



State of Hawai'i
Department of Health
Early Intervention Section
1010 Richards Street #811
Honolulu, HI 96813

REQUEST FOR MEDIATION

Mediation is a voluntary and confidential process to resolve disagreements and may be requested at any time. An impartial, qualified, and trained mediator helps participants communicate with each other to express concerns and offer solutions. The goal is to find a solution that meets the needs of the child and family, which then becomes a written and legally binding agreement.

Child's Name: _____ Date of Birth: _____

Name of Person Requesting Mediation: _____

Relationship to Child: Parent Legal Guardian Resource Caregiver Surrogate Parent

Phone: _____ E-Mail: _____

Address: _____

Early Intervention Program: _____

Care Coordinator: _____

Please check off area(s) of concern and include any facts as they relate to the areas of concern): Use additional sheets if necessary

Eligibility Placement Evaluation Provision of early intervention services for your child and family

Proposed Resolution (please describe things that you believe will resolve the issues based on the information available to you: Use additional sheets if necessary

Is an interpreter needed? No Yes, Language/Dialect: _____

I attest by my signature below that the above information is accurate and complete to the best of my knowledge.

Signature: _____ Date: _____

MEDIATION PROCEDURES

The following procedures are established, consistent with Section 303.431 of IDEA Part C, to allow parties to resolve disputes through a mediation process.

The mediation process:

1. Is voluntary on the part of the parties;
2. Is not used to deny or delay a parent's right to a due process hearing or to deny any other rights under Part C of IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Early Intervention Section (EIS) shall:

1. Maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention;
2. Select mediators on a random, rotational, or other impartial basis;
3. Bear the cost of the mediation process, including the cost of meetings;
4. Schedule the sessions in a timely manner and held at a location that is convenient to the parties of the dispute;
5. Ensure any agreement reached by the parties to the dispute in the mediation process is set forth in a legally binding agreement and:
 - a. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal or State court;
 - b. Is signed by the parent and a representative of EIS who has the authority to bind such EIS;
6. Ensure that a written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States;
7. Ensure that the child shall continue to receive the appropriate early intervention services currently being provided during the duration of these proceedings, unless EIS and the parents of the child otherwise agree; and
8. Ensure that if the complaint involves an application for initial or new services, the child must receive those services that are not in dispute.