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## **Collaborative Family Law – Resolving Disputes Respectfully**

As a nurse and attorney, I and have worked with families in crisis since the 1970s. My experience in family law began with my own parents' high conflict divorce. My parents refused to be in the same room together for more than 20 years thereafter. This was followed by my own divorce and, later, experience as a step-parent for more than 26 years. I have been witness to other terrible divorces and the attorney fees and costs which required refinancing both the family home and pension plans to pay them. I knew there had to be a better way. The trauma the children (I included) experienced by being in the cross-fire was tremendous.

None of us advocates divorce, but it is sometimes inevitable. Still, the end of a marriage does not mean the end of a family. Future events continue to occur that require ex-spouses to communicate and get along. School graduations, births of grandchildren and marriages are examples.

**Collaborative family law** is a dispute resolution method whereby the attorneys for both of the parties to a family dispute agree to assist them in resolving conflict using cooperative strategies rather than adversarial techniques and litigation. This method encourages compassion and respect for all participants in the process, and advocates forgiveness, honest personal growth and personal responsibility. The Collaborative process is conducted by attorney "coaches" in informal surroundings. There is a promise that neither party will go to court to fight about the issues. The parties make a commitment to work though issues based upon not what is best for them, but what is best for the entire family. Trained attorneys bring their experience and creative ideas to the table to help the parties find solutions. Joint financial experts and mental health/child specialists are added to the team, if needed.

The collaborative family law process begins when both parties and their collaborative attorneys sit down together to review and all sign the collaborative agreements to cooperate with one another in an honest and full disclosure of information necessary for negotiation and resolution of the issues. The collaborative agreements also recite the value that each party agrees to place on finding a resolution that is workable and acceptable to the other party as well as to themselves, and that serves the best interests of any children of the marriage.

The collaborative process proceeds by means of four-way meetings, the parties and their attorneys, for purposes of exploring and negotiating agreements. They are supported in this process by other collaborative team members whose need is identified at the outset and are

available to assist the parties as they may desire. Those professionals could include (1) coaches—mental health professionals who provide support and feedback to parties having difficulty effectively participating in negotiations because of emotional or behavioral roadblocks that are preventing good progress; (2) a child specialist—a mental health professional who can meet with the children and the parents to help assess the children's needs and concerns and bring that information to the negotiating table; and (3) the financial specialist—a financial planner or CPA who has been trained to work with both parties together to gather financial information, do valuations, create financial scenarios reflecting the longer-term financial impact of proposed property divisions, and also help each party create a workable budget going forward as a single household. The collaborative team members share information with one another as may be helpful to find a good resolution of the family's issues.

Collaborative law dispute resolution is often less expensive than conventional litigated dispute resolution because issues are resolved cooperatively, with the assistance of the lawyers and other professionals, but without “experts” on both sides and without the cost of the professionals' preparation and time for hearings or the documentation required in preparation for trial on the issues.

You ought to consider collaborative law if some or all of these are true for you:

- a.* You want a civilized, respectful resolution of the issues.
- b.* You would like to keep open the possibility of friendship with your partner down the road.
- c.* You and your partner will be co-parenting children together and you want the best co-parenting relationship possible.
- d.* You want to protect your children from the harm associated with litigated divorce between parents.
- e.* You and your partner have a circle of friends and extended family in common that you both want to remain connected to.
- f.* You have ethical or spiritual beliefs that place high value on taking personal responsibility for handling conflicts with integrity.
- g.* You value control and autonomous decision-making and do not want to hand over decisions about restructuring your financial and/or child-rearing arrangements to a stranger (i.e., a judge).
- h.* You recognize the restricted range of outcomes and "rough justice" generally available in the public court system, and want a more creative and individualized range of choices available to you and your spouse or partner for resolving your issues.
- i.* You place as much or more value on the relationships that will exist in your restructured family situation as you place on obtaining the maximum possible amount of money for yourself.

*j.* You understand that conflict resolution with integrity involves achieving not only your own goals but finding a way to achieve the reasonable goals of the other person.

Later, the attorneys reduce the written agreements to writing and help them to be filed with the court for approval. Neither party needs to set foot in court.

The model also helps parties build communication techniques essential for dealing with one another after the divorce process ends. This is especially important where children are concerned. In comparison, the litigation process usually involves separate lawyers and experts for both sides who often represent the other party in an adverse way. This naturally leads to hurt and anger. After the hurt and anger is created, it is difficult for the spouses to suddenly forget the hurt feelings and communicate respectfully about their children. The litigation process usually only heightens the conflict and expense.

Not all people are candidates for the process. Severe domestic violence is usually one such circumstance. Also, individuals who are not honestly seeking to cooperate in the process, but whose motives are to drain the financial resources of the other, less monied spouse, with the later intent to withdraw from the process to financially abuse the other party, would also be poor candidates.

Not every attorney is trained in the Collaborative Process. For a listing of the attorneys and other multidisciplinary members who are trained in the area who are trained in the area, please feel free to visit the State website at [www.ccflp.org](http://www.ccflp.org). or the local Colorado Springs website at [www.ppcla.net](http://www.ppcla.net).

Please feel free to call our office at 719-520-5441 if you have questions.

### **Collaborative Resources and Links**

International Academy of Collaborative Professionals: <http://www.collaborativepractice.com/>

New York Times Article, May 5, 2004, Divorce Without the Courts:  
<http://www.nytimes.com/2004/05/20/garden/20COLL.html>

Video clip from NBC's "The Today Show" on Collaborative Divorce:  
[http://www.collaborativelawny.com/today\\_show.php](http://www.collaborativelawny.com/today_show.php)

["An Introduction to Collaborative Law" by E. Richard Toray](#)

["Divorce without the Courts" article in New York Times](#)

[Video clip from NBC's "The Today Show" on Collaborative Divorce](#)

Pastor Chris Carter

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[Colorado Collaborative Family Law Professionals: http://cocollaborativelaw.com/](http://cocollaborativelaw.com/)

[Collaborative Divorce](#)

Collaborative law video

[International Academy of Collaborative Professionals](#)

National association of collaborative law professionals

[Civilized Divorce](#)

Article on Collaborative Law

[Collaborative Law Section on Mediate.com](#)

[San Francisco Collaborative Law Group](#) Pauline Tessler's practice group

[Denver CityStar® Marketplace](#)

["Collaborative Practice: Deepening the Dialogue" by Nancy Cameron](#)

[Press clippings](#)

["Splintering Couples are Trying 'Collaborative Divorce' Process"](#), Diya Gullapalli, Wall Street Journal, July 17, 2002.

["The Spiritual Aspects of Collaborative Law"](#) by [Dale L. Raugust](#), *Mediate.com*, January 2006.

[Divorce in Denver Magazine](#)