



New Kid on the Block – Collaborative Divorce

by STEPHEN MCDONOUGH *on* MARCH 28, 2009

Despite steady increases in popularity in both the U.S. and internationally, many people have yet to hear the term “collaborative divorce.” Collaborative divorce is considered a relatively new alternative for couples to resolve their dispute respectfully without going to court. Also, let me disclose right up front that I am a fan of the collaborative process (although you probably determined that already from the title of this blog) and I am on the Board of Directors of the Massachusetts Collaborative Law Council.

In a collaborative divorce, each party has their own lawyer that has received specialized training in the collaborative method. Frequently, other professionals are included as part of the collaborative team, including divorce coaches and child and financial specialists. The attorneys each provide support and guidance to their individual client, while the other specialists are neutral members of the team. The multi-disciplinary approach is not required, but is encouraged and can be a major benefit of the process.

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The collaborative process involves several key concepts, such as maintaining respectful communications, a pledge not to go to court until the final divorce agreement is completed, and a full exchange of information by both spouses. The process emphasizes the needs of both spouses and their children and issues are discussed at a series of meetings where solutions are explored and discussed. Unlike court, the timetable can be controlled by the parties, all negotiation details are kept private, and the costs are usually less expensive than litigation – sometimes substantially less.

Over the past few years, collaborative divorce has become more mainstream and has been the dispute resolution method of choice in some [high-profile cases](#), including that of actor and comedian Robin Williams and his wife Marsha Garces. Although many cases can be handled in this fashion, a collaborative divorce may not be appropriate for everyone. If concerns exist that a spouse is hiding assets for example, then collaborative divorce may not be a good idea.

For many couples however, collaborative divorce is a smart way to manage the turmoil that often accompanies a traditional court-based divorce and minimize the negative effects divorce can have on children. For more information, I would suggest visiting the [International Association of Collaborative Professionals](#) website where you can easily download a Collaborative Divorce Knowledge Kit, the [Massachusetts Collaborative Law Council](#) website, or my firm website at www.wagnermcdonough.com. Although not perfect, the collaborative process is certainly worth serious consideration before heading down the slippery (and slow, and expensive) slope of litigation.

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