



The *Forward* Thinking DIVORCE

How To Divorce Without Court,
Protect Your Children, and Avoid
The Cost of Traditional Litigation

NEW JERSEY COUNCIL OF
COLLABORATIVE PRACTICE GROUPS

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"There are times in our lives when we have to realize our past is precisely what it is, and we cannot change it. But we can change the story we tell ourselves about it, and by doing that, we can change the future."

Eleanor Brown, The Weird Sisters

When you said "I do" you probably never imagined that this time would come.

No one does. Frankly, I don't think anyone ever gets married expecting to get a divorce. Sure, we acknowledge the possibility and we often even plan for it with premarital agreements but rarely does anyone truly expect it will come to this.

The reason is because we are too busy looking to the future through a lens of hope and optimism about the possibilities that lay ahead.

We share dreams. We make plans. We build families.

The drive within us that empowers us to move forward with hope and optimism is what gives us the ability to overcome hardship and trials of every kind.

It is the very foundation of happiness. It is the driving force of all progress both individually and in community.

Yet, the unfortunate reality is that sometimes things change. They wear out. Sometimes they even break. We don't mean for it to happen and we certainly don't plan for it. It's just the way things are. And when that happens, we can choose to respond with anger and bitterness or we can, once again, look to the future with hope and optimism.

Even though your family may be changing it isn't ending.

Divorce papers can't undo a family. You can take the good and even the broken pieces and create something that is new and different.

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That is a lot like what we do with the collaborative divorce process. We help you find solutions. We help you create the future.



There Is A Better Way To Divorce

Collaborative divorce is a new way of getting a divorce that shifts the focus to the future allowing a couple to end their marriage respectfully without going to court and more importantly without destroying their family.

Traditionally, divorce has been handled within the court system. Litigation can be by its very nature, an adversarial and contentious process. It is a process based on positions, that ultimately results in an undesired outcome determined by others. Yet, there is no winner. The problem with putting divorce within this context is that while you can end a marriage you can't end a family.

Marriage is about so much more than a legal contract and divorce is rarely only about a plaintiff and defendant. When divorce goes to court there never a winner and often many losers. The impact of a hostile and antagonistic divorce can be felt by the children, extended family and even friends for many years to come.

Focusing on the past and the hurt often creates emotional scars that can last a

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lifetime. Legal posturing and taking sides can even build walls that separate children from grandparents and the circle of friends from the family.

Maybe this is what family law judges mean when they say:

“If both parties leave the courtroom upset and unhappy, then I know I made the right decision.”

In collaborative practice we know that there can be disappointment, resentment, bitterness and anger. After helping many families navigate through this difficult process our professionals know all too well the emotional challenges involved. While we can't take the pain away, we can help you shift the focus to the future and find solutions that take into account what is in the best interest of everyone involved.

And in doing this you will have the power to control the story that is written on the hearts of your children forever.

And that's just it.

Collaborative divorce takes your future out of the court's hands and puts you in control.



The Real Reason We Care What Happens To Your Family

We want to tell you about collaborate divorce, why we think it is a better way, how it works and help you determine if it might be right for you.

We have all witnessed horrible divorce situations. We have watched our clients in court as they crumble when they realize that they did not “win.” And we see the aftermath of what happens to the children when spouses battle one another in a huge court battle. But the emotional ups and downs, the sadness and the anger can easily cloud your judgment. It can easily get away from you.

Divorce is hard enough without allowing such fighting to pour salt in the wounds.

Our practitioners are committed to helping families work through the same issues in their divorce by using collaborative practice to get divorced.

What is Collaborative Divorce?

Collaborative divorce is a consensual dispute resolution process that helps couples to reach a mutually agreed-upon resolution of all disputed matters in a supportive and transparent environment.

The collaborative divorce process seeks to be efficient and takes a problem solving approach to meet all the needs of every family member. Each professional makes a pledge to be part of the solutions and not a part of the problems.

In Collaborative practice:

1. All parties voluntarily agree and commit to making a good-faith effort to reach a mutually acceptable agreement without the threat of resorting to Court. In the traditional litigated divorce, the threat of Court is often used to posture the case for a settlement that meets the needs of one of the parties. By parties agreeing to resolve their differences fairly and equitably without resorting to threats it ensures an environment of open and honest communication.

2. You and your spouse each have your own collaboratively trained attorney to represent, support and guide you through the process. This representation is

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limited in its scope to only settlement and if the negotiations breakdown and your divorce ends up in Court. In this circumstance, the lawyers (and other professionals) are disqualified. This ensures that the professionals are as committed to an amicable resolution as you are.

3. You and your spouse have the support of a collaboratively trained professionals all using their skill sets to work together to help you reach a resolution that is in the best interest of all parties.

4. All parties are required to disclose all relevant information which is material to the matter in dispute saving both time and discovery costs.

5. You and your spouse determine what is in the best interest of all parties and because you shape these agreements together, you're more likely to keep them in the future. Those who have gone through this process are less likely to end up back in Court with any future issues.

A Team Approach

What really sets collaborative divorce apart from other strategies is that it is a team approach. You and your spouse have the benefit of a team of collaboratively trained professionals all working together to assist and guide you to the best possible outcome.



These collaboratively trained professionals can include family law attorneys,

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financial professionals, divorce coaches and child specialists. The collaborative team of professionals are there to provide guidance, support and expert advice allowing you and your spouse to focus on finding solutions as opposed to spending time, energy and money on finding fault or assigning blame.

The Benefits of Collaborative Divorce

You Retain Control Over The Outcome

This process gives you ownership and accountability for the final outcome. The anxiety of trusting the future of your family to the decision of the Court is a thing of the past. No one knows the needs of your family better than you and your spouse. And no one is better equipped to work out the details of your restructured future family. With a little help and guidance, you really can learn to communicate openly and honestly to achieve a resolution that everyone can, not only live with, but thrive as you start your new lives.

Lays The Foundation For A Better Future

As you learn to cooperate with your spouse with the help of your own respective attorney's and other collaborative professionals, you will also be laying the foundation for future collaboration when modifications are needed to the Agreement. And let's face it, things change, children grow, and issues will come up that will require discussion and mutually agreed upon solutions.



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Couples that are able to end their marriages through the collaborative process are much less likely to end up in Court in the future.

Less Costly

Collaborative divorce can cost less than a traditional litigated divorce. Because everyone voluntarily shares information in good faith and with full transparency the usual costs associated with discovery are vastly reduced. In addition, in the collaborative process the couple will only need to hire one professional in each area of expertise and those experts will be focused on finding solutions that work for both parties and their children. Contrast that with the traditional divorce process where the parties will each hire their own experts and that is typically done for the purpose of proving that the other party is in the wrong instead of finding ways to build a better future for the family after the divorce is final. Remember, it's about looking forward!

Faster Resolution

Whereas a traditional divorce could take years to finally resolve, the collaborative process allows for a much quicker settlement because the couple is in control of the timetable. The couple can schedule meetings according to their needs and not have to wait on Court dates or be subject to delays caused by limited Court resources. The timing is also balanced and designed according to the conditions and the readiness of both clients.

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We believe that collaborative divorce should be a considered process if the decision to end a marriage occurs.

Whether it is right for you and your spouse will depend on a number of factors. A trained collaborative professional can help you make that determination.

Benefits of a Collaborative Divorce:

- ✓ Reduces conflict and encourages cooperation.
- ✓ Offers a non-confrontational structured setting where the couple can resolve their differences.
- ✓ Puts the couple in control of the timing and outcome as opposed to allowing the Court to decide what's best for the family.

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- ✓ Protects the dignity of the family by reducing emotional turmoil and stress so often part of traditional divorce.

Where Do You Go From Here

While the preceding information may have given you a basic understanding of the different strategies for getting a divorce without going to Court, the method that is right for you is something that you and your spouse can figure out after meeting with a collaborative professional.

Divorce is a highly complex and emotionally difficult process. Conflicting emotions can affect you and it is usually best not to make quick uninformed decisions. Divorce is rarely black and white and determining the next steps requires an experienced and trained family lawyer who will take the time to understand your individual needs and goals as well as those of your entire family.

If you or your spouse has already expressed the desire to get a divorce or you really aren't quite sure yet what to do, we want to encourage you to contact one of our collaborative attorneys or coaches to schedule a consultation.

Together we can determine together where you want to go and how best to get there in a way that puts a priority on your family's needs and the best interest of your children.

Learn More

To learn more and to connect with a collaborative professional near you, visit our website at www.Collaboratenj.org.

About the New Jersey Council of Collaborative Practice Groups

The New Jersey Council of Collaborative Practice Groups supports excellence among the community of collaborative professionals and promotes the use of quality Collaborative Practice throughout New Jersey. The Council serves as a unified voice and central resource for education, training, and networking as well as expanding public and professional awareness.