

# **THE GOOD DIVORCE**

## **YOUR MARRIAGE MAY HAVE ENDED BUT YOUR FAMILY HASN'T.**

By Nicolle Kopping-Pavars

Stacey and Jeff are recently separated and they are poised for a major court battle. Emotionally and financially, neither are seeing eye-to-eye, particularly Jeff who did not want to get separated and is not quite ready to accept that the marriage is over. They are both anxious about the future and Jeff's friends have been telling him that he must be prepared to fight as he is about to lose everything. One friend went so far as to say "Jeff, we need to live with our mistakes, except that my mistake now owns the house and I'm not allowed within 500 feet of the driveway".

What Jeff and Stacey haven't realised, is that there are ways to divorce without becoming enemies. Collaborative Family Law (CFL) has changed the way people are divorcing.

In the collaborative process, feuding positions are no longer important, each party recognises the others' underlying concerns and interests and they work together to formulate an agreement that supports their changed family structure.

Respect and integrity are at the heart of the process and CFL lawyers are specially trained to approach separation and divorce from a compassionate and co-operative angle.

The CFL lawyers meet together with the separated spouses in four way sessions to define and negotiate all the issues in a respectful and controlled environment.

The process on average takes six months, instead of dragging participants through the courts, which can take years and can drain one financially. It does however demand compromise on the part of both parties, as well as openness and honesty in order to achieve, and reach, what is often a creative settlement outside of the more narrow constraints of the law.

### SO HOW DOES IT WORK?

- Both lawyers and clients sign a participation agreement that outlines their respective responsibilities.
- Most significant from the lawyers' perspective is that, if the process does not lead to a resolution, they cannot represent their clients in any future court proceedings.
- This restriction allows the lawyers to direct their energy towards achieving resolution.
- Everyone is focused on creating a fair and long-lasting agreement.

## THE PROCESS

- The process consists of a series of “four-way meetings” in which the participants work together to define the issues and understand each other’s perspective, all in an effort to achieve resolution in a civilized and respectful way.
- An agenda is set for each meeting in advance, so that everyone is clear on what issues will be discussed during any given meeting.
- The lawyers’ role is to assist, while at the same time, to ensure that their client understands his or her entitlements and obligations.

Collaborative family law addresses the whole picture that is involved in divorce as it recognizes that divorce is more than a legal procedure or event. It is also a time of intense distress and is challenging for the parties especially for the children. Many financial issues are involved, which are often complex and because the CFL approach addresses the whole picture, it helps parties achieve a more complete, enriching, and long-term resolution emphasizing what is important to ***them*** and ***their*** children.

Collaborative Family Law allows people greater creativity and less shame in the process of reconstituting their families and getting on with their lives.

## WHAT ABOUT COSTS?

If you must divorce, what would it be worth to you to have a superior resolution process that is fair and rewarding? Experience shows that collaborative family law cases are substantially less expensive than cases that are taken to court. At the same time, collaborative divorce is almost always more satisfactory and productive for the participants.

Costs will vary depending upon the difficulty of the matter, but one thing is certain: no funds will be spent on waging war. In collaborative family law, parties are assured of getting the assistance they need to succeed, while avoiding costs associated with non-productive fighting. The money spent on the collaborative process is a wise investment for a better future for the parties and for their children.

Divorce is a challenging and hurtful process, however the collaborative route provides couples with an opportunity to focus on their interests which ultimately leaves them with a feeling of tremendous freedom and release as well as a sense of intact dignity, something that unfortunately, the traditional divorce approach does not allow.