases.

### **B. HUD Subsidized Housing**

There are a variety of different housing subsidies in Hawai'i. If a tenant is unsure whether s/he lives in subsidized housing, or receives a housing subsidy, abnormally low rent and/or annual recertification generally indicates that s/he is in some form of subsidized housing. Most subsidized housing in the State of Hawai'i is governed by federal law and regulations promulgated the U.S. Department of Housing and Urban Development ("HUD").

#### **1. Public Housing ("the projects")**

In public housing, the landlord is a State of Hawai'i agency titled the Hawai'i Public Housing Authority ("HPHA").

- a. A public housing tenant's rent is usually set at 30% of his/her income.
- b. A public housing tenant's subsidy is available *only* as long as s/he lives in the building. If the tenant moves, the subsidy is transferred to the new tenant.
- c. Federal statutes, HUD regulations, and HPHA administrative rules govern public housing tenancies. The Code does not apply to most public housing.

- d. “Good cause” is needed to evict a tenant from public housing. Basically, this means that a tenant’s lease cannot be terminated merely by a lapse of time—there must be a good reason. Evictions are carried out pursuant to an administrative grievance process, and unfavorable decisions may be appealed to the Hawai’i Circuit Court.

## **2. HUD Buildings (“multifamily housing”)**

HUD Buildings are buildings that private developers build and/or operate with financial assistance from HUD.

- a. In HUD buildings, the landlord is usually a private rental management company who has agreed with HUD to either keep rent low, or allow HUD to subsidize each tenant in the building.
- b. Generally, *both* federal law and the Code applies to HUD buildings.
- c. Like public housing, the subsidy that a tenant in a HUD Building receives is *not* “portable” (i.e., the subsidy cannot be taken with the tenant if s/he moves out, or is evicted).
- d. Evictions are carried out pursuant to the regular State of Hawai’i court process.
- e. Federal laws that apply to HUD buildings are usually similar to the laws that apply to public housing.

## **3. Section 8 Vouchers**

Section 8 Vouchers are a subsidy by which the government pays a portion of the tenant’s rent directly to his/her private landlord.

- a. For Section 8 Vouchers, the landlord is a private landlord.
- b. Because the government is paying a portion of the rent, there is also a contract between the landlord and the government.
- c. Generally, *both* federal law and the Code applies to Section 8 Vouchers.
- d. Evictions are carried out pursuant to the regular State of Hawai’i court process.
- e. Federal laws that apply to Section 8 Vouchers are similar to public housing, *except* that “good cause” is not needed to evict the tenant after the expiration of the initial lease term.

## **C. Other Forms of Subsidized Housing**

There are additional types of subsidized housing that are fairly uncommon in Hawai’i. These include: 1) the Low-Income Housing Tax Credit program (governed by the IRS); 2) U.S. Department of Agriculture “Rural Housing”; and 3) State of Hawai’i Housing programs established by the Hawai’i State Legislature (operated by HPHA). The rules for these housing types are similar to the rules for other types of subsidized housing. “Good cause” is generally required to evict a tenant. Rents are either based on a percentage of the tenant’s income, or cannot exceed a certain rent ceiling. Generally, the Code applies to these housing types, as does federal and state laws governing the specific program under which the housing is subsidized.

## **The Basics of Private Landlord-Tenant Relationships (See the Landlord-Tenant Code for more detail, HRS § 521)**

### **APPLYING FOR A RENTAL UNIT**

- A. Application fees cost approximately \$10-25, and include costs associated with processing the application and running a credit check.
- B. Past Residences
- C. Employment History
- D. Credit References
- E. Bank/Credit Accounts
- F. References
- G. Emergency Contacts
- H. Discrimination in the rental of a dwelling because of national origin, ancestry, age, race, color, familial status, marital status, HIV infection, disability, religion, or sex is illegal. Contact Legal Aid at (808) 527-FAIR (3247).
- I. Landlord may use Criteria to Select Tenants—landlords may use legal criteria to select tenants, such as their past tenancy history, credit history, criminal history, and income. Landlords may also personal criteria in selecting tenants, such as purple hair, nose rings, etc. In some places, a landlord may even refuse to rent to certain prospective tenants because of their occupation.

#### **TIPS:**

- When viewing the rental unit, tenants should check the property thoroughly (e.g., ensure that the water runs, toilets flush, windows open and close, lights turn on and off, etc. BUT be respectful!).
- Tenants should prepare any and all information that s/he may be required furnish on their rental application, and bring it when them when viewing potential dwellings, including, references, employer, past residences, former landlords, etc.
- Tenants should be properly groomed, and neatly dressed when viewing potential dwellings. Children should be left at home to minimize distractions. The truth should always be told!

### **TYPES OF RENTAL AGREEMENTS**

#### **Fixed/Term Leases**

For fixed/term leases, the lease automatically ends on the day that it says it ends. NOTE: no additional notice needed from the landlord. Fixed/term leases, may be cut short when...

#### By Landlord:

- Failure to pay rent (NOTE: the landlord must give the tenant written notice to pay back rent within (5) days, or to quit).
- Improper use and/or or violation of household rules (NOTE: the landlord must give the tenant written notice to cure the violation within (10) days, *unless* it involves a threat to safety)
- Tenant wrongfully leaves.

#### By Tenant:

- Failure to supply and maintain a fit premises by the landlord through no fault of the tenant.
- Illegal lock out of the tenant by the landlord over night.

### **Month to Month Leases**

A month to month lease may be terminated by written notice from either the tenant or the landlord. Tenants must give (28) days notice prior to termination, and landlords must give (45) days notice prior to termination. NOTE: landlords may also adjust the rent by providing (45) days written notice to tenants.

Month to month leases may be cut short for the same reasons listed above for fixed/term leases.

#### **TIPS:**

- Potential tenants should READ and UNDERSTAND what they are signing. If they don't understand a term, they should ask questions.
- Potential tenants who learn of a lease term that they don't agree with should NOT sign the lease.

## **SECURITY DEPOSITS**

- A. Security deposits can be any amount, up to one months rent. A security deposit that exceeds one months rent is illegal under the Code.
- B. Security deposits are used to insure that tenants fulfill the terms of their rental agreement/lease, and leave the dwelling in good condition.
- C. Landlords may retain security deposits *if* tenants damage the dwelling “beyond normal wear and tear” (i.e., the dwelling is in worse condition than when the tenancy began).
- D. Security deposits cannot be used for last months rent, *unless* the landlord and tenant agrees to such in writing.
- E. Before paying the landlord the security deposit, the tenant should ensure that the deposit is referenced in his/her rental agreement/lease prior to signing.
- F. By law, tenants should get their security deposit back within (14) days after they moves out, unless the landlord provides an accounting as to why the full deposit was not returned. NOTE: landlords must notify tenants in writing if they are keeping a portion of the deposit within (14) days after the tenant moves out, *and* provide an itemized bill specifying what the deposit will be used to pay for.
- G. Tenants should be sure to inform their landlord of their forwarding address.

#### **TIPS:**

- Tenants should keep rental units clean (inside and out), dispose of garbage properly, and keep common areas clean!
- Tenants should do a detailed “move in inspection inventory” to protect themselves, keep a copy, and give a copy to their landlord.

## **REPAIRS**

- A. When tenants notice that something in their unit needs repair, they should report it to their landlord in writing. The request for repair should be dated, and tenants should keep a copy.
- B. In the State of Hawai'i, landlords must take steps to repair sanitary and habitable living conditions (e.g., major appliances, necessary facilities, etc.) within (3) business days after receiving written notice to repair, *unless* the repairs were required because of misuse by the tenant. For all other non-emergency repairs, landlords must take steps to repair within (12) business days after receiving written notice.
- C. Repair and Deduct—in certain circumstances, tenants can make the repairs and deduct the costs from rent; however, tenants must follow the procedures listed in the Code. NOTE: tenants should

*always* obtain legal advice *prior* to withholding rent in any situation, because they may be evicted for withholding rent.

**TIPS:**

- Tenants should document all communications with their landlord in writing, and keep copies of all notices and/or letters you received from their landlord.
- Tenants should report maintenance problems to their landlord in writing, including damage or breakage they caused. Before tenants makes repairs they should talk to their landlord, because their landlord may prefer to have a professional fix the problem.

## **RENT PAYMENTS**

- A. Tenants should always pay by check, cashier's check, or money order, and keep copies for their records.
- B. Tenants should always ask for a receipt from their landlord, and never give their landlord cash without a receipt!
- C. Tenants should never withhold rent.

## **EVICCTIONS**

An eviction occurs when the lease is terminated by the landlord in one of the ways mentioned above, and the tenant fails to move out.

“Self-Help” Evictions are Illegal—landlords must use the State of Hawai'i court process to evict tenants. Landlords cannot change the locks, shut the utilities off, or otherwise physically act to remove tenants *without* going through the court process. NOTE: if a landlord engages in a self-help eviction, the tenant may be entitled to significant money damages. If a landlord threatens a self-help eviction, the tenant obtain a Temporary Restraining Order (“TRO”) to prevent the landlord from doing so.

Holdover Tenants—tenants who remain in the rental unit after the rental agreement/lease expires are holdover tenants. NOTE: holdover tenants may be liable to their landlord for two times their monthly rent under the previous rental agreement.

## The Basics of Section 8 Vouchers

**Overview:** Essentially the same rules apply to Section 8 as to private landlord-tenant relationships, but there are a few extra issues. The main difference is that Section 8 pays a portion of the tenant's rent to the landlord (the tenant usually pays only 30% of their income for rent).

**Applications:** On O'ahu, there are two separate places a person can apply for Section 8 assistance: 1) the City and County of Honolulu; and 2) HPHA. The waiting lists are extremely long, and are currently closed indefinitely (i.e., neither the City and County, nor HPHA are currently accepting applications for Section 8).

**Eviction = Termination of Section 8:** Generally speaking, if a tenant is evicted by their landlord, the tenant will lose his or her Section 8. This should be avoided at all costs. Once a tenant is terminated from Section 8, it is next to impossible to get assistance again. Often tenants can negotiate a settlement with their landlord to ensure that they are not "technically" evicted, which may allow them to preserve their Section 8. If a tenant's lease merely expires, the tenant will have to move, but the tenant will be able to use their Section 8 somewhere else.

**Due Process Rights:** If a termination of a tenant's Section 8 benefits is threatened, the tenant has the right to dispute the termination through an informal meeting followed by a hearing. However, the tenant must act promptly (i.e., with as little as 10 days) to dispute the decision and ensure that their rights are not forfeited.

**Finding a Place in Time:** A tenant only has a certain amount of time, usually (60) days, to find a place to rent with their voucher once it has been issued. If they cannot find a place in time, they will lose their Section 8 assistance. Also, the place must meet all the Section 8 requirements which include rigorous Housing Quality Standards (which require the unit to be in a certain physical condition).

**Other Differences from Private Landlord-Tenant:** Initially, the lease term must be either (6) months or (1) year. During the initial lease period, the landlord can only terminate the lease "for cause." After the initial lease term expires, the landlord may convert the tenancy into a month-to-month, at which point the landlord will be able to terminate the lease with (45) days written notice.

There are additional notice requirements that the landlord must follow when trying to adjust a tenant's rent or evict the tenant. For example, a landlord must provide (60) days notice to increase a tenant's rent instead of (45) under the Code.

**The Violence Against Women Act ("VAWA"):** VAWA provides additional protections for tenants of public housing and Section 8 recipients who are victims of domestic violence, dating violence, or stalking.

Under VAWA, victims cannot be evicted or lose their housing subsidy for incidents of abuse against them. For example, if an abuser damages the unit of the victim, the victim cannot be evicted for a lease violation. If the abuser is part of the household, the abuser can be evicted and their subsidy terminated, while the victim is allowed to retain their housing and their subsidy.

Victims of domestic violence, dating violence, or stalking also cannot be denied housing based on their victim status. For example, a victim's application should not be rejected because of damages caused by an abuser to a unit previously rented by the victim or because of a bad credit history caused by financial

abuse. VAWA is currently applicable to only public housing and Section 8. It does not apply to other housing subsidies. VAWA was enacted in January 2006. Because VAWA is relatively new, landlords and administrators of public housing and the Section 8 program may not be familiar with its requirements.

## **The Basics of Public Housing and Other Subsidized Housing**

**Overview:** For public housing and other “project-based” housing subsidies, unlike Section 8, tenants reside in a certain building in which a housing subsidy is received. Tenants have the greatest protection from eviction or lease termination out of all types of housing. In fact, tenants may only be required to leave “for cause” (i.e., if they violated their rental agreement). Rent for most, but not all, tenants in public or subsidized housing, is capped at 30% of tenant income.

**Applications:** To apply for public housing, applicants need to apply with HPHA. There are other subsidized housing buildings managed by various private owners with which an applicant will need to apply directly. Legal Aid has information regarding these other subsidized housing opportunities. Applying at one site will not mean you will be considered for all available opportunities. The waiting lists for subsidized housing are generally long.

**Application of the Landlord Tenant Code:** The Code does not apply to public housing. Instead, separate HPHA rules apply along with federal laws and regulations. Tenants are evicted through an administrative process within HPHA instead of the court system. This process has additional protections for the tenant to ensure they are not improperly evicted. The Code applies to other types of subsidized housing. Tenants are evicted through the regular court process.

**Eviction = Loss of Housing and Loss of the Subsidy:** If a tenant is evicted from public or subsidized housing, they will lose both their housing and their subsidy with little chance of getting into subsidized housing again. Eviction must be avoided at all costs.

**Due Process Rights:** If eviction is threatened, the tenant has some due process rights to dispute the eviction. In public housing, tenants should make use of the grievance process, under which they are entitled to a hearing to dispute the eviction or any other adverse action taken against them by HPHA. In other types of subsidized housing, tenants are entitled to dispute the eviction in various ways, usually through an informal meeting with the landlord, and later through the court process.

**VAWA:** VAWA applies to public housing as well as Section 8. It does not apply to other housing subsidies. See the description of VAWA under the Section 8 program on page 7 for additional information.

## Housing Assistance

A variety of services and assistance is available on O'ahu from several different agencies, including: assistance with permanent housing rent payments, permanent housing rental deposits, past due utility payments, utility deposits, housing search and placement, credit repair, budgeting assistance, case management, and legal assistance with evictions, landlord tenant disputes, habitability and repair issues, and more.

There are several programs that offer financial assistance and other services to prevent individuals and families from becoming homeless; and to help those who are experiencing homelessness to be quickly rehoused and stabilized. These programs change on a yearly basis depending on the funding available. Other restrictions may apply.

Typically, the funding available is administered through the following agencies. You should call the agency directly to see if you are eligible for financial assistance:

- Catholic Charities: (Tel) 521-4357
- Helping Hands: (Tel) 440-3835
- IHS: (Tel) 447-2863
- Kalihi Palama: (Tel) 791-4545
- Waianae Coast Comprehensive: (Tel) 697-3300, ext. 3594

# **SUMMARY OF HOW TO AVOID HOUSING PROBLEMS**

## **MAKING SMART HOUSING CHOICES**

### **1. Pay Rent/Mortgage on Time**

Failure to pay rent or a mortgage on time is the most frequent reason why people lose their housing. Paying for shelter costs should take priority over most other bills, especially in subsidized housing or for people that own their own homes. It is usually best to borrow money from elsewhere to pay your rent if you live in subsidized housing, or pay your mortgage if you own your home. Owing money to your landlord or the bank that holds your mortgage will inevitably result in losing your housing.

### **2. Do Not Withhold Rent**

Never withhold rent without first obtaining advice from an attorney or before you first carefully review and understand the applicable rules. Even if your landlord did something wrong, you can still be evicted if you withhold your rent.

### **3. Request Rent Adjustments Promptly**

If a tenant who receives a rent subsidy of some kind suffers a reduction in income, immediately request a rent adjustment. Adjustments not requested will not be made retroactively.

### **4. Know the Rules and Follow Them**

Don't violate the rules of the lease and the house rules; you will eventually get evicted. Common violations include unauthorized guests or occupants, noise violations, and damaging the apartment. Read your lease before you move in. If your tenancy is subject to the landlord-tenant code, get a copy and read it *before* problems develop.

### **5. Be a Good Neighbor**

Most problems, other than those created by failure to pay rent, can be avoided by being pleasant to your landlord and your neighbors. Even when you disagree with your neighbors or your landlord, try to resolve the problem cordially by focusing on resolving the problem, not attacking the person you think created it.

### **6. Be Conscientious**

If there are any obligations that you have as part of your tenancy, it is important that you comply with those obligations and do so promptly. This is especially important in subsidized housing where tenants are required to periodically meet with their landlord and provide information regarding their income, assets, and family composition. Failing to promptly comply with these obligations can lead to eviction.

### **7. Talk to Your Landlord if Problems Arise**

If you run into problems keeping your obligations for your tenancy, often the best policy is to talk with your landlord to inform him or her of the problems so that you can try to work out a solution together. Of

course the approach you take will depend on your relationship with your landlord. It is common for people to avoid their landlord when problems arise, but doing so often makes landlords resentful.

## **8. Maintain Your Home**

Keep your home clean and safe. If you own your home, maintaining it well will increase its value. If you rent, you are less likely to run into problems with your landlord if you take care of your rental. In extreme cases, families can be evicted for failing to properly maintain their home. Landlords will often refuse to return tenants' security deposits for damages caused to the property.

## **9. Keep Good Records**

It is important to keep track of all your rental documents (e.g., leases, house rules, rent receipts, etc.) in case you need to refer to them in the future. Never pay rent in cash unless the landlord will immediately provide you with a receipt—use checks or money orders if your landlord refuses to provide receipts.

# **RECOGNIZING THREATS TO HOUSING**

## **1. Know Your Rights**

### **A. Fair Housing Act**

- The Fair Housing Act prohibits discrimination in housing because of race or color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), or handicap (disability). This act covers most housing but there are some exemptions for owner occupied buildings.
- You may register a complaint against a landlord who violated federal Fair Housing provisions with the Legal Aid Society of Hawai'i; on Oahu, call: 527-8024, Neighbor islands toll-free: 1-866-527-FAIR (1-866-527-3247).

### **B. Landlord Tenant Code**

- The Handbook for the Hawaii Residential Landlord-Tenant Code published by the Office of Consumer Protection and the Communications Office of the State Department of Commerce and Consumer Affairs.
  - Available online at: [http://hawaii.gov/dcca/ocp/landlord\\_tenant](http://hawaii.gov/dcca/ocp/landlord_tenant)
  - Or call them at 586-2634 Monday Through Friday, 8am – noon

## **2. Unusual Situations**

In a normal landlord-tenant relationship, there is often very little interaction between the landlord and tenant. Communication is usually limited to the tenant paying rent every month. If you receive any type of notice from your landlord saying that you have violated your lease, you should take it seriously.

If you are in violation of your lease, you usually have 5 to 10 days to cure the problem—make sure that you do it promptly and do not violate the lease again in a similar manner. If you do not agree that you have violated the lease, dispute the violation in writing and try to resolve the issue with your landlord. If you live in subsidized housing where a hearing is available to resolve disputes, immediately request a hearing.

### **3. Illegal Discrimination**

Housing discrimination based on your race, color, national origin, religion, sex, family status, sexual orientation, marital status, perceived gender identity, HIV infection, or disability is illegal. If you feel like your landlord is discriminating against you for any of these reasons, you should seek help in filing a fair housing complaint. Examples of discrimination may include “I’m not sure you would feel comfortable in this neighborhood,” or “Families with children are not allowed to live on the second floor.”

\*\*\* For help with housing discrimination, call 527-FAIR (3247) or 1-866-527-3247 \*\*\*

### **4. Housing Preservation**

Some tenants of subsidized housing projects may face the loss of their housing if their project is sold, demolished, or converted to market rentals. These problems are not always avoidable, and addressing them promptly is the only way that there will be a chance the housing can be preserved. If a tenant or advocate learns that affordable housing is going to be lost, they should seek help from an attorney immediately.

### **5. Foreclosure Rescue Scams**

Some people prey on homeowners who are facing foreclosure. Be careful of people who contact you claiming that they want to help you save your home, especially if they come knocking on your door. The end result will often be that you will lose your home and all the equity in it, which will go to the person that offered to help you. Alternatively, the scammer will charge substantial fees for providing a service of little or no value. If you are facing foreclosure and need help, actively seek organizations that can help you and check into the background of the person offering you their assistance. Do not wait for help to come to your door or mailbox.

### **6. Watch Out for Trouble Landlords**

Most landlords are good, understand their responsibilities as landlords, and treat their tenants well. However, there are some landlords who are overbearing and try to take advantage of their tenants. If you are unfortunate enough to get one of these landlords, your best option is to move. This is especially important if you have a Section 8 voucher where disputes with your landlord can result in termination of the voucher and loss of your housing subsidy.

If you live in subsidized housing, you generally do not have the option of moving. You should do everything you can to comply with your obligations as a tenant, even if you feel your landlord is not complying with theirs. Do not be afraid to contact others for help and stand up for your rights—just make sure that you are doing everything you need to in order to comply with your part of the bargain.

### **7. If it Doesn’t Feel Right, it Probably Isn’t**

It is impossible to identify every housing-related problem that might arise for a tenant. As a rule of thumb, if something doesn’t feel right, it probably isn’t. The law often, though not always, protects against gross unfairness. If you believe you are being treated unfairly or that your rights are being violated, get help.

## **WHAT TO DO WHEN HOUSING IS THREATENED**

### **1. Act Promptly**

One of the most important things to do is to take prompt action when any problem arises pertaining to your tenancy. In a normal landlord-tenant relationship, the tenant pays the landlord on time for each month's rent and there is very little other interaction between the landlord and the tenant. If there is anything else that occurs—such as receiving a notice of a house rules violation(s), receiving a notice to pay rent, being told that your lease is terminating—take immediate action to try and remedy the problem. Problems become much more difficult to solve as time passes.

### **2. Make a Paper Trail**

If problems arise with your tenancy (e.g., if you receive a rule violation notice, if your landlord refuses to make requested repairs, etc.) send a letter to your landlord about the problems. If you are cited for a rule violation you did not commit, contest it in writing. Try to be cordial in your communications. Make sure you keep a copy of everything you send your landlord.

### **3. Request a Hearing**

If disputes arise for public housing tenants or tenants with Section 8 vouchers, the tenant will often have the right to a hearing. However, the hearing must be requested promptly or the tenant will forfeit their right. If a tenant receives a violation notice, unless the tenant does not dispute the violation and does not dispute that the violation should have adverse consequences, the tenant should request a hearing.

Tenants of public housing who are facing eviction will be scheduled for an eviction hearing in front of a Hawaii Public Housing Authority Eviction Board. If the tenant does not attend the hearing, the tenant will be evicted. Some tenants have the false impression that if they tell the eviction board excuses for why they violated their rental agreement (e.g., why they didn't pay their rent), the eviction board will be lenient and will give them another chance—this is not the case. The eviction hearing is a tenant's final opportunity to dispute the eviction. Tenants should be prepared to present evidence and forcefully argue why they did not violate their lease as alleged. Similarly, for evictions carried out in court, judges will not be swayed by excuses for why the tenant violated the lease. Tenants must attend their court hearings and must be prepared to present evidence as to why they did not violate their lease.

### **4. Get Help**

Do not wait to get help with housing issues. People often wait until it is clear that they cannot resolve an issue on their own. Unfortunately, the issue may be irresolvable at that point and so the sooner that you seek help on issues that threaten your housing the better. Organizations that assist people facing housing problems have limited resources. Legal Aid, for example, can only represent a limited number of people in court. However, if you seek help early on, it will often take far less effort to resolve your problem and you will be more likely to receive the help you need.

**REMEMBER: This pamphlet is meant to give you general information and not to give you specific legal advice about your case. The law often changes. Each case is different.**

**For more information or assistance call Legal Aid at 536-4302 or 1-800-449-4302 or access additional information at <http://www.legalaidhawaii.org>.**