

A close-up photograph of two hands shaking in a firm grip, symbolizing agreement or collaboration. The hands are positioned centrally, with the fingers interlocked. The background is a solid, light blue color. The image is overlaid with a semi-transparent black horizontal band that contains the text.

FAQ:

**COLLABORATIVE
DIVORCE**

Q

A

What is collaborative divorce?

It's a means of resolving your divorce through negotiations, **without having to go to court.**



Q
A

How is collaborative divorce different from mediation?

Collaborative divorce is a **team effort.**

With collaborative divorce, both parties and their attorneys commit to working together, toward a mutually beneficial resolution of the divorce. ▶

With mediation, the parties and their attorneys take sides against each other, with the mediator in the middle to help negotiate disputes.

PUT ANOTHER WAY:

With collaborative divorce, the goal is: What is best for us? With mediation, the goal is: What is best for me?

Q

Why choose collaborative divorce?

A

1) Less contentious than a contested divorce, whether resolved through the court system or by mediation.

2) **Less expensive.** ▶



Gives you and your spouse **control over the outcome of your divorce**, rather than leaving such important decisions in the hands of a judge.

4) Allows for great **creativity** and flexibility in resolving issues and fashioning a settlement agreement that works for your family.

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Do I need my own attorney?

YES!

Both you and your spouse will need to retain independent counsel, specially trained in collaborative divorce.



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What is a Participation Agreement?

The collaborative divorce process begins with the signing of a Participation Agreement. **The Participation Agreement formalizes the goals and the ground rules of the negotiations.**

Common provisions include: ►



The goal of the collaborative process is to negotiate a settlement that treats everyone

fairly,
and not to litigate.



All persons
involved in the negotiations
will treat each other with

civility and courtesy. ▶



Both spouses agree to freely and voluntarily

share information

and documents, so that each can make fully-informed decisions.



Neither party will attempt to take advantage of mistakes made by the other party or by his or her attorney. ▶



The negotiations are
confidential;

neither spouse will disclose, or attempt to use in subsequent court proceedings, anything that is said or done during the collaborative divorce process. ►



The parties will seek **the advice of experts- e.g., accountants, tax and financial advisers, and mental health professionals** – who will provide unbiased advice, as needed. ▶



The attorneys will exercise their best efforts to negotiate and finalize a

**global
settlement,**

and will not participate in litigation (court proceedings) should the collaborative process be unsuccessful.

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How does the collaborative process work?

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You, your spouse, and your attorneys will meet to discuss the issues that need to be resolved and the best way to do so **to ensure that everyone involved is treated fairly.** ▶

Other members of the collaborative divorce team also may be present,

including, for example, a financial adviser or mental health professional. You should expect to meet several times. When all the issues are resolved, the attorneys will draft an agreement for you and your spouse to sign.

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What happens if it doesn't work?

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If you are unable to reach an agreement through the collaborative process,

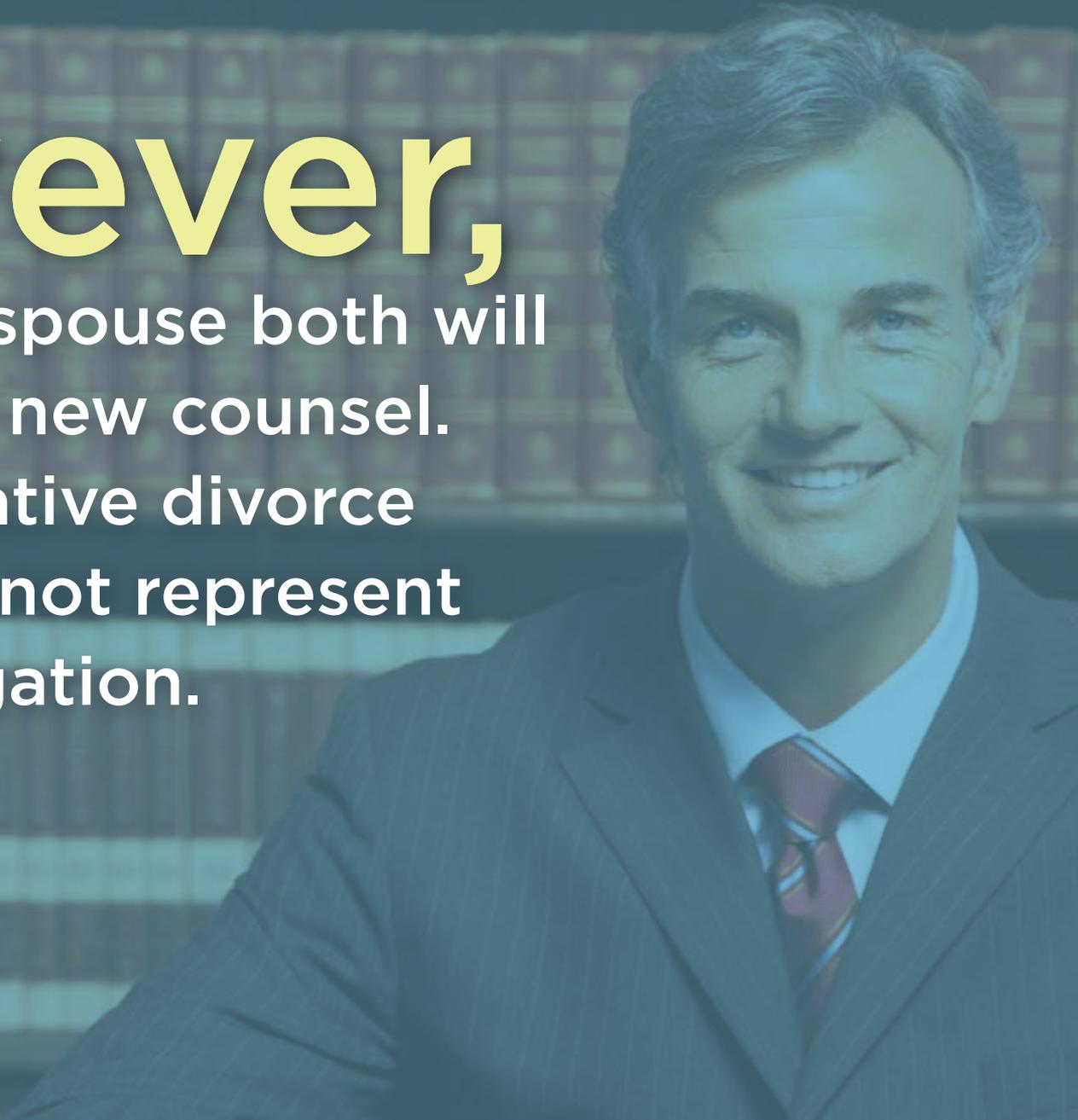
you can still pursue your divorce through the court system.



However,

you and your spouse both will have to retain new counsel.

Your collaborative divorce attorneys will not represent you in the litigation.



SUMMARY

Trying to fit an emotionally-charged divorce into the confines of the traditional civil court litigation system can feel like trying to fit a square peg into a round hole. Collaborative divorce is an alternative to the traditional approach. The hallmarks of collaborative divorce are: ►

A spirit of cooperation and teamwork



Open and honest
communication and sharing of
information and documents

Flexibility

in resolving issues and crafting a settlement agreement that is fair to all parties.

