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FIFTH CIRCUIT
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IN THE FAMILY COURT OF THE FIFTH CIRCUIT

STATE OF HAWAI‘I

IN THE MATTER OF THE CIRCUIT COURT OF THE FIFTH CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	)	(SPECIAL PROCEEDING) ORDER IMPLEMENTING E-MAIL SUBMISSIONS TO THE FAMILY COURT OF THE FIFTH CIRCUIT; EXHIBIT "1" (MEMORANDUM REGARDING FILING DOCUMENTS AT FAMILY COURT THROUGH APRIL 30, 2020)

ORDER IMPLEMENTING E-MAIL SUBMISSIONS TO
THE FAMILY COURT OF THE FIFTH CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai‘i.

WHEREAS, the Order of Chief Justice Mark E. Recktenwald filed on April 9, 2020 in case number SCMF-20-0000152 authorizes documents to be submitted for filing in the Family Court cases by E-Mail; and

WHEREAS, this Order is being entered to further clarify certain requirements for such E-Mail submissions;

IT IS HEREBY ORDERED:

1. The E-Mail address to be utilized when submitting documents for filing shall be LegalDocs.5CC@courts.hawaii.gov.

2. Documents submitted for filing by E-Mail shall have a handwritten signature. The requirement that all documents must contain an original signature shall be suspended.

3. The requirement that a party serve certified copies of documents shall be suspended. Documents need not be certified for purposes of service of process.

4. A "Memorandum Regarding Filing Documents at Family Court Through April 30, 2020", which further provides specific policies and procedures for submitting documents to the Family Court of the Fifth Circuit by E-Mail, mail and using the Drop Box, is attached hereto as Exhibit "1" and incorporated herein by reference.

DATED: Lihue, Kauai, Hawai'i, April 14, 2020.

JUDGE OF THE ABOVE-ENTITLED COURT

MEMORANDUM REGARDING FILING
DOCUMENT AT FAMILY COURT THROUGH APRIL 30, 2020

Effective immediately through April 30, 2020, documents may be submitted for filing at Family Court in one of the following three ways:

1. E-Mail at Legal.Docs.5CC@courts.hawaii.gov

2. Document Drop Box located by security check point at entrance of the courthouse.

3. Mail to:
   Family Court of the Fifth Circuit
   3970 Ka‘ana Street, Suite 207
   Lihue, HI 96766

Please follow the procedures described in this memorandum when submitting documents in one of the three ways listed above. Please follow the procedures described in this memorandum when submitting document in one of the three ways listed above. Please use only one of the three methods per submission. In other words, do no submit the same document by E-Mail and the Drop Box.

I. Procedure for Submitting Documents by E-Mail

a. The E-Mail submitting the document(s) to be filed shall state the following information in the subject line:

   1. Case name
   2. Case number (if one has been assigned)
   3. Case type (for example, divorce, paternity, CPS)

b. Documents must be scanned in as a .pdf file and have a handwritten signature.
   1. Documents with “/s/ John Doe” will not be accepted as having a valid signature.

c. When a document consists of one or more attachments, they shall be scanned in a scanned in as one .pdf file. For example, a Motion, a Memorandum in Support of Motion, an Asset and Debt Statement, an Income and expense Statement, and a Notice of Hearing would all be scanned in as one .pdf file.

d. All related documents shall be attached to one E-Mail as separate files. For example, if you wish to submit a motion and an ex parte motion to shorten time, both documents shall be attached to the same E-Mail as separate .pdf files.

EXHIBIT “1”

e. One file marked copy of each document shall be returned to the filing party to the E-Mail address that sent the document.

f. Once file-marked documents are returned, the sender is responsible for making the appropriate number of copies and serving a copy on the opposing party/opposing counsel. (The requirement of serving certified copies has been temporarily suspended by court order.)

g. The serving party shall also be responsible for filing an appropriate service document (for example, Proof of Service, Statement of Mailing, etc).

h. If documents have to be reviewed by a judge prior to filing, they may not be filed on the same day they are submitted.

i. If you are unable to comply with all of the above requirements for submissions by E-Mail, please submit your documents either to the Document Drop Box or by mail.

II. Procedure for Submitting Documents through Document Drop Box

a. Attorneys, parties representing themselves, and government agencies may all use the drop box located on the main floor of Pu‘uhonua Kaulike building at 3970 Ka‘ana Street, Lihue.

b. Parties using the drop box must submit an original signed document and the appropriate number of copies for processing.

c. Documents must be placed in an envelope. The envelope must contain the case name and case type (for example, paternity, CPS, divorce) so the envelope can be routed appropriately. Contact number of the party submitting the document.

   1. Parties representing themselves must include self-addressed envelopes with the appropriate postage so their document can be returned by mail.

   2. Attorneys and government agencies may also include self-addressed envelopes with appropriate postage if the wish their documents to be returned by mail. Otherwise, documents will be returned to attorneys and government agencies through court jackets.

d. Once the document is filed, it shall be returned by mail or court jacket (whichever is appropriate).

e. Once filed-marked documents are returned, the filing party is responsible for serving a copy on the opposing party/opposing counsel. (The requirement of serving certified copies have been temporarily suspended by court order.)

f. The serving party shall be responsible for filing an appropriate service document for example, Proof of Service, Statement of Mailing, etc.).

III. Procedure for Submitting Document through Mail

a. Parties mailing documents to be processed must submit an original, signed document and the appropriate number of copies for processing.

b. Parties representing themselves must include self-addressed envelopes with the appropriate postage so their documents can be returned by mail.

c. Attorneys and government agencies may include self-addressed envelopes with appropriate postage if they wish their documents to be returned by mail. Otherwise, documents will be returned to attorneys and government agencies through court jackets.

d. One the document is filed, it shall be returned by mail or court jacket (whichever is appropriate).

e. Once filed-marked documents are returned, the filing party is responsible for serving a copy on the opposing party/opposing counsel. (The requirement of serving certified copies have been temporarily suspended by court order.)

f. The serving party shall be responsible for filing an appropriate service document (for example, Proof of Service, Statement of Mailing, etc.).