

Collaborative Practice: A Different Way to Divorce

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What is “collaborative divorce”? In a word, it is revolutionary. Imagine one of your clients getting a divorce without going to court. Without pitting husband and wife against each other and letting the children serve as the spoils of war. Without depleting savings and investment accounts to pay for lawyers to march into court and wage war over everything from custody to who gets the barbecue grill. Imagine no more. Collaborative divorce is rapidly supplanting litigation throughout the nation with its interdisciplinary approach to divorce. In the collaborative practice, lawyers, mental health professionals and financial advisors join together to create a “team” that helps resolve all marital issues by making the well-being of all family members the top priority.

The collaborative divorce starts with a couple making a decision to divorce in the most amicable manner possible. Each side retains an attorney who has been specially trained in collaborative practice. The attorneys then schedule the first “4-way” meeting, where spouses, and their attorneys, sit down to simply outline the various issues that their particular divorce will present. The most common issues include custody, alimony, child support, the marital residence and the equitable distribution of assets.

In collaborative practice, the parties are not “adversaries.” Rather, they learn how to communicate and work together so the needs of all family members are met. Mental health experts, whether trained in social work, clinical psychology, or marriage and family therapy, play a vital role in accomplishing this objective. They become part of the collaborative team as either “divorce coaches” or “child specialists.”

The role of the divorce coach is to help the clients facilitate solutions to the problems of the former spouse relationship so that life in the post divorce family can proceed in a life-enhancing fashion for the children and adults. This includes communication for the couple, the “good enough” resolution of outstanding issues of the couple that interfere with or obstruct

the formation of an effective co-parenting relationship, creating the parenting plan, and support for the general parenting of children when necessary. The coaching process can be described as “brief, goal-oriented and systemic therapy.” The task of the coach can be broken down into five general areas:

1. To assist the clients to clearly identify their experiences and to be able to clearly articulate it to their spouses.
2. To work with the clients to increase their awareness of their impact on their spouse and to appreciate the reciprocal nature of intimate relationships. The parties identify their experiences and articulate them to the other spouse. The goal being that as their understanding and awareness increase, they can become less reactive to the other spouse.
3. To offer the clients appropriate information regarding marital transitions that can help reduce the anxiety and uncertainty of the process.
4. To help the clients understand the needs of their children and assist in the creation of an appropriate parenting plan.
5. To act as a member of the collaborative team. Teams may work with one or two coaches.

The child specialist meets the same credentials as the coach. The specialist can enter the process at any time. In some cases, the need for someone to work with the children is evident at the beginning of the process, as the child(ren) may be exhibiting signs of distress that are clearly understood by both parents. Examples include when each parent holds a sufficiently different perspective of the children so that decisions cannot be made that satisfy both, and/or when the team needs information from the children that the parents cannot access in a neutral way. The introduction of the child specialist is generally welcomed by the clients as it offers a way to reduce tension and to determine what the children are experiencing in a less conflicted way. The child specialist

is free to gather information as he or she sees fit. Meetings with the child specialist provide opportunities for the children to talk. The child specialist may be asked to give general feedback on the children. Some of the relevant information can include:

1. Family dynamics.
2. Sibling dynamics.
3. Alliances within the family.
4. Parenting practices.
5. Attachment to parents.
6. Individual well-being.

No matter what the issues, the information from the child specialist will come back to the team first and to the parents second. It is evident that a “collaborative divorce,” one which minimizes conflict, will lead to less stress and fear, and greater emotional security for children.

Social workers are becoming more involved in the collaborative process. One requirement is that they must be trained in mediation skills. Some groups in our state accept an 8-hour introductory course and others require the 40-hour mediation training. Knowledge of parent education, child development, communication skills and marital transitions are essential.

All members of the collaborative team must attend Collaborative Law training, which consists of a two-day training seminar. To learn more about collaborative practice training and groups in your area, visit the International Academy of Collaborative Professionals (IACP) at www.collaborativepractice.com.

Collaborative practice is a way to help maintain the overall well-being of the divorcing family. Children can survive a divorce, as long as their parents allow them to. This process allows all to survive and hopefully even flourish.

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