Divorce With Dignity
Kentucky Collaborative Family Network
What is Collaborative Practice?

A dispute resolution process

- Settlement-by-agreement
- Replaces adversarial techniques and litigation
- Active participation of the parties in negotiations
Adversarial Reality
Paradigm Shift

From
Adversarial
Past
Facts
Blame
Win/Lose

To
Cooperative
Future
Relationships
Impact
Win/Win
Collaborative Reality
Collaborative Practice: Recognizing the Need For a Team Approach

Legal

Financial

Relational
Legal

To Advocate Collaboratively

- Represent the individual clients, while maintaining goals of the collaborative process
- Educate and counsel clients about legal issues and settlement options
- Work collaboratively with the other lawyer
- Help clients articulate interests and reach agreements that meet their needs
- Prepare legal documents and settlement agreement
- Coordinate with financial professionals and coaches
To Help Clients Reach Durable Agreements

- **Financial Neutral** providing a safe and comfortable setting to better facilitate making financial decisions for the divorcing couple

- **Provide the information needed** for clients to become educated about the financial consequences of various settlement options

- **Facilitate** the decision-making process
Relational

Moving The Team Forward

- Coach [Not Therapist]
  - Inspiring a spirit of partnership
  - Facilitating the collaborative process
  - Overcoming obstacles
  - Role of Coach instead of Therapist

- Child Specialist
  - Serves as an independent and neutral representative of the child/children’s needs, desires and interest
Collaborative Team Framework

- Each client has independent counsel
- Participation Agreement signed by clients and counsel
- Clients and team members agree not to litigate
- All team members actively participate in negotiations
Collaborative Team Framework (cont.)

- Discovery is willing, complete and timely
- Goal is to reach written agreement on all elements with participation in good faith in the process
- Common purpose—Best results for all
- Leveling the playing field
- Supporting all participants
When Does Collaborative Process Work?

- When the clients want control over the outcome
- When the clients are willing to participate in the process
- When a continuing relationship is desired or needed
- When timing matters
- When privacy matters
How Does Collaborative Practice Work?

Participatory Meetings

- **Preparation**
  - Agenda
  - Place

- **Conduct**
  - Modeling teamwork
  - Anticipating and handling emotion

- **Follow-up**
  - Individual assignments
  - Minutes of meetings
  - Prepare for next meeting
Participatory Meetings

• Preserving Future Goals
  • Interest Based
  • Considers Immediate and Continuing Needs

• Negotiating Transparently

• Managing the Process
  • Privacy
  • Pace

• Working Cooperatively
  • Providing Information
  • Exploring Options
  • Problem Solving
Aspects of the Collaborative Team

• Executes Participation Agreements
• Develops interests, concerns and goals
• Addresses immediate concerns
• Gathers necessary information
• Brainstorms possible solutions
• Determines mutually acceptable solutions
Ethical Standards

- Zealous Representation
- Informed Consent
- Confidentiality
- Each Discipline’s Ethics
Attorney’s Role

- Drafting Participation Agreement
- Setting the ground rules and expectations
- Defining and limiting the engagement of the team
- Explaining the expectations about confidentiality, voluntary disclosure and “opting out” of the adversarial court system while in the collaborative process
- Avoiding adversarial tactics
Coach’s Role

- Assist in moving the process forward
- Teach effective communication skills
- Reduce anxieties and conflict
- Identify priorities while expanding options
- Identify concerns
- Focus on present and future
- Help develop co-parenting skills
- Help parents develop a co-parenting plan
- Coordinate with attorneys and financial professionals
Child Specialist’s Role

Process allows children...

- to be heard regarding their experience
- to understand what is happening to their family
- an opportunity to ask questions
- clarification about the changes in their lives/family
- to receive support and comfort
- a voice in the divorce process
Child Specialist’s Role

Process allows parents...

- to have new information to help them make better decisions as they make important lifetime decisions

- to validate that they are on a healthy path in their divorce process

- an opportunity to consider the special needs, concerns, and perspectives of each child

- to discuss anticipated challenges inherent in co-parenting through the divorce process and beyond

- to receive any recommendations, suggestions, or information that may help them when developing their Co-Parent Plan with their coaches
Financial Specialist’s Role

• Gather and organize financial information
• Equalize financial knowledge in order to make decisions
• Manage financial expectations of clients
• Develop current and future cash flow analyses and budgets
• Illustrate long-range financial projections
• Create financial options
• Deal with road blocks – Coordinate with Coaches & Attorneys
If the Collaborative Process Breaks Down?

- Voluntary Termination of All Team Members
- Resort to the Courts
Kentucky Collaborative Family Network (KCFN)

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