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Collaborative Divorce Encourages Honesty, Openness



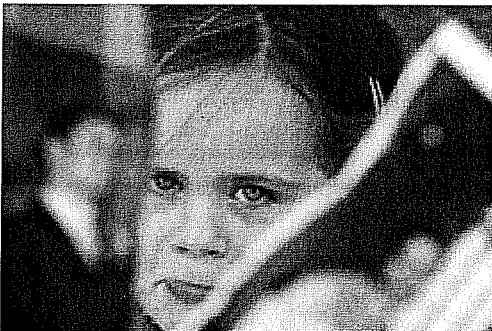
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By [ALAN ROSS FRISHER](#) • October 17, 2009 • [Printer-friendly](#)

FINANCIAL FITNESS

In a Collaborative Divorce, the clients use specifically trained professionals, whose sole job is to settle the case without going to court.

When two people marry, the feeling is one of pleasant thoughts and a lifetime of hope for the future...as it rightfully should be. A simple marriage contract is signed by both parties without ever a real thought about the possibility of divorcing. It is unfortunate, but statistically speaking, divorce occurs in 50 percent of first marriages and 60 percent of second marriages.



What is even more unfortunate is that the emotional, financial, and legal process of divorce that the (once in love) couple can find themselves in, is anything but pleasant or hopeful. It has been said that on its best day the family law system in this country is 'inefficient,' on its average day it is 'uncaring,' and on its worst day is 'totally corrupt.'

It has also been said that the best decision a judge can make is one that neither party likes. As a licensed Financial Advisor with a specialty as a Certified Divorce Financial Analyst, I have seen how adversarial divorce affects – and oftentimes destroys the entire family. The results can be emotionally crushing to children and spouses, with the added result of the loss of needed financial assets and additional soaring legal costs.

In the worst cases, the couple keeps coming back to court, even after the divorce, for many years in an attempt to correct the 'injustice' of the system. For many, it is a horrible life changing experience that could only be described as 'surreal.'

The question begging to be asked is why then would anyone purposefully choose this way to divorce knowing that the ultimate result could devastate them and oftentimes number their children among the casualties?

What If There Was Another Way?



What if there was a different system that could be used by divorcing couples? A system that not only values honesty, openness, and respect, but also actually achieves it?

A process that provides a much greater chance of emotional success, less financial loss, and a renewed hope for the stability of the children. Well there is – its called “Collaborative Divorce.”

In a Collaborative divorce, each participant signs a binding contract (the Collaborative Participation Agreement) that requires all participants to treat each other with honesty and respect, and which prevents the professionals working in the process from ever testifying in court.

This does two important things. First, it removes any incentive for an attorney to torpedo a settlement, since they will not earn any additional money if the case goes to trial. Second, signing the contract creates a serious financial disincentive for either party to abandon the process.

The Collaborative Agreement creates a new environment for the divorce. Since the only way to resolve the issues is by the agreement of the parties, the environment rewards honesty, openness, respect, creativity, courtesy, and cooperation. Rather than destroying a couple’s parenting relationship, the Collaborative Divorce provides an opportunity to rebuild the trust and communication skills the couple will need post-divorce.

But signing a contract alone is not enough. In order to make the process successful, the couple will need a team of professionals who are trained to help them with the problems inherent in divorce.

In a Collaborative Divorce, the clients use specifically trained professionals, whose sole job is to settle the case without going to court. Think about building a house. The General Contractor, while potentially capable of doing the plumbing or electrical work, will typically hire a licensed plumber and electrician. Why? Well, the plumber and electrician are experts in their fields and will do their job faster and cheaper because they are experts. The same is true with Collaborative Practice. Each professional brings a different and much needed skill set to the negotiating table.

Collaborative Process Maintains Respect, Honesty and Dignity

In a Collaborative Divorce, the clients use specifically trained professionals, whose sole job is to settle the case without going to court. The Collaborative Process starts with the clients’ needs,

and the legal aspect of divorce is only one part of addressing those needs.

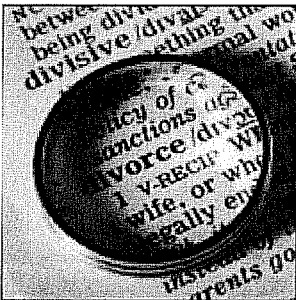
- Mental Health professionals usually play one of two equally important roles: Child Specialist and Divorce Coach. The Child Specialist gives the children a voice, and gives needed suggestions for creating a successful post-divorce parenting partnership.
- Financial Specialists are needed not only to craft a fair distribution of assets to both partners, but also to plan a distribution of financial resources in a way that maximizes financial security and opportunity for each party and their children currently, and in years to come.
- The Divorce Coach acts much like a football or basketball coach, helping a couple to focus on improving communication around parenting concerns, and to improve the emotional climate within the family. These mental health professionals provide needed support during the transition to two households, and supply the best chance of minimizing any long term negative effects from the separation and ultimate divorce.

The Collaborative process is faster because a typical contested divorce generally takes at least 18 months to resolve. The Collaborative process averages 6-9 months. Also, recent data shows that 90 percent of all litigated cases will return to court, while 90 percent of Collaborative cases never return to court.

It is cheaper for the parties because the typical litigated divorce locally costs approximately \$30,000 (total for both sides), while Collaborative Divorce, even with financial specialists, child specialists and divorce coaches, tend to average \$15,000. And, let us not forget that these numbers do not take into consideration the emotional savings that are achieved in utilizing a process that creates and maintains a safe environment of respect, honesty and dignity.

The Collaborative process acknowledges that divorce is not simply a legal problem, but is rather a family problem with legal, financial and emotional aspects. It engages trained lawyers, financial planners and mental health professionals to work together as a team to serve the diverse needs of the clients.

Collaborative Practice is not right for everyone, but for most divorcing couples it offers a faster, less expensive, more satisfying way to end their marriage respectfully, and take their first steps into a positive future for themselves and their children.



ABOUT THE AUTHOR

*Alan Ross Frisher is a licensed Financial Advisor who specializes as a Certified Divorce Financial Analyst. He is the owner of **Sage Financial Management** and **Sage Divorce Planning**. Alan is*

the Co-founder of the Collaborative Association of Brevard and a co-leader in the Collaborative Family Law Group of Central Florida. As an Adjunct Professor at Brevard Community College, Alan has lectured extensively throughout Florida to professional groups of attorneys, mental health and financial professionals. For more information call 321-242-7526.

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