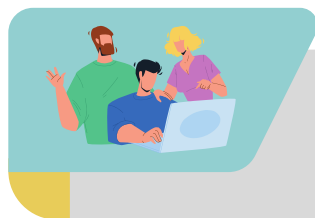




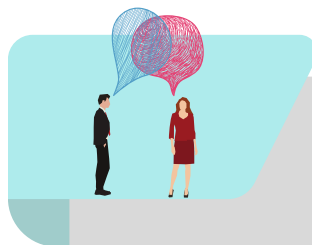
# *Divorce with Dignity*

## COLLABORATIVE DIVORCE



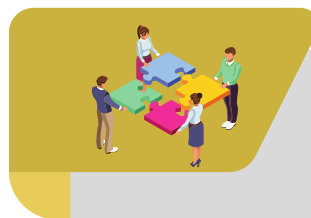
### *Collaborative Team*

We will help you build a supportive team of professionals (lawyers, coaches, child experts and financial gurus) to help you through.



### *Communicate*

As a team, we will talk through what matters to you. Emotional, physical, financial and legal issues. We do this over a series of meetings.



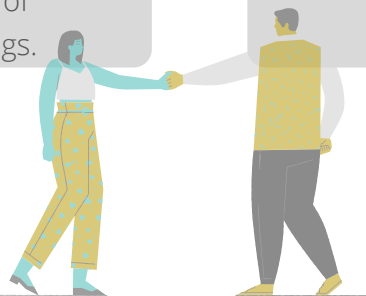
### *Problem solve to generate options*

Getting to know one another as individuals, not just as colleagues, requires the team to interact spontaneously and independently.



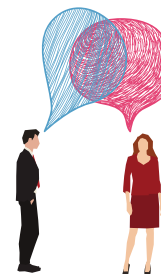
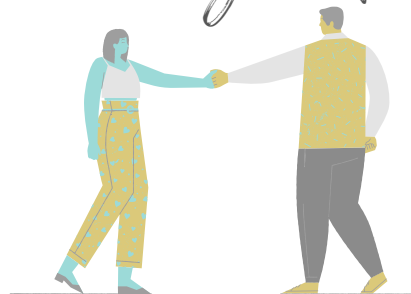
### *Agreement*

Keeping in touch regularly with your team members can help you build a strong relationship and learn how they're feeling in their roles.





# *Divorce with Dignity and Respect*



## *What are the options to separate and divorce ?*

A decision to end a marriage, is probably a very challenging decision to be made in a life span and this decision starts a cascade of events that require many more important decisions, one of them is how to actually get the divorce, through Court, Mediation or Collaborative Divorce.

Divorce can become heated whether a case is in court, mediation or collaboration. The last two processes require parties to rise above resentment and recriminations. That is very difficult. Collaborative divorce is the one of the preferred method to manage this war, because the process is managed through Collaboratively trained facilitator who is usually a mental health professional trained to monitor the emotions of the clients. Managing the emotions of the ex partners and the lawyers prevents the process from becoming adversarial and positional to focus on the parties concerns, interests and goals with children's interest as a priority.



## *What is collaborative divorce?*

Collaborative Practice is a structured resolution pathway where you stay out of court and the focus is on being open, transparent and looking at options that meet the needs of each member of the family. Trained collaborative professionals guide you through the process in a safe and supported way.

## *Who is collaborative divorce for?*

Collaborative Practice is ideal for people who:

- are going through a transition in family through divorce / separation and want a civilised, respectful resolution of issues;
- are willing to focus on solutions rather than blame or seeking revenge;
- want to maintain a productive working relationship with their ex spouses / partners;
- will be co-parenting and want to keep their child(ren)'s interests at the forefront of discussions;
- want to control decision-making over childcare and/or financial arrangements;
- place as much or more value on maintaining a positive and cooperative relationship in the restructured family rather than obtaining maximum resources for self ; and
- value privacy.

## *How is Collaborative divorce different to litigation, going to Court?*

Resolving a family law case through court proceedings or litigation would mean going through a sequence of court conferences and hearings. These take many months, most likely years, before there is a final trial and a judge makes a decision as to how the dispute will be resolved. In comparison, in collaborative practice, you, your ex-partner work with a collaborative team of your lawyers, family neutrals, child experts and financial neutrals, to work on options that meet the needs of each member of the family. The court is not involved in this process and no documents are filed whilst negotiations are ongoing. Once an agreement has been reached, you can choose to send the agreement to court to be made into an order.

## *How does collaborative divorce work?*

In collaborative cases, each partner meets with their respective collaboratively-trained lawyer to discuss the collaborative process and identify the issues that are important to them.

If both partners agree to use the collaborative process, the two parties, as well as the collaborative lawyers, sign a participation agreement or collaborative contract which requires the parties to:

- Behave in a respectful manner
- Exchange complete financial information
- Maintain absolute confidentiality throughout the process (enabling one another to express their needs and concerns frankly)
- Reach written agreement without the threat of court proceedings

To reach an agreement, the partners and their lawyers all come together in face-to-face meetings. In these meetings, the partners put their “cards on the table” and all issues are discussed in an open, non-confrontational manner.



## Collaborative Practice

### Family Solution Focused

You and your spouse control the process and make final decisions based on your family's unique concerns, interests and goals with children's interest as a priority.

### Team collaboration

The entire collaborative team ensures that both parties work with each other towards mutually beneficial solutions.



### ISSUES -Collaborative Practice

All issues are addressed openly and on a timely basis. Priorities, agenda, time, pace, and venue are controlled by you and your ex spouse / partner.

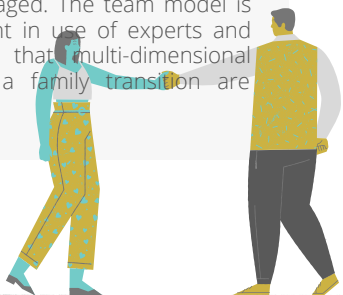


### Communication

Team of Collaborative Practice specialists educate and assist the parties to effectively communicate with each other based on your family's needs. Experts (such as child experts, family neutrals, or the financial neutrals) are jointly appointed so "no hired guns" are used.

### Cost and Time effective

Aggression is discouraged. The team model is time and cost efficient in use of experts and designed to ensure that multi-dimensional issues arising from a family transition are catered for effectively.



## Mediation

### Focus is on Outcome

Mediation is often a truncated version of arguments and facts you would put forward in court. Mediation can occur when a case has already started



### Positional process

In mediation, clients and their lawyers are positional, and the lawyers do most of the talking. Lawyers are not required to be trained mediators, whereas in collaborative practice all professionals including lawyers have to be collaboratively trained.



### Lack of trust

Mediation can require a lot of time and money and emotional investment that is often wasted if no agreement is reached. If mediation fails, parties have then given their opponent an advantage in the court case by revealing their bottom line.

### Mediator led

Mediation usually has a long lead time with preparation and homework done in advance for a short and sharp intervention by the guiding mediator.



### Time limited

The actual mediation may only take half a day to two days, whereas a collaborative divorce can consist of several two and a half to three hour meetings over a period of 12-18 months which is still shorter than litigation.

## Litigation

### Court Decision

In litigation a judge makes the final decision .



### Adversarial process

Court process is based on an adversarial system. Lawyers and parties fight to win, but someone loses and that's mainly your relationship and your children.



### ISSUES -Court

Financial disclosure is mandated (just as in CP) but if there are children's issues in dispute, these will usually be dealt with first, sometimes taking years in cases of high-conflict. Only after this is resolved will the parties deal with substantive financial matters.

### Litigious

Process is not designed to facilitate communication and negotiation is through lawyers. This can at times escalate conflict. Joint experts are court appointed.



### Expensive and lengthy

Costs are unpredictable, can escalate rapidly, and can continue after trial in post-judgment litigation and appeals, which can take years, ultimately draining the party's resources. The parties are subject to the Court's diary which results in lengthy delays before CDR/FDR Hearings and Trials can be fixed.