

## **Collaborative Law**

A family dispute is a time of great distress and upheaval for all concerned. The turmoil felt by the couple themselves can ripple out to children, other family members and friends. It can be difficult to know where to start or how to see a way forward and many people are concerned about the legal costs, uncertainty and acrimony of taking court action.

Most couples would prefer not to have to go to court to resolve differences about money or children ; court action is needed in some situations but for those couples who feel that with some help, they could negotiate an outcome that works for both of them and the children, the collaborative law process or mediation (or a mixture of both) may assist.

The Collaborative law process allows a couple to work through their financial and other issues in a private and dignified way, each having the support and advice of their own lawyer. All four people have a number of meetings at which they can work through the reality of their situation and how best to move forward with the interests of both and the family in mind. Experts can be brought into the meetings as and when needed, on a joint basis. Creative outcomes are much more likely because the couple are designing their own financial solutions, rather than having a judge impose one upon them that neither might really want.

All four people sign a Participation Agreement at the outset of the collaborative process; the agreement is that the couple will not take matters to court (except to obtain a divorce/approval of a financial agreement order).

The Collaborative process can be of help in lots of circumstances:

- Divorce and finances
- Unmarried couples who are in dispute about finances
- Issues relating to the future arrangement of children (providing there are no serious welfare concerns about the children)
- Negotiating relationship agreements
- Inheritance disputes amongst family members