

Collaborative Law: *An alternative to traditional divorce*

A new way to resolve divorce and family disputes with dignity and respect. Divorce takes an immense toll. Time, emotions and financial resources are often sacrificed. There is another way, a less adversarial, more solution-oriented alternative. It is Collaborative Family Law.

With over 150,000 divorces last year the simple fact is that about half of all marriages (with a similar number of unmarried couples also experiencing relationship breakdown) end in divorce.

Whilst the emotional devastation that accompanies the loss of a relationship is often inevitable, the additional pressure of dealing with consequential issues such as money, occupation of property and children can be alleviated. Many divorce lawyers acknowledge the Law is more often than not a blunt and inadequate tool to deal with these issues.

Collaborative Practice is an alternative way for separating couples to work as a team with trained lawyers and other professionals (such as Child Specialists) to resolve the issues arising from their relationship breakdown. It is designed to minimise the hurt, loss of self esteem and anger that frequently occur with separation.

The philosophy is built on a belief that, although individuals may cease being married, they don't cease being human beings. Every aspect of Collaborative practice is intended to foster respect and maintain communication for all concerned. This is done in a conciliatory and dignified manner without the stress of going to Court. The aim of the Collaborative approach is to fundamentally change the way people think about family law. The end of a marriage or relationship is tragic enough. Collaborative practice believes the process of divorcing shouldn't add to that pain but instead help the parties and any children foresee a hopeful future.

How is Collaborative Law different from the traditional legal process?

For couples who genuinely seek a fair solution and want to minimise the pain of family breakdown, it may offer the best way ahead. At its heart is a fundamental principle requiring the parties and their lawyers to enter into a formal commitment not to refer the issues under discussion to court or to threaten court proceedings. The emphasis is therefore on reaching a dignified and amicable solution. This commitment is pivotal to the collaborative process and all participants are required to sign a contract so that if either party wishes to refer the matter to court, both lawyers will cease to act which requires both parties to instruct new lawyers. This is critical because the emphasis is not only on the parties, but also their legal team to try and achieve an amicable agreement.

It is unique in that clients and their lawyers meet face-to-face for discussions and negotiations. In an atmosphere of openness, all assets are disclosed, needs are communicated and solutions explored. When there are children, their interests are given foremost priority.

The end result is a divorce agreement that has been achieved through mutual problem solving and not by someone with little knowledge of the parties' background or circumstances. This enables the clients to take control of shaping the final agreement which will ultimately determine their future lives.

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