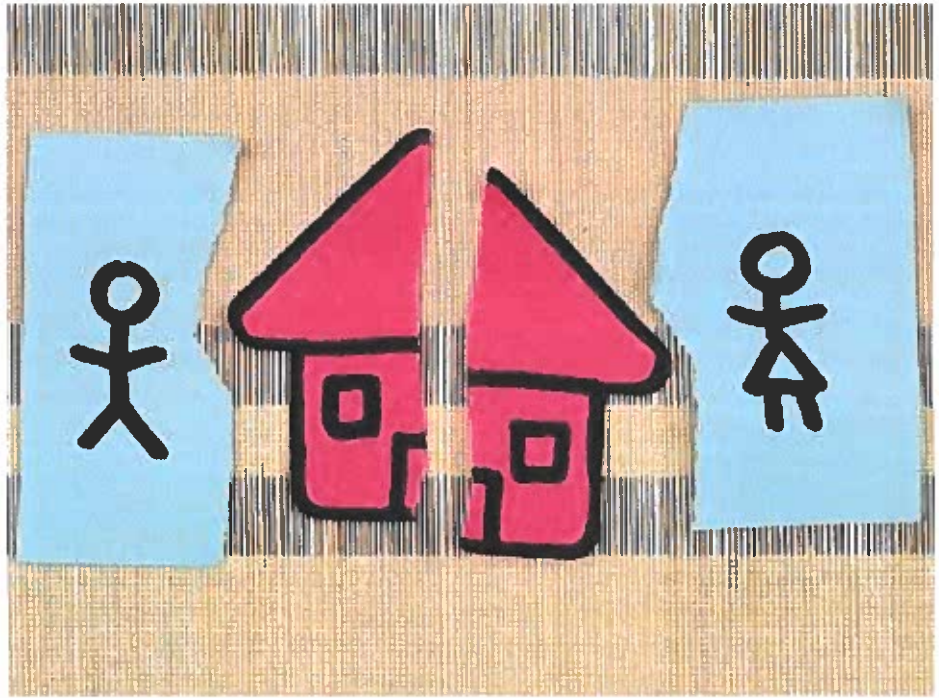


A PARENTS' GUIDE

KIDS FIRST



For families experiencing
divorce and separation
State of Hawaii Judiciary
Family Court - Maui

INTRODUCTION

Family separation is often the most stressful, exhausting and frightening time for families, and especially for children. Every year, more than one million marriages end in divorce. You are not alone.

It is vital that divorcing parents put their 'kids first' in their separation decisions. Parents must remember that their actions can have long-term consequences, positive and negative. There are many things parents can do for a win-win outcome.

This handbook will describe:

- Effects of divorce/separation on kids and parents
- Factors to consider during the divorce/separation process
- Parenting Plan
- Mediate or litigate
- Resources

Divorce and separation

Divorce/separation is a process that brings about one of the most drastic changes that life can bring, for parents and their children. Just as with a death in the family, you may experience a process similar to adjusting to the loss of a loved one. These are the normal STAGES that parents often find themselves going through.

- **Denial:** It's hard to believe, especially in the beginning that the relationship is really over. Denial can help protect against the shock of the break up and feelings of rejection, loneliness and depression. Some people react by becoming withdrawn or isolated, or may become highly active in order to block the pain.
- **Bargaining:** Thoughts may surface in your head about ways to save the relationship, "Maybe if I...then...." You might make a deal with yourself to do something in hope of saving the marriage. You may see your children trying to be extra good to please you in order to save the marriage.
- **Anger:** When you realize that it's over and needs weren't met in your relationship, anger may surface. And it's easy to direct that anger towards others and yourself.
- **Depression:** Admitting that the relationship is over may bring sadness. The fear of being alone may also surface. When you're feeling depressed, it's often difficult to think about the future.
- **Acceptance:** In time, as you adjust to the changes, you'll feel better. With acceptance, people are better able to focus on the future and adjust to changes in personal, social and sexual relationships. You see that there is life after divorce.

WHAT CAN PARENTS DO TO SUPPORT THEIR KIDS THROUGH THIS DIFFICULT TIME?

Relay to their kids these three important messages

- Kids don't cause a divorce/separation
- Kids can't fix a divorce
- Kids don't get a divorce

Keep in mind that kids do better when...

- Parents don't fight
- Parent's support the child's relationship with the other parent
- Parent's really listen and child is allowed to express his/her feelings freely
- Relationships w/parents & families continue
- Their parents do well
- Parents learn more about the divorce process and how it affects their kids
- Parents get professional help if they need it from counselors, clergy, attorneys or mental health professionals

For the sake of the children avoid:

- Talking "stink" about the other parent – especially in front of the children
- Putting your kids in the middle of your battle with your spouse
- Making your kids your spy kids
- Making your kids your messengers
- Bribing kids to influence them to take sides
- Fighting in front of the kids!

Parents remember:

- Be prepared for problems, especially the first year
- Be kind to yourself
- Divorce is a time of stress/confusion AND also opportunity for personal growth, and a better life
- Talking to other divorcees can be helpful
- This experience can leave your children with positive or negative memories
- Your life is your responsibility

Dear son,

We just wanted to tell you that even though we won't be living together as a family, we still love you. And, just because we aren't married it doesn't mean that we're not a family. You are still our child. We will always be your parents.

CHILD CUSTODY

In Hawaii, parents have two kinds of custody over their children: Legal and physical. For each type, the judgment/order may state either joint or sole custody.

Legal custody: Designates which parent has the authority to make major decisions on behalf of the child, such as religion, education, health, driver's licensing, marriage while a minor, military, etc.

- Sole legal custody means one parent has the right to make these major decisions. The exception is moving away from the island, as it may affect the visitation rights of the other parent.
- Joint legal custody means that the parents will make these major decisions together.

Physical custody: This refers to where the child will live.

- Sole physical custody: Child will live with one parent the majority of the time.
- Joint physical custody: Child will live approximately half of the time with each parent.
- Split physical custody: Siblings will live with different parents. Example: Mother may get physical custody of the daughter and father may get physical custody of the son.

Visitation: Visit by other parent not living in the home

- Reasonable visitation will be given to the parent who does not live with the child if the home is safe.
- Supervised visitation: Parent can visit in presence of another designated adult.

CHILD CUSTODY DECISIONS

Parents who financially qualify may be referred to the Family Court's Custody Investigation Unit (CIU) by a judge's order. The CIU will interview the parents who will be given an opportunity to discuss their views on custody and visitation. The CIU may also interview children, other relevant people and conduct a home visit. They will then make recommendations to the court based on the best interest of the children.

If parents do not financially qualify for the CIU, the judge may assign a custody evaluator (CE) from the court-approved list. Both parents will share the costs for the service. The CE will interview parents, children, teachers, physicians, and friends to make recommendations to assist the court in making its custody and visitation decisions.

LONG DISTANCE PARENTING

Regular communication is vital to maintaining emotional connection with your children.

Telephone: Arrange day/time that's convenient to talk. Communicate via text messages. Cell phones often have free night and weekend minutes. Buy your child a phone calling card or a long distance phone plan.

Internet: Email, facebook or other social networking site, blogs, web games, skype

Mail: Postcards, letters, gifts for special occasions, school supplies

FAMILY VIOLENCE

Safety for children and parents must always take priority in any parenting plan. Violence within a family is always harmful to children and is inappropriate in all families. What is considered family violence?

- Attempting to cause or causing physical harm to another family or household member
- Placing a family or household member in fear of physical harm
- Causing a family or household member to engage involuntarily in sexual activity by force, threat or duress.

If you have been the victim of family violence, you should tell your lawyer and anyone else who is helping you with your custody case. If you are afraid more violence may occur, you should contact Women Helping Women (808)565-6700.

Sometimes when there is a history of family violence and severe safety concerns or when a parent chooses to stop his or her parental relationship, a parent may be granted only limited access to the children. Children may feel rejected and tend to think that this is due to their being bad. The parent has the responsibility to help the child understand that they are loved. One way of doing this is to encourage a child's relationship with other loving adults. Try not to make an issue of the absent parent's behavior.

Dear Mom and Dad,

Work this out, please!!!!!!!!!!!!!!!

Dear Mom and Dad,

I'm not sure what's going to happen but I hope that you do the best possible things for all of us.

- What are the outcomes of mediation?

Most parties are able to come to an agreement on some or all of their issues. Many believe that mediation works better than the court system in helping divorcing parties feel better about each other and improve communication.

TRIAL

If an agreement can't be reached, the case will be set for a pre-trial hearing and trial date. Trials are very complex and almost always require the assistance of an attorney. Prior to the trial, the judge will make further efforts to get parents to reach a settlement on all issues. If this is not possible, the trial will take place. At the trial, the judge will listen to the testimony of both parents and other witnesses. The judge will weigh the testimony to decide which custody and visitation arrangements will be in the best interest of the children. The judge's decision will become the Divorce Decree or Custody Order.

<p>STATE OF HAWAII FAMILY COURT SECOND CIRCUIT</p>	<p>DIVORCE DECREE (With Children)</p>	<p>CASE NUMBER FC-D NO: [REDACTED]</p>
<p>[REDACTED] PLAINTIFF (Full Name)</p> <p>vs.</p> <p>[REDACTED] DEFENDANT (Full Name)</p>	<p>This document is prepared by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Atty. For Plaintiff <input type="checkbox"/> Atty. for Defendant</p> <p>Name: [REDACTED]</p> <p>Address: [REDACTED]</p> <p>City, State, Zip: [REDACTED]</p> <p>Phone: [REDACTED]</p>	
<p>Presiding Judge: [REDACTED]</p>	<p>Date of Hearing/Review by Judge: [REDACTED]</p>	
<p>A hearing was held before the Presiding Judge or an affidavit was submitted. After full consideration of the evidence, the Court finds the material allegations of the Complaint for Divorce to be true. Plaintiff is entitled to a divorce from the bonds of matrimony on the grounds that <input type="checkbox"/> the marriage is irretrievably broken <input type="checkbox"/> the parties have lived separate and apart for a period of two (2) years or more. The Court has jurisdiction to enter this Divorce Decree. In this Divorce Decree, Plaintiff is <input type="checkbox"/> Husband <input type="checkbox"/> Wife.</p> <p>IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:</p> <p>1. Decree: A decree of divorce is granted to Plaintiff. The bonds of matrimony between [REDACTED] and [REDACTED] are dissolved. The parties are restored to the status of single persons. Either party is not bound by the provisions of this Divorce Decree. This Divorce Decree is effective after it is signed and [REDACTED].</p> <p>2. The parties have [REDACTED] child(ren) together.</p>		

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Homepage

Court forms

Home > Courts > Court Forms

Court Forms

I want to...

- Locate a Courthouse or Program
- File a Small Claims Case
- Request a Restraining Order
- File for a Divorce
- Pay a Traffic Fine Online
- Obtain a Traffic Abstract
- Download a Court Form
- Learn about the Judicial System
- Request an ADA Accommodation
- Give Feedback

Searches

eCourt Kokua
For access to traffic cases, district court criminal and appellate cases. (The Hawaii Judiciary is not affiliated with Sustain Technologies, Inc. or with eCourt®, which is a

Interactive Forms Now Available

To access free **interactive interviews** that create **court forms** and legal documents to assist **self-represented individuals**. The interactive interviews ask a series of questions to complete a legal form or court approved document. The interactive interview also provides helpful information and instructions for next steps.

Self-Help Court Forms

For your convenience, you can **download the forms**, fill them out on your computer and **print them**. To view these forms, you need **Adobe Acrobat Reader**, which is free.

The Adobe Acrobat PDF files for District Court civil forms display properly in Acrobat 3.0 and 4.0. However, if you use Acrobat 5.x, you may find that the pull-down options for court divisions display incorrect choices. Please continue to fill out the rest of the form on your computer. Then print the form and complete the remaining portions either in writing or on a typewriter. We apologize for any inconvenience.

Court Forms by Circuit

<p>First Circuit (O'ahu)</p> <ul style="list-style-type: none"> • Circuit Court • Family Court • District Court Civil Claims • Traffic • District Court Traffic Crime/Crime <p>Third Circuit (Hawai'i)</p> <ul style="list-style-type: none"> • Circuit Court • Family Court 	<p>Second Circuit (Maui, Molokai Lanai)</p> <ul style="list-style-type: none"> • Circuit Court • Family Court • District Court Civil Claims • Traffic • District Court Traffic Crime/Crime 	<p>Fifth Circuit (Kaua'i)</p> <ul style="list-style-type: none"> • Circuit Court • Family Court
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