

HOW TO PREPARE FOR MEDIATION

Effective mediation requires two-way communication. This means:

- Honestly expressing your needs
- Listening to what the other party needs

The keys to a successful mediation are:

- Preparation
- Cooperation
- Flexibility

We suggest the following approaches to help reach an agreement:

- Approach mediation with a positive attitude
- Be open to new ideas and suggestions
- Seek agreement, not blame or revenge
- Look to the future, not the past
- Express yourself and listen carefully to what others say
- Bring all relevant documents
- Be realistic about whether or not you can live up to proposals that you make
- Learn about the divorce process before going to mediation (more information in this brochure):
 - attend or view the Judiciary's Divorce Law in Hawai'i Program
 - review the divorce forms on the Judiciary's website

COMMUNITY MEDIATION CENTERS

Hawai'i

Ku'ikahi Mediation Center
101 Aupuni Street, Suite PH 1014 B-2
Hilo, Hawai'i 96720
Telephone: (808) 935-7844
Fax: (808) 961-9727
www.hawaiimeditation.org

West Hawai'i Mediation Center
P.O. Box 7020
Kamuela, Hawai'i 96743
Telephone: (808) 885-5525
Fax: (808) 887-0525
www.whmediation.org

Kaua'i

Kaua'i Economic Opportunity, Inc.
Mediation Program
2804 Wehe Road
Līhu'e, Hawai'i 96766
Telephone: (808) 245-4077
Fax: (808) 245-7476
www.keoinc.org

Maui County

Maui Mediation Services
95 Mahalani Street, Suite 25
Wailuku, Hawai'i 96793
Telephone: (808) 244-5744
Fax: (808) 249-0905
www.mauimeditation.org

O'ahu

The Mediation Center of the Pacific
1301 Young Street, 2nd Floor
Honolulu, Hawai'i 96814
Telephone: (808) 521-6767
Fax: (808) 538-1454
www.mediatehawaii.org



Prepared by:
Center for Alternative Dispute Resolution
Hawai'i State Judiciary
417 South King Street, Room 207
Honolulu, Hawai'i 96813
Phone: (808) 539-4ADR (4237)

Visit CADR's homepage for other publications and information: www.courts.state.hi.us/cadr

Mediation of Divorce Cases

Mediation. It Works!

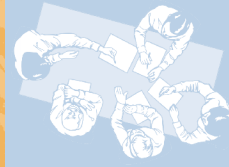
DIVORCE IN HAWAII

Divorce ends a marriage and settles all legal matters between partners.

In Hawaii, Family Court hears all divorce cases.

- You can get a divorce even if your partner does not want a divorce.
- You do not need to hire an attorney but it is advisable to consult with an attorney about your rights.
- You must have lived in Hawaii for six continuous months and have been present in the county you file in for three months *before* you can petition for divorce.
- You can get divorced in Hawaii if you were legally married in another state or county.
- If you are an alien on conditional status, divorce may affect your immigration status. You should consult with an immigration attorney before filing for divorce.

A divorce usually takes several months. If there is disagreement about child custody or support, division of debts, or assets, the case may take longer.



ABOUT MEDIATION

If you and your partner want to reach an agreement without using lawyers or going to court, you can meet with a mediator from a community mediation center. There may be a nominal fee. Mediation has several advantages:

- **More Control Over The Outcome** - When couples cannot agree on issues, a judge decides: one party wins and one party loses. Mediation allows for a discussion of the issues and searches for solutions that everyone can accept.
- **Private** - Mediation is a private process.
- **Faster** - You can usually schedule a mediation session for an earlier date than a court date.
- **Informal** - Rules of evidence and other requirements of court proceedings do not apply.
- **Maintains Relationships** - You and your partner may need to have contact after the divorce. Mediated agreements can include provisions for how you will interact with each other after divorce. You may agree to return to mediation if another dispute arises.

RESOURCES FOR DIVORCE MEDIATION

The Hawaii State Judiciary provides helpful information about divorce on its website.

www.courts.state.hi.us/self-help/divorce

- **Hawaii Divorce Manual** - The manual, available in three printed volumes and as a CD, is a resource for people going through a Hawaii divorce and those helping them. Copies are available for browsing at the Law Library.
- **Divorce Law in Hawaii** - This monthly program is offered on Oahu and is sponsored by the Family Court of the First Circuit. Presentations include an overview of child support, property division and the mediation process. You may view a session on the Judiciary's website.
- **Educational Programs** - The courts have educational programs for families going through divorce. The programs help parents understand the effects of divorce and separation on their children. You are encouraged to participate in one of these programs before you mediate.