

WHAT IS A COLLABORATIVE DIVORCE?

A collaborative divorce is a method of resolving issues pertaining to divorce with a team of professionals in which you craft your own agreement. You must agree to work together in a respectful way. You make your own decisions without involving a judge or third party.

WHAT HAPPENS IF I DECIDE I WANT A COLLABORATIVE DIVORCE?

If you decide to pursue a collaborative divorce, each party will hire a collaborative lawyer. Each of you, the lawyers and any other professions involved will agree, in writing, that you will not go to court. Then, each of you will meet both privately with your lawyers and in face-to-face discussions. Additional experts, such as divorce coaches, child and financial specialists, may join the process, or in many cases, be the first professional that you may see. The sessions between you and your team are intended to produce an honest exchange of information and expression of your needs and expectations. The well-being of your children is especially stressed. Mutual problem-solving by both of you leads to the final divorce agreement.

WHAT'S THE DIFFERENCE BETWEEN A COLLABORATIVE DIVORCE AND A LITIGATED DIVORCE?

In a collaborative divorce the process is geared to helping you reach a mutually agreeable solution to your problems. You work together with professionals, with respect and in good faith, gathering the information that is needed to reach an agreement. Unlike a litigated case, where there is a winner and a loser, collaborative divorce allows for a win/win outcome for both of you. You then work on a settlement until you come up with one that you both agree on. This process is designed to minimize conflict and allow you to continue an amicable relationship in the future.

HOW DO I KNOW MY HUSBAND/WIFE WON'T GO TO COURT WITHOUT ME KNOWING IT?

One of the essential elements of a collaborative divorce is that all the participants, including the attorneys and other professionals, agree from the beginning that the case will be settled, not contested.

WHAT IF WE DON'T REACH A SETTLEMENT?

If the case cannot be settled, the attorney and other professionals must withdraw. The attorneys will assist the couple in finding new attorneys to help them settle through the court system.

CAN INFORMATION DISCUSSED DURING THIS PROCESS BE USED IN FUTURE DISPUTES?

The information that is gathered is shared with your spouse and team members. All communications (written and oral) made during the collaborative process remain confidential and may not be used as evidence in any future disputes.

WHAT DO I DO NOW THAT I HAVE DECIDED I WANT A COLLABORATIVE DIVORCE

Your next step is to discuss it with your spouse. Explain the benefits of the collaborative process. Contact a collaborative lawyer. If possible find collaborative attorneys that have worked together before. Contact them and let them explain the specifics of what comes next.