

INTRODUCTION

Thank you for downloading the 12 page Collaborative Practice “Knowledge Kit” which contains:

- The “Collaborative Divorce vs. Litigation Divorce” comparison (pg. 2)
- Case Studies that highlight the flexible, solution-oriented process of Collaborative Divorce (pg. 3)
- Collaborative Practice overview (pg. 4-12)

If you feel this information would be helpful to a friend or family member we encourage you to freely distribute it.

If you would like to speak with a Collaborative Professional in your area, you can use the **Collaborative Professional Locator** on our website at: www.CollaborativePractice.com.



COLLABORATIVE PRACTICE INTRODUCTION

Collaborative Practice is a new way for you to resolve disputes respectfully—without going to court—while working with trained professionals who are important to all areas of your life. The term incorporates all of the models developed since IACP’s Minnesota lawyer Stu Webb created Collaborative Law ideas in the 1980s.

The heart of Collaborative Practice is to offer you and your spouse or partner the support, protection, and guidance of your own lawyers without going to court. Additionally, Collaborative Practice allows you the benefit of child and financial specialists, divorce coaches and other professionals all working together on your team.

In Collaborative Practice, core elements form your contractual commitments, which are to:

- Negotiate a mutually acceptable settlement without having courts decide issues
- Maintain open communication and information sharing
- Create shared solutions acknowledging the highest priorities of all

“ If all divorcing couples
used the Collaborative Practice
process, the world would
be a better place ”

~ Lauren M., Brooklyn, NY

The International Academy of Collaborative Professionals (IACP) is a worldwide nonprofit organization dedicated to transforming the practice of dispute resolution.

Our mission: to serve our members, lead the collaborative community and educate the public. We are committed to fostering professional excellence in conflict resolution through Collaborative Practice.

We do this by protecting the essentials of Collaborative Practice, expanding Collaborative Practice worldwide and providing a central resource for education, networking and standards of practice.

Divorce: Collaborative vs. Litigation

	<i>Collaborative</i>	<i>Litigation</i>
<i>Who Controls the Process</i>	You and your spouse control the process and make final decisions	Judge controls the process and makes final decisions
<i>Degree of Adversity</i>	You and your spouse pledge mutual respect and openness	Court process is based on an adversarial system
<i>Cost</i>	Costs are manageable, usually less expensive than litigation; team model is financially efficient in use of experts	Costs are unpredictable and can escalate rapidly including frequency of post-judgment litigation
<i>Timetable</i>	You and your spouse create the timetable	Judge sets the timetable; often delays given crowded court
<i>Use of Outside Experts</i>	Jointly retained specialists provide information and guidance helping you and your spouse develop informed, mutually beneficial solutions	Separate experts are hired to support the litigants' positions, often at great expense to each
<i>Involvement of Lawyers</i>	Your lawyers work toward a mutually created settlement	Lawyers fight to win, but someone loses
<i>Privacy</i>	The process, discussion and negotiation details are kept private	Dispute becomes a matter of public record and, sometimes, media attention
<i>Facilitation of Communication</i>	Team of Collaborative Practice specialists educate and assist you and your spouse on how to effectively communicate with each other	No process designed to facilitate communication
<i>Voluntary vs. Mandatory</i>	Voluntary	Mandatory if no agreement
<i>Lines of Communication</i>	You and your spouse communicate directly with the assistance of members of your team	You and your spouse negotiate through your lawyers
<i>Court Involvement</i>	Outside court	Court-based



Collaborative Divorce Case Study Summaries

Demonstrating flexible solutions... allowing you to control your future

1. A music executive and his financially dependent wife had a 5-year old daughter. The wife had a new boyfriend and was pregnant with his child. Collaborative Practice (CP) helped the divorcing couple agree to a very technical financial arrangement and addressed the daughter's contact with her mother's boyfriend.
2. Years ago, the husband's first wife disappeared, leaving him with two children. His current wife was the only mother the children knew. And, she couldn't have children of her own. A typical court might grant her no parental rights after the divorce. CP ensured she stayed active in the children's lives.
3. A husband and wife, both ministers with four kids, lived together in the same house with the husband's secret partner. The partner later exposed their relationship. Despite the acute trauma felt by the wife and children, CP restored the relationship between all three adults and the children.
4. A husband and wife had two children, one a special needs child. During the divorce, this child's long term care requirements caused tremendous financial conflict between the parents. CP kept them focused on the discussion until they reached an agreement. The parents also agreed to work together after the divorce, assuring both children receive the care and support they needed.
5. Years after a rough legal battle, the divorced couple decided to modify their originally litigated divorce settlement. CP allowed them to do this so amicably that the ex husband offered to help his former wife out of a financial rough spot.
6. When the couple's daughter left for college, the wife announced she wanted a divorce after 30 years of marriage. The wife never worked outside of the home. She did not want to take advantage of the husband's wealth, and wanted the divorce to move quickly to spare her husband further pain. CP helped her maintain peace and integrity during the process. She felt spiritually liberated by the model's ability to separate without regrets.
7. When the couple used CP to end a 16-year marriage, their team included lawyers, a child psychologist and a financial specialist. Their team guided them to a fair financial arrangement for the children by helping them keep everyone's needs in perspective. Years after the divorce, the couple still calls each other every week to update one another on the children's past week.
8. A couple who had once been childhood sweethearts could no longer talk to each other without yelling through fits of anger, especially when discussing living arrangements of their five-year old son. Through CP, the couple learned to communicate with each other and agreed to shared custody and joint monitoring of any funds spent on their son.
9. The wife initiated a divorce feeling ignored and misunderstood by the family for years. The CP team helped establish a less hostile environment to proceed with the divorce. Then they facilitated communication between the couple. In the end, the couple decided to stay together, working out their issues through counseling.

SUPPORTIVE
CONSIDERATE
SENSIBLE
CONSTRUCTIVE
MUTUAL

A different way to divorce.



COLLABORATIVE
PRACTICE

Resolving Disputes Respectfully.

IF YOU'RE LOOKING FOR
AN ALTERNATIVE TO
DIVORCE AS USUAL,
YOU'RE NOT ALONE.



RESPECT



Collaborative Practice. It begins with something you both can agree on: self-respect.

The end of a marriage or relationship can be tragic enough. Often, the process of divorcing only adds to the pain. You and your spouse or partner may come to see each other as adversaries and the divorce as a battleground. You may experience feelings of confusion, anger, loss and conflict. Under such circumstances, you might find it difficult to see an end to divorce, much less imagine a hopeful future afterwards.

But it doesn't have to be this way. A growing number of parting couples, along with other professionals such as lawyers, mental health professionals and financial specialists, have been seeking a more constructive alternative. These professionals have developed the Collaborative Practice model.

Collaborative Practice is a reasonable approach to divorce based on three principles:

- A pledge not to go to court
- An honest exchange of information by both spouses
- A solution that takes into account the highest priorities of both adults and their children.

Mutual respect is fundamental to the collaborative way. You may cease being spouses, but you don't cease being worthy human beings. When respect is given and received, discussions are likely to be more productive and an agreement reached more easily.



A CLIENT-CENTERED APPROACH.



COLLABORATE

A PLEDGE TO COLLABORATE.

The key difference between Collaborative Practice and conventional divorce is the pledge to reach an agreement before going to court. You and your spouse keep control of the decisions yourselves, rather than giving it up to a judge. In order to accomplish that, all of the parties consent in writing to be part of a respectful process that leads to an out-of-court resolution. With Collaborative Practice, the goal is to develop effective relationships, solve problems jointly, and prevent a court battle.



OPEN COMMUNICATION.

Even under the best of circumstances, communication can be strained as a relationship is ending. Yet keeping the lines of communication open is essential for reaching an agreement. Collaborative Practice provides for face-to-face meetings with you, your spouse, your respective lawyers and your team as needed. These sessions are intended to produce an honest exchange of information and expression of needs and expectations. When the issues are openly discussed, problem solving can be direct and solutions-oriented.

THE COLLABORATIVE TEAM. CENTERED AROUND YOU.



Going through divorce or separation can make you feel isolated and alone, unsure of where to turn for support and advice. Unlike conventional legal process, Collaborative Practice offers you a team of skilled and compassionate professionals. Each expert in their own fields, the team members help you manage the many aspects of divorce—the legal issues, the emotional turmoil, the concerns for children and the financial and property questions. With such support you'll feel more in control of the process itself, and better equipped to begin a new life afterwards.

As you review the roles of your various team members, be sure to choose team members with special training in Collaborative Practice.



COLLABORATIVE
PRACTICE

Resolving Disputes Respectfully.



COLLABORATIVE LAWYER

Though Collaborative Practice seeks to avoid going to court, the settlement is still a legal agreement. Therefore, it is essential that a lawyer be involved to advise you on all matters of law, from child custody and support to maintenance agreements to financial settlements and property distribution. Collaborative lawyers have made a commitment to the unique practice of the collaborative model.

DIVORCE COACH

Divorce is a major life transition; while it marks the end of one part of your life, it is also the beginning of another. A mental health professional helps you manage the pain and strain of changing relationships, while focusing on goals for the present and the future. Working with you to make the most of your strengths, your mental health professional assists you in being at your best during the divorce process, then taking positive steps to a new life.

FINANCIAL SPECIALIST

The divorce settlement will in part determine your financial well-being for many years to come. It is critical that it be soundly structured, especially if your spouse assumed more responsibility for your family's finances. The guidance of a financial specialist will help protect your interests. Reviewing all assets and incomes, the financial specialist will assist you in analyzing viable financial options for your future. Evaluating the choices, you and your lawyer can then construct a comprehensive plan for the next stage of your life.

CHILD SPECIALIST

Children may suffer most from divorce, and be least able to understand or express their feelings. Their world is being turned upside down in ways that they cannot begin to comprehend. Communication with parents may be difficult, if not impossible. A goal of Collaborative Practice is to assure that children are a priority, not a casualty. The child specialist, an individual skilled in understanding children, will meet with your children privately, assisting them in expressing their feelings and concerns about the divorce. Encouraging children to think creatively about the future, the child specialist then communicates their feelings, concerns and hopes to the team to consider when planning for the children's lives.



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