

DIVORCE MEDIATION CHECKLIST

You and your spouse have decided to try to agreeably resolve all of the issues involved in your divorce through mediation. In order to prepare for the mediation, and maximize its chances for success, you and your spouse are encouraged to do as many of the following things as you can in anticipation of your next mediation session:

1. Kids First / Children in Transition

If you are the parent, you should read about what it's like for a child of the age(s) of yours to go through the divorce of their parents. You can find numerous books and other publications on this topic at the library, and at your local bookstore. Once a divorce is filed, the parents, together with their children ages 6-17, will attend a Family Court educational program (called *Kids First, Children First, or Children in Transition*, depending on the Circuit) where the parents will learn how to help their children through the process of divorce. For more info, visit: <https://kidsfirsthawaii.com/contact/neighbor-islands/hawaii-island/>

2. Uncontested Divorce

Detailed instructions for both *Uncontested Divorce With Children* and *Uncontested Divorce Without Children* are available in your Circuit on the Judiciary's website. For both sets of instructions, visit: https://www.courts.state.hi.us/self-help/courts/forms/hawaii/family_court_forms

3. Divorce Decree

Your divorce will conclude with the filing of a *Divorce Decree* signed by a Family Court judge. You should begin to familiarize yourself with what it covers. In the course of your divorce mediation you and your spouse will together try to complete a *Divorce Decree*, on the way to an uncontested divorce. For the Family Court's model *Divorce Decree* for your Circuit, visit: https://www.courts.state.hi.us/self-help/courts/forms/hawaii/family_court_forms

4. Parenting Plan

If you and your spouse are the parents of (a) minor child(ren) the Divorce Decree will say where they will live (physical custody) and who will make decisions for them (legal custody) following the divorce. A detailed time sharing arrangement may, or may not, be included. It identifies most of the options. If you have separated, or are about to separate, you should create a custody time-sharing calendar for the next three (3) months, and post a copy on the refrigerator in each home, so the child(ren) can see that their welfare is a shared concern and that both parents are following the same schedule. For the Family Court's model *Parenting Plan* for the First Circuit (applicable in all Circuits), visit: <http://www.courts.state.hi.us/docs/1FP/1FP796.pdf>

5. Asset & Debt Statement

You and your spouse should together prepare a joint Family Court *Asset and Debt Statement*. This statement will list all joint and separate accounts (credit union, bank, brokerage) vehicles, real property, life insurance cash surrender value, retirement accounts, business assets, and debt, and provide (estimated) values for all of them. List all pensions, without any estimate of value. There is generally no need to individually identify household effects and furnishings, or personal effects. The preparation of an accurate joint *Asset and Debt Statement* is essential in mediating a successful divorce property division. For the Family Court's model *Asset and Debt Statement* for your Circuit, visit: https://www.courts.state.hi.us/self-help/courts/forms/hawaii/family_court_forms

6. Income & Expense Statement

You and your spouse should each prepare a Family Court *Income and Expense Statement* to reflect your current (projected post-separation) income and expenses. The preparation of this statement is essential in successfully mediating the divorce support issues. For the Family Court's model *Income and Expense Statement* for your Circuit, visit: https://www.courts.state.hi.us/self-help/courts/forms/hawaii/family_court_forms

7. Pay Statements

You and your spouse should exchange your pay statements for the last two (2) months. They are necessary in the mediation of the financial issues in your divorce.

8. Tax Returns

You and your spouse should each possess copies of your state and federal *Individual Income Tax Return* for all of the years of the marriage, or at least the last five (5) years. They are necessary in the mediation the financial issues in your divorce. You will also want to have them following the divorce.

9. Child Support Guidelines

If you and your spouse are the parents of (a) minor or educationally dependent adult child(ren), child support will be required in accordance with Hawai'i's *Child Support Guidelines*. You should acquaint yourself with the materials on the Judiciary's website regarding child support. Generally, to run the *Child Support Guidelines*, one must provide the gross incomes of both parties, the timesharing arrangement for the children, and whether payments are made for health care insurance for children, or for child care to enable employment by the custodial parent. For the *Child Support Guidelines* and worksheets, visit: <https://www.courts.state.hi.us/child-support-guidelines>

10. Credit Reports

You and your spouse should each obtain, and exchange, your respective credit reports. The exchange of credit reports will ensure that all debt (and particularly joint debt) will be addressed. One can request a free credit report once every 12 months from all three nationwide consumer credit reporting companies (Trans Union, Experian, and Equifax) at: www.annualcreditreport.com

11. Retirement Assets

You and your spouse should each obtain from the involved institution or employer, and exchange, the most recent statement for each retirement account (IRA, SEP, 401(k), profit sharing, deferred compensation, federal TSP, other), and retirement pension (military, federal CSRS and FERS, Hawai'i ERS, private sector pension, other). The exchange of backup documentation for all retirement accounts and benefits is essential in mediating a successful divorce property division.

12. Premarital Property

You and your spouse should consider what assets and liabilities you had on the date of marriage, and secure any backup documentation. An understanding with respect to assets and liabilities at the time of marriage is essential in mediating a successful divorce property division.

13. Gifts & Inheritances

You and your spouse should consider what assets and liabilities were received by gift or inheritance during the marriage, and secure any backup documentation. An understanding with respect to during marriage gifts and inheritances is essential in mediating a successful divorce property division.