

COLLABORATIVE PRACTICE PARTICIPATION AGREEMENT

AMONG: Tim Rose, Sally Rose, Kristen Hall, Penny Reimer, Larry Scanlon, Kendra Erkamaa

Courts see divorce as a strictly legal procedure. In collaborative practice, we see divorce as a complex process that includes financial, emotional, logistical, and legal aspects. This agreement describes the values, goals, and process involved in our work as well as the role of each team member.

1. **Vision:** Empowering the creation of new family dynamics in a process that honors and respects the dignity of all participants.
2. **Mission:** Engaging a team of professionals to guide families through the divorce process in a way that meets their emotional, financial and legal needs.
3. **Values and Guiding Principles:** We strive to be the change in how families transition through divorce. By modeling these values we help each other grow so that we can learn healthier communication and resolve conflict for our families:
 - Dignity
 - Integrity
 - Transparency
 - Authenticity
 - Respect
 - _____
 - _____
 - _____
4. **The Collaborative Team Members.** A divorce is much more than a legal piece of paper. It is the restructuring of the family from one home to two homes. All team members are committed to supporting this family to co-design their transition in a way that ensures – both in process and in result – that each family member’s emotional, financial and legal needs are met.
 - a. Family. Sally and Tim provide us with the values and goals that create the foundation of the plan for their family. They know their family best and they are responsible for implementing the plan moving forward.
 - b. Neutral Coach. We know that families going through the divorce process experience the stages of grief. This can manifest in a variety of ways in both the parents and the children. Larry, as our neutral coach, supports Tim and Sally’s emotional needs during the divorce and gives them tools for handling emotions in this process and in the future.
 - c. Financial Neutral. It is important for both homes to have a financially stable foundation that will endure. Kendra, as our financial neutral, gives Sally and Tim the support and tools needed to make the most out of the financial situation they have to work with.

- d. Attorneys (Allies). Divorce is stressful by nature so it is important for both Tim and Sally to have an ally they can talk to privately for advice and support, with the assurance that these conversations can remain private. Kristen and Penny provide this one-on-one support. In addition, they will help Tim and Sally clarify and communicate their goals and interests. As we finalize our plan, Kristen and Penny will draft it into the final legal documents that we will submit to a judge for his/her signature.

5. The Collaborative Process

- a. Individual meetings. Even though this is a team approach, every family member's needs are different, and it is important for Tim and Sally to meet one-on-one with their respective ally. They may also meet one on one with either Larry or Kendra if they or the team find there are needs that come up that can be better met by one of those professionals.
- b. Team meetings. The bulk of our work will be in our team meetings. These will include Sally, Tim, Penny, Kristen, and at least one of our neutral team members.
- c. Professional debrief. Kristen, Penny, Larry, and Kendra will periodically meet outside of our team meetings in order to discuss how the process is proceeding and ensure that we are meeting everyone's needs and staying true to our values and principles.
- d. Process Goals
 - i. Transparency. Transparency is the foundation of trust. By participating in the collaborative process, we agree to be transparent (meaning open, accurate and complete) in all financial documentation as well as in our discussions.
 - ii. Best interest. Our goal is to create a new family plan that will be the best interest of both the children and their parents.
 - iii. Communication. Healthy communication is also a foundation trust and a good tool for the future health of the family. Through this process our team will model and support good communication and problem-solving techniques.
 - iv. Future focus. Collaborative is a future focused process. We can learn from the past but our focus will be on creating a better future.
- e. Family Goals
 - i. _____
 - ii. _____
 - iii. _____

6. Limited Role of Court: As in all divorces, we will need to file certain paperwork with the court. This includes a petition, affidavit of financial status, child support guideline worksheet and children in the middle certificates if there are kids, and a final stipulation and agreement. All filing in Iowa is done electronically so we will never be in a courtroom.

7. Agreements

- a. Temporary Placeholders. This is a gradual process. During the course of our work together it may be helpful to have temporary agreements in place as placeholders to provide stability and clear expectations as we work towards our final plan.

- b. Final Stipulation and Agreement. At the end of our work together Kristen and Penny will draft a final Stipulation and Agreement memorializing the new structure and plan the family designed. Every team member will review before it is filed with the court and adopted into the Divorce Decree.

8. Process for Addressing Change and Engaging Disagreement. It is important for everyone to stay aligned with our values and goals. We each understand that the unexpected can happen. The following are the steps we agree we will follow to help us engage changes, problems, or disagreements that arise, while also staying aligned with our values and goals.

- a. How will we ask for the conversation?
 - i. Tim and Sally agree to approach either Penny or Kristen to discuss their concerns. Penny and Kristen will talk to Larry and/or Kendra, depending on the nature of the concern, to discuss options for our next steps.
- b. How do we want to have the conversation?
 - i. Penny and Kristen will take these options back to Tim and Sally and we will arrange a team conversation and/or individual conversations based on the nature of the issue and the needs of our team.
- c. What if we need support?
 - i. If we need further support, we will discuss and decide as a team the additional support that will best fit our needs. This might include a mediator, a child specialist, parenting coordinator, or topic specific financial or legal expert.
- d. What do we do if we can't get there even with support? If Tim and Sally decide that the team is not able to meet all of their needs they may choose to replace one or both collaborative attorneys and continue with the process or they may choose to address any unresolved issues in traditional litigation. If this is the case, they agree to follow the following transition plan.
 - i. All temporary agreements will remain in place for 30 days to allow them to transition.
 - ii. They will identify the progress that they want to keep and the issues that still need to be resolved. This progress can include the shared values and goals in addition to legal issues.
 - iii. Penny and Kristen will withdraw from the case and transition Tim and Sally to their new attorneys. Tim and Sally will never see their collaborative attorneys in court.
 - iv. Tim and Sally understand and agree that our neutral team members remain neutral and can only remain in the case in a neutral capacity. What happens in collaborative stays in collaborative, with the exception that they can use any reports or work product developed in collaborative that they have both agreed to carry it forward.

Agreed to on _____ 2020 by

Tim Rose

Sally Rose

Larry Scanlon
Coach

Kristen Hall,
Attorney for Tim Rose

Penny Reimer,
Attorney for Sally Rose

Kendra Erkamaa
CDFA