



GRAY REED

ATTORNEYS & COUNSELORS

Collaborative Divorce

Separation and divorce are never easy, but when couples and their legal advocates take a less adversarial approach, the entire family can benefit. Collaborative divorce provides a client-centered alternative to court-based resolution.

Collaborative divorce is a relatively new way to resolve out-of-court process divorce issues, such as asset division, child custody and support, and spousal maintenance. Like mediation, the outcome of the collaborative process is not binding on either party until a final collaborative divorce agreement is signed. The entire process is confidential. Information exchanged is not public record and is not admissible in court, except in very limited circumstances. This may be appealing to public figures or persons of high net worth.

In a collaborative divorce, the parties use specially-trained attorneys and neutral allied consultants, such as financial advisors, communication coaches, and parenting planners. The parties commit to achieving a settlement without threatening or resorting to litigation. Those professionals commit to working cooperatively to make the divorce process as much of 'win-win' situation as possible. If the parties do not reach a settlement but proceed to litigation, the parties agree that the attorneys will have to withdraw from the case. This creates a huge incentive for all parties to settle. The collaborative attorneys do not benefit from prolonging the case in court and are working for their clients nearly 100% of the time on the settlement process instead of preparing a case for trial.

If both parties are committed to the collaborative process, this option creates a safer setting that fosters the give and take that can result in an amicable divorce settlement. Often times, those settlements include terms a court could not have ordered after a trial. The collaborative process can preserve the co-parenting relationship, protect the children, and can save community assets from being consumed by legal fees and expenses in litigation. However, the collaborative process is not for everyone. Success depends on the personalities and mutual trust of the parties and their collaborative attorneys. If one party, or their attorney, has a combative personality, is dishonest or cannot refrain from making threats, the case may not be suitable for the collaborative process.

Regardless of the avenue you wish to take in resolving your family law case, our firm is committed to standing by you throughout the entire legal matter. We assess your situation and provide you with our professional opinion on whether or not the collaborative process is in line with your interests and goals for the outcome of the case. One of our family law practice members will be able to help you select the kind of divorce process best suited to meet your needs, whether you need a peacemaker in the collaborative process or a warrior in the courtroom.