

COLLABORATIVE DIVORCE

What Is Collaborative Divorce? Collaborative divorce is a respectful, compassionate approach to divorce where couples agree to openly negotiate with the help of specially trained professionals in order to arrive at settlement terms that they feel are best for themselves and for their children. All parties in the collaborative process are committed to reaching a settlement without going to court.

Who should consider a collaborative divorce? The collaborative divorce process is for couples:

- Who accept the inevitability of their divorce and wish it to happen on their own terms and not on terms dictated by attorneys or judges.
- Who want control over formulating those settlements that will govern their lives and the lives of their children for years to come.
- Who wish avoid the divisiveness and bitterness that often comes with a court battle.
- Who appreciate the help and support of a specially trained team of attorneys, mental health coaches, child specialists, and financial consultants whose skills are drawn upon as needed.
- Who are enlightened enough to appreciate the advantages of a post-divorce life of mutual respect and shared concern for their children's welfare.

What are my divorce options? There are essentially four ways that a couple can divorce:

1. **Litigation:** This is the customary divorce process where each spouse retains an attorney who represents only that person's interests. With litigation, negotiations are put in the hands of attorneys and spouses often exert little personal control. It is an adversarial process and court driven. It can be contentious, expensive, and public and often leaves the parties as "enemies" and their children as victims. However, it is appropriate for couples who are unable to talk to each other and who want the tough work to be done by those they hire.
2. **Minimal attorney involvement:** Here couple either divorce without attorney involvement by arriving at terms on their own and filing papers through the court (called pro-se), or they agree to terms and one retains an attorney to produce the necessary documents. This is low cost and works best where there is little to negotiate. Its drawback is that the parties may not understand their rights or obligations under the law.
3. **Mediation:** Traditionally, with mediation, the divorcing couple retains a trained attorney or mental health mediator who helps the couple to arrive at settlement terms. The mediator is not free to give legal advice, and couples are often

encouraged to retain their own attorneys to assure that their interests are being expressed and represented in the mediation. While giving more control to spouses, retaining individual attorneys can run the risk of establishing an adversarial situation where a cooperative atmosphere was intended.

4. **Collaborative divorce:** In the collaborative process, each spouse retains an attorney, but unlike mediation, the spouses, their attorneys, and other helping professionals are in open communication with each other from the start and with the expressed goal of helping the couple reach their own agreements without going to court. Effective co-parenting and the welfare of children is emphasized. Mental health professionals, child specialists, and financial experts may serve as consultants and team members throughout the process.

How does one initiate a collaborative divorce? The collaborative process begins by contacting attorneys or mental health professionals trained in the collaborative process. Beginning with attorneys allows for early discussion of legal and financial issues. Beginning with a divorce coach(es) establishes guidelines for effective communication and containment of strong emotions which often helps prepare a couple for their initial meetings with attorneys. It is not uncommon for attorneys to focus on financial issues and divorce coaches on couples unity and child custody and child welfare issues.

About Dr. Marwit: Dr. Marwit has been helping couples and families for close to 40 years. His philosophy is that each person going through a divorce has the inherent strengths and skills necessary to arrive at a healthy settlement and that the function of coaching is to guide them toward this end by helping them to clarify their issues, engage in constructive communication, and focus on the best possible future for themselves and their children. This is accomplished by promoting mutual respect, cooperation, and open communication and minimizing anger, blame, and distrust. Dr. Marwit is a licensed psychologist and Fellow in the American Academy of Clinical Psychology and is trained in both divorce mediation and the collaborative divorce process. He is a member of the International Academy of Collaborative Professionals.