

BETTER WAY DIVORCE

COLLABORATIVE DIVORCE

The "No Court" Team Approach to Resolving Divorce Issues

Includes Directory of South Jersey Professionals

published by
South Jersey Collaborative Divorce Professionals

COLLABORATIVE DIVORCE



The "No-Court" Team Approach to Resolving Divorce Issues

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BetterWayDivorce.com

"I'll see you in court!"

Max shouted to his soon to be ex-wife, Shirley, as he stormed out of the conference room.

He was furious by the notion that he consider sharing some of his Social Security income to help keep Shirley financially afloat.

Max and Shirley had been discussing financial projections with their lawyers, a divorce coach and a financial specialist.

The numbers just simply were not adding up. The financial specialist explained that no matter how they worked the numbers, they would both end up broke in only a matter of years. Shirley would run out of money first unless Max would agree to share part of his Social Security income.

The divorce coach followed Max outside to help him work through his anger and give him a chance to vent and be heard. Meanwhile, the financial neutral remained in the conference room with Shirley and discussed financial scenarios and how they might impact her future.

After calming down and coming to terms with the situation, Max was able to return to the negotiation for a more rational conversation.

At this point, the divorcing couple were able to reach an agreement in line with their mutual goals.

"This is the collaborative team at its best, working together to find solutions that allow divorcing couples to move forward with their lives while minimizing the high financial cost and emotional toll of contentious divorce litigation."

COLLABORATIVE DIVORCE

The "No-Court" Team Approach to Resolving Divorce Issues

Collaborative divorce is a new model of alternative dispute resolution in family law.

It is a voluntary process where the parties agree to settle their issues without going to court with the help of collaboratively trained attorneys and an interdisciplinary team of collaborative professionals.

One of the defining characteristics of the collaborative divorce process is the team approach to helping divorcing spouses find solutions.

The collaborative team can consist of Collaborative Divorce Attorneys, Financial Neutrals, Divorce Coaches, Child Specialists, and Financial Advisors.

Collaborative Divorce Attorneys

The collaborative attorneys are family law attorneys who are trained in both mediation and collaborative divorce. Each party has his or her collaborative attorney who works as part of the team, while still protecting the interests of their individual client. These experienced practitioners use cooperative techniques to assist parties, without litigation, to negotiate a resolution that is based on achieving goals and protecting the interests of all family members. Parties come out of the process with a divorce settlement agreement that they create with the help of the team.

Financial Neutrals

The financial professional serves as a neutral objective party on a collaborative divorce team and therefore does not take the side of either party. This team member will offer a safe environment for spouses to speak openly about their financial fears, concerns and ultimate goals. The financial specialist will provide an unbiased assessment of the financial situation faced by the family and offer analysis about specific issues that may arise during the problem solving process, such as those relating to the division of assets and determination of available cash. The financial specialist will explain the benefits and pitfalls of any divorce settlement scenario to each spouse and provide financial and tax recommendations throughout the entire process to minimize tax impacts and avoid surprises.

Divorce Coaches and Child Specialist

The divorce coach/child specialist (Social Workers, Psychologists, Professional Counselors - all licensed and collaboratively trained) helps clients and their families transition through the complicated process of divorce. The divorce coach/child specialist's function is to primarily guide the parties across the rough terrain of divorce. They provide support to both parties helping all maintain focus on current and future goals as well as assisting with parenting and child related issues.

FORWARD THINKING, SOLUTION ORIENTED & OUTCOME BASED

In the case study above, both Max and Shirley wanted to move on with their lives and put this behind them. Yet, there was fear about the future and bitterness and anger regarding the past. This is understandable considering the emotional and financial strain the spouses are experiencing. Under these conditions it is reasonable to foresee how things could quickly spiral out of control and take on an adversarial nature. Unfortunately, when that happens there are no winners.

In a typical litigated divorce, the outcome of this dispute may have been very different. In a traditional divorce, experts are often retained solely for making a case against the other party. When that happens, the other party must go on the defensive and hire their own expert to oppose the other. That can become very expensive.

People considering collaborative divorce sometimes have concerns that it will be too expensive if there are multiple professionals involved in the case, but as the example above illustrates, it is often actually the opposite.

In the case of Max and Shirley, they didn't have any extra money to waste litigating. Because they made the decision to use the collaborative process, they were able to hire one financial professional who was neutral and therefore able to look at the finances objectively and focus his or her expertise on solutions that would maximize what they had for the future.

COULD COLLABORATIVE DIVORCE WORK FOR YOU?

Collaborative divorce won't be right for everyone, but in many cases, it *is* a better way.

The first step is to ask yourself a few questions. If you can answer "Yes" to some or all the following questions, then collaborative divorce is worth considering.

1. Do you want a civilized, rational resolution of the issues?

2. Would you like to keep open the possibility of a viable working relationship with your partner down the road?

3. Will you and your partner be raising children together and do you want the best working relationship possible?

4. Do you want to protect your children from the harm associated with litigation between parents?

5. Do you have ethical or spiritual beliefs that place high value on taking personal responsibility for handling conflicts with integrity?

6. Do you value control and autonomous decision making and do you not want to hand over decisions about restructuring your financial and parenting arrangements to a stranger (a judge)?

7. Do you recognize the restricted and often unpredictable 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 partner for resolving the issues?

THE NEXT STEP

Are you facing divorce?

Do you have questions about collaborative divorce and whether it might be an option for you?

My name is Tricia Elliott. I am a Divorce Coach and a Licensed Professional Counselor.

Please contact me at 856-202-3023 to schedule a free 30 minute consultation to learn more about the collaborative divorce process.

I will help you explore your options, make an informed decision about whether collaborative divorce could work for you, and explain the next steps.

Tricia Elliott

Tricia Elliott, M.S.,L.P.C.
Licensed Professional Counselor

PROFESSIONAL DIRECTORY

SOUTH JERSEY
COLLABORATIVE DIVORCE PROFESSIONALS

South Jersey Collaborative Divorce Professionals is South Jersey's *only* organization of collaboratively trained professionals for families seeking a peaceful, respectful, fair, and professional process for resolving divorce and family law disputes out of court. Focused on shielding children from trauma, preserving a co-parenting relationship, maintaining privacy, maximizing efficiency, and minimizing cost, Collaborative Divorce is a **Better Way**.

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WHO WE ARE

SOUTH JERSEY
COLLABORATIVE DIVORCE PROFESSIONALS

BetterWayDivorce.com is a service of our non-profit organization, South Jersey Collaborative Divorce Professionals. Our members serve the New Jersey counties of Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland and Cape May.

Members include experienced family law attorneys and mediators, neutral financial and mental health professionals who have assisted clients in a variety of contested and uncontested formats. Members also include advisors who provide a variety of services to help with specific tasks relating to the life transition of the divorcing couple. All members have been collaboratively trained and believe that the collaborative divorce process represents an extraordinary advancement in family dispute resolution.

The **collaborative attorneys** in the group devote a substantial portion of their practice to family law matters. They have evolved from attorneys who may have followed the emotional lead of a distraught client into a contested “he said she said” litigation. They have received training in both mediation and collaborative divorce. These experienced divorce practitioners realized that there is another way to achieve resolution: one that respects and protects the interests of all family members.

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The **financial professionals** are certified public accountants who serve as consultants to the family, and not just to one party. Far from being "hired guns,", they are called in to advise the clients and their attorneys as to the financial realities, and help structure the payment of alimony and child support, assist with the distribution of property and advise on the tax consequences. They consult with the collaborative team to see that both parties maximize their financial options, neither at the expense of the other.

The **mental health professionals** are experienced clinical psychotherapists who have helped clients transition through the difficult path of divorce. In collaborative divorce, however, they function not as therapists, but as coaches, guiding the parties across the rough terrain of divorce, keeping understanding on track, keeping emotions in check, assuring a mutually respectful resolution.

The **advisors** assist the collaborative team with various areas of expertise. They are available to help with specific tasks relating to the life transition of the divorcing couple.



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A SERVICE OF SOUTH JERSEY COLLABORATIVE DIVORCE PROFESSIONALS