

COLLABORATIVE DIVORCE—A Healthier Way

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Printed in "The Therapist", (Magazine of California Association of Marriage and Family Therapists) Sept/Oct 2003

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Therapists would be wise to be aware of an exciting new development in the way divorce is being done across the U.S. and Canada. There is a new wave of work called **Collaborative Divorce**—the essential idea of which is to provide families with ways to get divorced that are non-adversarial, healing rather than harming, and which preserve the families' assets, both emotional and financial.

If you were to look up Collaborative Divorce on the Internet, you would see that groups are springing up all over the country to provide these services. I believe that this movement is the third most important development in Family Law, after no-fault divorce in California over thirty years ago, and then mandatory mediation in 1981. Many professionals already trained in various forms of ADR (Alternative Dispute Resolutions) are strongly attracted to this work.

The movement began about 13 years ago in the Midwest when Stuart Webb, an attorney sickened by the destruction that work in family law litigation was causing, developed a model called "Collaborative Law." The model involved two attorneys signing a specific contract that they would work cooperatively instead of against each other, and that if the case should eventually go to litigation, they would be off the case. This turned the traditional adversarial model of divorce on its ear, and began a far-reaching and continuing conversation about how to do this work. Now, there are many ways to do a collaborative divorce, ranging from "the kitchen table method," in which a couple sits down and works out their agreements, then files themselves with or without help, all the way to a complicated multi-disciplinary team effort involving collaborative attorneys and others, such as therapists, CPAs, realtors, business valuers, employment specialists, etc. A group in California, near San Francisco, added therapists as divorce coaches to their teams, and a supervising judge endorsed the process. In the Los Angeles area, the opportunities for therapists have expanded dramatically.

A therapist can take several roles in a collaborative divorce case. We can, of course, be called in as—believe it or not—**therapists!** In this case, we work with family members and report, or not, to the referring attorney. The Coalition for Collaborative Divorce, a group that began in the Westlake/Woodland Hills area (and has expanded to several other geographical areas, including SGV), has trained therapists to be **Case Managers**. This can take two forms: in a simple and less highly charged case, we perform the Case Assessment and then refer in other trained professionals as needed for the case. In a more complex team situation, Case Managers are used to oversee the whole process, keeping track of what needs to happen, strategizing with various members, and keeping the team collaborative. As **Divorce Coaches**, we work with the separating/divorcing (and sometimes reconciling!) adults in order to work through emotional issues that impede the

agreement process. It has been possible for one coach to work with both adults, when the emotional struggles can be reasonably handled by one neutral person. Often, though, each adult needs her/his own coach. We can also take the role of *Parenting Coordinator* (also called *Child Specialist*), when work is needed with parents and children, or parents regarding parenting or the parenting plan. If therapists are trained in *Divorce Mediation*, that is another possible role in a collaborative process.

These cases can evolve in very interesting ways. In a recent case, a Dad came to a collaborative attorney. She was to represent him in doing an amicable divorce. Then, Mom was comfortable enough to join in, in which case the attorney shifted her role to become a neutral mediator. As she worked with them, issues about the children came up. The attorney got a release to talk with me, and called me. She asked me to see the children to find out why they were saying they didn't want to spend time with Dad. I then became the Parenting Coordinator, reporting back to the attorney. Next, Mom decided she felt the need for separate legal counsel, so I recommended a local attorney to the first attorney, to act as Consulting attorney to Mom. The second attorney advised Mom and encouraged her to focus on the needs of the children, supporting the work with me as well as the mediation work. Then, a big emotional issue came up in mediation, and it was determined that the couple needed more help to deal with the lack of trust that was raised. So, another therapist saw the couple, individually and together, as Case Manager. Mom decided to use her as Coach as well, and Dad chose a male therapist as his coach. The couple worked together with the coaches for a few 4-way sessions, and the coaches sent them back to me in different configurations to work out more parenting issues. I sent them back to coaching, the attorneys filled in when they were needed, and the Case Manager facilitated communication and helped work through impasses. Eventually the case finished up in a way that was satisfactory to all. This case was not an inexpensive process, but the family was very pleased to be able to keep it out of court. What excited me was that they nearly fell out of collaboration a few times, but each time the team strategized as to how to defuse that situation, and each time it worked. One day, the children (ages 11 and 14) agreed as they told me, "This coaching thing is working, because our parents are being nicer to each other." The children were also aware of how hard their parents were working at handling issues in a civilized way, and will be far less damaged in the process than they would have been if this case had gone to court. They also learned some communication skills as well as awareness of their family dynamics that should carry them better into the future.

In our ongoing training, therapists and attorneys (as well as others) are working out a greater understanding of how we can work together, the differences in our professional ethics and responsibilities, and how to anticipate and avoid imbalances and other team difficulties. One of the most important developments for therapists is that we are learning how to value our time more, as in learning to charge for telephone time, team consultations, etc, and in charging more for specialized knowledge.

I am writing in the Los Angeles area, so am most familiar with groups here. Besides the Coalition for Collaborative Divorce, other groups in the Los Angeles area include "A

Better Divorce”, based in the South Bay (around Torrance), and LACFLA (Los Angeles Collaborative Family Law Association), less than a year old and primarily on the Westside of Los Angeles. All three of these groups are strongly supported by LA County’s Supervising Judge in Family Law, the Honorable Aviva Bobb. There are other groups in California in various stages of development; try searching the internet by “Collaborative Divorce” or “Collaborative Law.”

Doing this kind of work requires a substantial learning curve, as does anything important. However, if the idea appeals to you, you can find out more at: www.nocourtdivorce.com, www.abetterdivorce.org, or www.lacfla.com.