

COLLABORATIVE DIVORCE-Developing Model of the Future

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A wonderful new movement is afoot which AAMFT members would be wise to know about—called Collaborative Divorce. This is a way of doing divorce and/or separation that helps families to restructure with a much greater chance of emotional success, less financial loss, and a better chance of children emerging intact.

The model began about 14 years ago with a lawyer in Minnesota, Stu Webb, who was sickened by the destructive aspects of doing family law. Rather than quit law, he decided to attempt to do divorces differently. One other lawyer was interested, and the two set up a stipulation that they and their clients would sign, stating that if the case should end up going to court, the lawyers would be off the case. Consequently, the attorneys worked WITH instead of against each other, which was a major turning point. The model then expanded into an interdisciplinary one as the need for other professionals became clear. Currently, Collaborative Divorce is being practiced in 35 states of the US, widely in Canada, and in half a dozen European countries. Collaborative groups are popping up everywhere.

Different groups are defining Collaborative Divorce/Collaborative Law in different ways. For purposes of this article, I will define Collaborative Divorce as any divorce that is accomplished out of court and with relative amicability. This can be as simple as the "kitchen table method", in which the people sit at the table and work out their financial and child-rearing plans, come to agreements, and either file by themselves or have someone file for them. On the other end, a Collaborative Divorce can be aided by two collaborative attorneys, two divorce coaches, a child specialist, a neutral financial expert, and perhaps other secondary professionals such as realtors, mortgage brokers, employment specialists, business valuers, etc. The range in between is wide as well, and can include mediators, one coach instead of two, etc. The team is built based on the needs of the family.

For clients, collaborative divorce may well be more difficult emotionally than litigation. Collaboration and consensual processes always take more energy and mindfulness! However, if clients are educated about the unseen costs of divorce litigation (such as destroyed relationships and traumatized children), and asked about their value system, (for example, "what would it be worth to you to be able to dance together at your children's wedding?"), they often show great interest in such a process. Particularly in divorcing families with children, parents will recognize that they cannot wash their hands of each other, but need to be able to co-parent—perhaps forever. A process that respects their history but moves them into a better future for the children's sake will be tremendously helpful. Another advantage to collaborative divorce is financial; on a collaborative team, clients can pay ONE financial expert or business valuator, instead of hiring one on each side and then fighting over the differences. When lawyers work

together instead of in an adversarial manner, costs will naturally be much lower. And when mental health professionals step in to help manage the emotional intensity, working to help set up patterns of communication that are healthier, the pressure on an already stressed system is eased.

The tone of the work in a collaborative divorce is one of respect and teamwork, thus avoiding the fanning of flames that happens in so many divorces. Lawyers can hand over the emotional issues, which they would rather not deal with, to trained divorce coaches. The children can be seen by a neutral "parenting coordinator" or "child specialist", who makes sure the needs of the children are attended to, and who can work with the relationships between children and parents. A therapist "case manager" can do the initial assessment, move the process along, and deal with impasses with clients or team members. Financial experts trained in divorce work can work fairly with both spouses, projecting their financial situations well into the future and working out creative solutions to the financial distress that is nearly always a component of divorce.

The exciting news for therapists is how often we are needed on these cases. We can play several roles, as mentioned above. It can be growthful and exhilarating to work together with other professionals, to learn how to make these interdisciplinary teams work well, and to be involved in something so new and positive. I had been looking already for ways to increase the mutuality and collaboration in as many aspects of my life as possible when I discovered Collaborative Divorce. It seemed just right; if this work I wish to do anyway can contribute to an important societal development, so much the better!

So—how might one of these more complex cases look? Here's an example: you as a therapist take on a couple who wants to take one more look at their marriage. Is it salvageable? You are able to tell them that either way they decide, you have the capacity to be helpful. If they wish to stay together, you love working with couples and helping them create the partnership they want. If they should decide that there is not enough "glue" to keep them together, you can help them assess what kind of a divorce would be best for their family, and can point them toward some excellent resources. Eventually they decide to split up. You shift your work into assessment mode, and they decide they want a collaborative divorce. There is enough concern about their complicated financial life together as well as their concerns about the three children, that they both would feel better with legal representation. You refer them to two collaborative attorneys that you know and trust, and explain your recommendation for several other professionals for their team. You would probably continue as coach for one of them and as case manager.

The case would proceed from here, including communication and strategizing among team members, and working through impasses and upsets as they occur. This process is enjoying remarkable success as we learn how to do it. More and more people are asking for collaborative processes for their separations and divorces—do you want to be prepared to offer (or refer people to) this work?

For more information, please visit www.nocourtdivorce.com, www.lacfla.com, www.abetterdivorce.com, and www.collabgroup.com.

Bio

Mary Ann Aronsohn is a South Pasadena therapist in private practice since 1989. Besides her general practice, Mary Ann teaches in the P.A.C.T. program (education for separated/divorced parents), developed and co-teaches a course in conflict management for co-parents, and works in collaborative divorce teams to help keep people out of court. She loves to speak to groups about the Collaborative Divorce process, and can be reached at (626) 441-5131.