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*The Center for Alternative Dispute Resolution Newsletter
State of Hawaii, Judiciary*



Center for Alternative
Dispute Resolution
State of Hawaii
Judiciary
417 South King Street
Room 207
Honolulu, Hawaii, 96813

Phone:
808-539-4ADR (4237)

Fax:
808-539-4416

E-mail:
CADR@courts.hawaii.gov

www.courts.state.hi.us/cadr



Oahu Child Welfare Mediation Program *- a brief summary for those who missed the forum*

The Oahu Child Welfare Mediation Program (OCWMP) is a court-based mediation program for child welfare cases in the Family Court of the First Circuit. The focuses of OCWMP are to keep children safe and facilitate permanency for them, encourage parents to participate in their case, and promote mutual decision making and planning in the child's best interest.

Nicole Isa-Iijima, a post JD law fellow, explained how OCWMP developed from its beginning as the Judicial Pretrial Assistance Program. Many stakeholders provide guidance to OCWMP, including judges, mediators, guardians ad litem, social workers, and attorneys. From 2009 to 2012, 38% of cases mediated in OCWMP reached full settlement and 18% resulted in partial settlement. Some cases that did not result in initial settlement were resolved later.

Dr. Scott Hashimoto, Dr. Barbara Higa-Rogers, Philip Nerney and Ray Zeason are mediators for OCWMP. All have extensive experience and background in mediation and this area of law. At the forum, Mr. Nerney and Mr. Zeason described the value of parties telling their stories directly and immediately to each other. Prior to mediation, mediators review confidential court files including pleadings, reports, and documentation that parents have completed required programs. During the session, opening statements clarify why parties are in mediation. Mediators manage the process by building rapport, summarizing, reframing and rephrasing statements in neutral language, and using "reality checks." Mediators often spend a lot of time working with the parents who are not accustomed to the court and mediation processes and who have to make important decisions about the child's future. They encourage parents to look forward and design a plan, and to consider different options such as guardianship as opposed to termination of their parental rights.

These cases are challenging because the consequences are so significant. The mediators emphasized that use of the traditional mediation skills helps to bring parties together and to resolve cases.