

Divorce
Differently

Collaborative Divorce

an alternative method to traditional divorce

What is Collaborative Divorce?

Collaborative divorce is an alternative method for couples facing divorce. Through the collaborative process, spouses pledge to resolve all issues without court intervention. In a collaborative divorce, spouses focus on settlement with the goal to minimize the negative economic, social, and emotional consequences that families face in the traditional divorce process.

How is Collaborative Divorce different from Traditional Litigation?

In a traditional divorce, the process to reach a settlement agreement is done through the lens of the adversarial process, with spouses postured as opponents. The goal of each spouse is to “win”. Therefore, even when a case settles without a trial, both spouses walk away feeling disappointed, frustrated, and exhausted, regardless of the outcome.

Fundamentally, a collaborative divorce differs in the approach couples take to dissolve their marriage. These differences include the framework of the divorce process, the time frame/length of the process, the expense involved, and outcomes/solutions for families.

Who makes up the Collaborative Team?

A collaborative divorce team is comprised of trained professionals who assist spouses in the divorce process. Each spouse will have an attorney and the team may include mental health professionals, such as a divorce coach, child specialist, and a financial specialist.



Attorneys

The attorneys guide their clients through the collaborative divorce process and facilitate settlement negotiations.

Financial Specialist

A financial specialist is a divorce financial analyst who acts as a neutral professional to address the financial aspects of a divorce.

Divorce Coach

Divorce coaches provide emotional support for clients with the goal of helping them to be able to participate effectively in the collaborative process.

Child Specialist

In divorce cases with children, a neutral child specialist is appointed to the Collaborative Team to assist parents in developing a parenting plan

**FOR COLLABORATIVE
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Note:

It is not necessary that you and your spouse agree on all issues prior to entering collaborative divorce. However, it is necessary that you and your spouse are committed to resolving all issues in a fair and equitable manner without court intervention.

Is Collaborative Divorce Right for your Family?

Both spouses must be committed to the process before you can proceed with a collaborative divorce. Your attorney will help you decide whether this process is appropriate given the facts and circumstances of your relationship and can help you determine whether collaborative divorce will be a successful way to move through the divorce process.

Questions to Consider:

- Do you and your spouse seek a respectful method to resolve your divorce?
- Is it important to you and your spouse to have control over the process and craft creative solutions to meet the needs of your family?
- Do you and your spouse recognize the importance of your future relationships with each other, especially if you are going to co-parent children together?
- Are you and your spouse committed to protecting your children from the harm that litigated conflict can inflict?
- Are you and your spouse committed to openly and honestly sharing and providing all relevant information and documentation necessary to divide your marital estate?

Framework for the Process

Collaborative Divorce: You and your spouse are committed to resolving your divorce with mutual respect, integrity and transparency. The process is client-centered and focuses on children's best interest. Conflict is managed and handled respectfully and with the assistance of mental health experts, if needed.

Litigated Divorce: The court process is based on an adversarial system that pits you against your spouse and often leaves both parties feeling like they "lost."

Time

Collaborative Divorce: You and your spouse set the time frame for moving through and completing the divorce process.

Litigated Divorce: You and your spouse are at the mercy of a crowded court calendar to determine the length of the process.

Expense

Collaborative Divorce: Collaborative divorces are less expensive than a fully litigated divorce, even with the use of a team of experts (attorneys, mental health professionals, and financial experts).

Litigated Divorce: The costs of a litigated divorce are unpredictable. Each stage in a litigated divorce (initial pleadings, temporary issues, discovery, settlement negotiations, trial preparation, and trial) can cost thousands.

Outcome

Collaborative Divorce: You and your spouse craft creative solutions (with the help of your attorneys) to meet the unique needs and interests of your family.

Litigated Divorce: The Court rules on the issues (after usually 1 day of trial) that you and your spouse are bound to abide by.



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