

What is Collaborative Divorce?

Collaborative Divorce offers separating couples an inter-disciplinary and revolutionary way of dealing with divorce during a very stressful and challenging time in their lives. It is a process that helps protect the dignity, integrity, and long-term best interests of all family members.

In the Collaborative Divorce process, the separating couple and their lawyers sign a written agreement to work together at resolving the issues **without going to court**. This approach can reduce the emotional and financial costs that often result from separation and divorce. It affords spouses the guidance and support they need at a highly stressful time in their lives.

This approach is based on a team effort - where you, your lawyers and your coaches work together to resolve whatever is in dispute - whether it relates to support, division of assets or parenting of children. Specially trained lawyers, mental health professionals who assist as divorce coaches, child specialists and neutral financial advisors form a team as needed to see you through the process to a “win/win” resolution.

How Does the Collaborative Divorce Process Work?

This team is available as needed, and allows a couple to tailor the process to fit their needs, not try to fit their needs into a process that has a set structure. Mental health professionals provide emotional support, teach communication skills, and help ensure that needs, concerns and feelings are understood and contained. Child Specialists, who are neutral as between the couple, assist the couple to reach decisions together in the best interests of their children with greater awareness of the impact of their choices on their children. Financial neutrals are there to provide, where required, business and property valuations, and an unbiased look at the combined effects of income, support payable, applicable taxes, etc. to inform the parties at how life after separation can be possible.

This approach is designed to remove the adversarial element embedded in many divorce proceedings, and replace it with one that consists of mutual respect and problem solving. The impetus behind this growing practice is to minimize the emotional and financial toll that traditional, court-based proceedings have on the parties and on their children. In an adversarial process, as it applies to family law situations, irreparable damage can be done to already strained relationships making it very difficult for parents and for children to move forward in a healthy way.

The collaborative approach creates an atmosphere of open communication and cooperation that assists the couple in shaping an agreement that best meets their needs and the needs of the children during the separation process and in the future. It is a ‘without prejudice’ process, which means that whatever takes place within the process cannot be used by one party against

the other in court later, including any expert reports that have been prepared, unless the parties specifically agree that they will jointly rely on such reports

Although Collaborative Law is flexible enough to meet the needs of a variety of situations that arise in the separation and divorce process, Collaborative Law is not for everyone. It requires a commitment on the part of both parties to working together honestly and with integrity. It also requires a desire from the couple to work with their lawyers to resolve the issues, instead of relying on an outside third party (a judge) to make decisions for them.

The Benefits of Collaborative Divorce

The benefits of collaboration to the future of the separating couple and their children are that it:

- Creates a cooperative environment where needs and interests can be heard and met
- Addresses and emphasizes the needs and well-being of the children
- Employs problem-solving techniques that foster efficient resolution of issues
- Allows couples to retain control of the separation process and a measure of privacy
- Provides the flexibility to craft an agreement together, build confidence and come to consensus around the agreement
- Contains legal costs
- Offers the only model that provides a structure for both emotional support and legal guidance
- Requires timely disclosure of relevant financial information that makes the collaborative process efficient
- Helps preserve respectful relationships followings separation and divorce
- Helps the newly configured family begin new lives in a more hopeful and healthy way

