

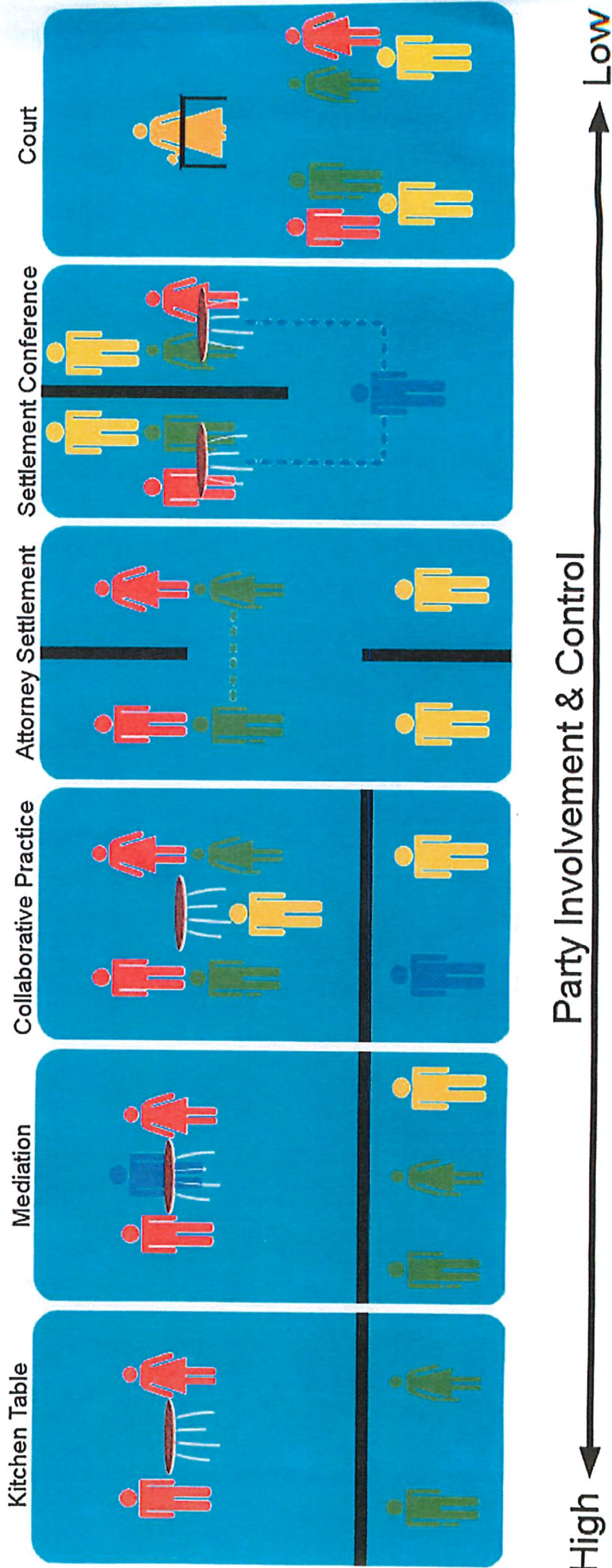
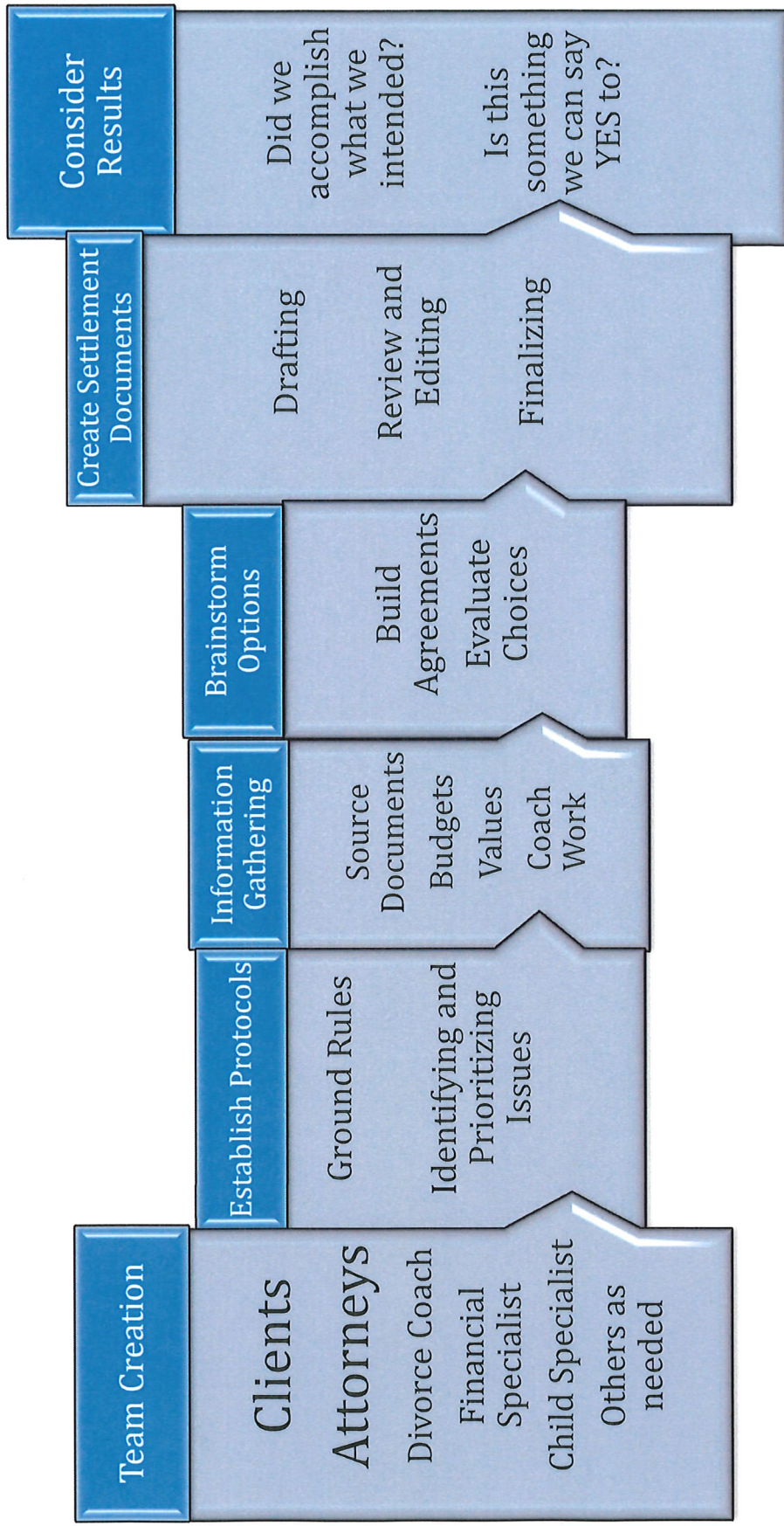


Conflict Resolution Options

 = Parties
 = Mediator
 = Specialist(s)

 = Attorneys
 = Judge





Our Plan for Reaching Resolution

Progression of the Collaborative Process



The Collaborative Process typically follows this progression.

SETTING THE FOUNDATION. This phase is about the necessary preparation to successfully engage in the work to come. It includes signing the Participation Agreement, sharing goals, ensuring all understand the financial, parenting, and legal information, and understanding the tasks to be accomplished prior to making long-term decisions. In this phase we also start to transition thinking to what your post-divorce future might realistically hold. Short-term agreements can be made so everyone can focus on the task ahead.

ADDRESSING THE ISSUES. Before anything, we focus on what needs to be addressed—the important parts that can be included in your divorce agreement. We discuss the advantages and disadvantages of different options to address the issues and select promising possibilities to create a scenario that has a likelihood of being mutually acceptable.

FINISHING THE AGREEMENT. After reflecting on the scenario, it is refined and updated as needed until it's mutually acceptable. Then, the formalities are completed to conclude the divorce, including the necessary agreements and other legal paperwork.



What To Expect When Working With A Collaborative Attorney

A premise of Collaborative Practice is that clients are best served by working with people who are trained experts in their field. A divorce involves “uncoupling” in three areas:

Emotional / Family Restructuring

Financial

Legal

This handout explains the role of the Collaborative Attorney and what clients should expect when working with their attorney in a Collaborative Case.

In Washington State, a statute, RCW 7.77, codifies the Uniform Collaborative Law Act. Pursuant to that statute a Collaborative case requires:

Two Parties;

Each Represented by their own Attorney; and

A Signed Participation Agreement with a Disqualification Provision.

These requirements are exclusive to the Collaborative Process and make this process unique among other legal processes available for clients to select.

The Disqualification Clause is an essential element of the Collaborative Process as it increases the level of trust in what is referred to as the Collaborative Container. Knowing that both attorneys are committed to full disclosure, good faith negotiations, and to taking no contested action in court allows the parties to speak openly without fear that what they say will be used against them in the event the Collaborative Process results in Termination, rather than Resolution.

A. Commitment of Your Collaborative Attorney

Your Collaborative Attorney is committed to helping you and your spouse through the Collaborative Process by supporting you in the following aspects of the Collaborative Process:

1. Full Disclosure of Information.
 - a. The Collaborative Process requires the full and affirmative disclosure of all Material Information whether or not requested.

- b. The Collaborative Process requires that clients and professionals comply with all reasonable requests for information.

2. Advocacy in the Collaborative Process.

Your Collaborative Attorney will not advocate for you to “win” because if you “win” someone has to lose. Instead, advocacy by your attorney in the Collaborative Process incorporates the following elements:

- a. Making sure that your decision is based on your having all information needed for you to make an informed decision, including your understanding of the law underlying the issues related to your conflict and what a probable result would be if the matter were to go to court for a judge to make a decision;
- b. Respecting your right to self-determination, recognizing that ultimately you and your spouse are responsible for making the decisions that resolve your issues;
- c. Assisting you in establishing realistic expectations because unrealistic expectations can increase conflict, and the more conflict, the higher your invoice from your Collaborative Attorney will be;
- d. Encouraging you to consider the impact of your decisions on your dependents, in cases that relate to the care and support of children, elders, or other dependents;
- e. Considering the impact your Collaborative Attorney's experiences, values, opinions, beliefs, and behaviors will have on the Collaborative matter, and endeavoring to separate them from your unique situation;
- f. Avoiding contributing to any interpersonal conflict you have with your spouse, including when identifying and discussing your respective interests and concerns.

3. Good Faith Negotiation.

Your Collaborative Attorney will be active in making sure that the Collaborative Process is a safe place for you to do the work needed to reach a resolution.

- a. Your Collaborative Attorney will act in good faith in all negotiations and in the Collaborative Process and will assist you in complying with the Collaborative Process' good faith negotiation requirement.
- b. Good faith negotiation requires that:
 - (1) Each client and professional takes a thoughtful and constructive approach on all unresolved questions in the interest of reaching agreements.
 - (2) Each client and professional complies with the Participation Agreement

and any other formal and informal agreements made in the Collaborative Process.

- (3) No client or professional takes advantage of inconsistencies, misunderstandings, miscalculations, omissions, or inaccurate assertions of fact, law or expert opinion.
- (4) No client or professional threatens to undertake a Proceeding to coerce a particular outcome on an issue to be resolved by the Collaborative Process.

B. Collaborative Attorney Support

The quality of the relationship between the Collaborative Client and the Collaborative Attorney has a direct relation to the quality of the work done in the Collaborative Process. Whether a Collaborative Attorney has had one hundred Collaborative cases or one Collaborative case, you should expect the following from your Collaborative Attorney:

1. Information

Your decisions made in the Collaborative Process, starting before you choose the Process and ending in your Resolution, are based on informed consent and full disclosure. You deserve to have good information on which to base your decisions and to have your questions answered. Your Collaborative Attorney will help you get that information, explaining any costs associated with that task.

Even when choosing the Collaborative Process, some clients want to know what they are “entitled” to under the law, or what a court would do.

In the Collaborative Process there is an ethical duty for your Collaborative Attorney to inform you in these areas. Instead of there being a question of whether to provide this information, the real question is “when” to provide this information.

Do not expect to be provided answers to these questions in your initial consultation or even in the beginning of the Collaborative Process. This information will be provided when the Professional Team (Attorneys, Coach, and Financial Neutral) determine the time is right for providing the information, which will then be provided in a Team meeting rather than separately with each attorney.

Creating unrealistic or conflicting expectations by providing this information separately or too early in the Process can create conflict, pushing clients further apart and reducing the likelihood of a Durable Resolution. For instance, if Client A is told by Client A’s attorney that Client A is entitled to A + A + A, and Client B is told by Client B’s attorney that Client B is entitled to B + B + B, a Resolution becomes difficult.

An appropriate scenario is that later in the Process, after you, the clients, have received sufficient information to start creating your parenting plan and / or financial settlement, the time will come for you to hear information about the effect of “the law” on your

negotiations. Rather than each client hearing the information separately, this information will be provided during a Team meeting, so that each client gets to hear, for the first time, this information not only from their attorney, but from the other attorney as well. We have found that presenting this information in this manner is more cost effective and time efficient and lowers the risk of creating conflict between the parties.

2. Diligence

Timely communication and the timely sharing of information are essential to the success of the Collaborative Process. Your Collaborative Attorney knows that untimely communication or an unexplained delay in providing work product reduces the level of trust between you which, in turn, has a negative impact on your working relationship.

Note the difference if your Collaborative Attorney does not live up to this expectation, or if you, the Client, falls short. In the first instance, you may then feel that you cannot rely on your Attorney. For the Attorney, the Client's falling short increases the cost of the Process and by slowing momentum may impact the Client's experience with the Process.

3. Preparation

Preparation is needed for every step of the Process. Your Collaborative Attorney will prepare you for every step of the process, either through in person meetings, video meetings, or phone conversations. These meetings can vary from ten minutes to an hour or more, depending on the needs of the Client. A lack of preparation for meetings is a sure way to drive up the cost of the Process.

4. Support

Your Collaborative Attorney advocates for you in a different manner in the Collaborative Process than in a traditional legal proceeding. Your conversations with your Collaborative Attorney often focus on the well-being of you, your children, and even your soon-to-be ex-partner. This is because your Collaborative Attorney knows that your best, most durable result is one that incorporates as much as possible of what is important for you and for your partner as well. In this way, you each can say that you treated the other person fairly, and that you were treated fairly by the other person. In supporting you through this Process, your Collaborative Attorney may suggest counseling, exercise, and other personal tending to help you be in a place where you can make the best decisions.



What To Expect When Working With A Collaborative Child Specialist

A premise of Collaborative Practice is that clients are best served by working with people who are trained experts in their field. A divorce involves “uncoupling” in three areas:

Emotional / Family Restructuring Financial Legal

Rather than having one professional who may or may not have competence in all aspects of a divorce, the Collaborative Process works better, is more efficient, and can be less costly in the long term by adding specialists in each area to the Collaborative Team.

This handout explains the role of the Collaborative Child Specialist and what clients should expect when working with a Child Specialist in a Collaborative Case.

While the Child Specialist may be a mental health professional, the Child Specialist’s role in a Collaborative Case is NOT that of a child therapist and is not providing child therapy. In the Collaborative Process the Child Specialist is retained for a very limited purpose, focused solely on the needs of parents and children specific to the divorce or separation process.

The Child Specialist in collaboration with the Divorce Coach might offer the following: child development education, a neutral assessment of children’s coping abilities, suggestions for supporting children in their transition to two home families, and co-parenting skills education.

Your First Meeting With the Child Specialist

Any of the following scenarios for choosing or engaging with a Child Specialist is possible and may depend on your situation:

1. You find a Collaboratively trained Child Specialist online or by referral and you arrange to meet with the Child Specialist before your Collaborative Process starts. The Child Specialist is fully versed in the different divorce options available to you and if you request will make referrals to Collaboratively trained Attorneys.
2. You meet with a Collaborative Attorney who discusses the role of the Child Specialist and what this can offer your family in the Collaborative Process. If you choose to have a Child Specialist on the Team, you may choose to meet the Child Specialist before the Collaborative Case begins, or more likely at a time later in the process selected to take into account all the factors of your situation.
3. You are referred to a Child Specialist after the Collaborative Process begins. This referral may be based on your work with the Collaborative Divorce Coach or with the Collaborative Attorneys in the Collaborative Process.

How A Child Specialist Will Help You Through The Collaborative Process

You and each professional stand on equal footing and each person brings necessary information to the Collaborative Process. All professionals have appropriate training and while there is some crossover in what is brought to the table, everyone on the Collaborative Team wears a main “hat.” The Child Specialist’s role relates primarily to the needs of children, including their relationship to their parents and their family as a whole. Here are some of the ways a Child Specialist may assist you in your Collaborative Case:

1. In any situation which involves children, especially when children are undergoing a transition with the potential to impact them for their entire lives, many parents want to minimize the impact on their children. The Child Specialist may assist the parents in this goal by providing objective information to the parents. While they work closely together with your family, the Child Specialist and the Divorce Coach have defined roles that do not overlap. The Child Specialist may be referred to in the Collaborative Process as the “voice of the children.”
2. While in the Collaborative Process the Divorce Coach has the primary relationship with the parents and is entrusted to help you put together your Parenting Plan Worksheet, the Child Specialist brings information from the children to the Coach and the parents. This information is then incorporated into your agreement. These two professional members of the Team work closely together, offering their skills and gathering all of the information needed to support parents’ decision making.
3. The Child Specialist first meets with both parents to hear about their family history, to learn about their children, and to hear possible parenting issues or concerns. This information helps the Child Specialist prepare for the next step which is meeting with each of the children. While practices may vary according to each professional, typically the Child Specialist meets with each child individually and then possibly the children together. Occasionally, but not always, the Child Specialist may need to observe each parent with the child (or children) not to “evaluate” parenting but to gather more information to bring back to the Coach and the parents.
4. The next and last step in this process is a four-way meeting with the parents, the Coach, and the Child Specialist. In this meeting, the Child Specialist shares the information gathered from the children. With the support of the Coach and the Child Specialist, the parents may then brainstorm about ways to use this information for their family.
5. Once this four-way meeting has been completed, the work of the Child Specialist is probably finished. However, if a specific need is identified and agreed upon by the parents and the Collaborative Team, the Child Specialist may be asked to continue. Such specific needs might include continued support with parenting or co-parenting skills, or follow up after a major transition such as a move or family blending. The services of the Child Specialist during and post dissolution are always conducted with a neutral, transparent approach based on the agreement of both parents.
6. The Child Specialist rarely attends full Team meetings, with the exception of a possible invitation to the meeting in which the Parenting Plan is being finalized.



What To Expect When Working With A Collaborative Divorce Coach

A premise of Collaborative Practice is that clients are best served by working with people who are trained experts in their field. A divorce involves “uncoupling” in three areas:

Emotional / Family Restructuring Financial Legal

Rather than having one professional who may or may not have competence in all aspects of a divorce, the Collaborative Process works better, is more efficient, and can be less costly in the long term by adding specialists in each area to the Collaborative Team.

This handout explains the role of the Collaborative Divorce Coach and what clients should expect when working with a Coach in a Collaborative Case.

In Washington State, a statute, RCW 7.77, codifies the Uniform Collaborative Law Act. Pursuant to that statute a Collaborative Case requires two parties, each represented by their own attorney, and a signed agreement that disqualifies the attorneys from representing either party outside of the Collaborative Process. While there is no requirement that a Collaborative Divorce Coach be a part of every case, the work of the Coach is so specialized and essential to the Collaborative Process that many experienced Collaborative Attorneys will not accept a Collaborative Case without a Collaborative Divorce Coach on the Team.

In the Collaborative Process, “Coach” refers to a mental health professional whose function relates primarily to untangling the emotional dynamics and communication patterns between the clients, which have been established during an intimate relationship. We call this process “uncoupling.”

Unproductive conflict and unresolved emotions are the key disruptors when engaging in the very problem-solving you need as part of reaching divorce agreements. Along with uncoupling, the Coach will be the professional who helps you address the restructuring of your family, particularly for children, but also for extended family members with whom important bonds have been established.

The Coach, who has extensive knowledge in personal growth and development, will be there to assist with parenting questions, and to work through many of the two home family considerations that will be part of your eventual parenting plan.

Your Collaborative Divorce Coach is the one team member who will be most familiar with the two of you: your needs, your interests, and your dynamics as a couple. Your coach may be a key part of your joint sessions to assist you with keeping your center, smoothing out difficult reactions, and keeping the process on track.

It is important to note that the Collaborative Divorce Coach is NOT providing psychotherapy or marriage counseling. When you start your work with the Coach, your decision to seek a divorce or a legal separation has most probably been made.

Your First Meeting With the Coach

Any of the following scenarios is possible and depends on your situation:

1. You find a Collaboratively trained Divorce Coach online or by referral and you arrange to meet with the Coach to explore different ways to proceed. The Divorce Coach is fully versed in the different divorce options available to you and if you request will make referrals to Collaboratively trained Attorneys.
2. You meet with a Collaborative Attorney and the attorney recommends that before deciding on a divorce process, you meet with the Coach. Attorneys have an obligation to make sure that you and your spouse are good candidates for the Collaborative Process and the Coach provides a second layer of evaluation.
3. You are referred to a Coach by the Collaborative Attorney before or after the Collaborative Participation Agreement is signed, and the Team is still being constructed.

How a Coach Will Help You Through The Collaborative Process

You and each professional stand on equal footing and each person brings necessary information to the Collaborative Process. All professionals have appropriate training and while there is some crossover in what is brought to the table, everyone on the Collaborative Team wears a main “hat.” Here are some of the ways a Divorce Coach may assist you in your Collaborative Case:

1. In any legal proceeding, emotions have a direct correlation with the cost of the process and ultimately the quality of the Resolution. You bring into your divorce process a broad range of emotions. The Collaborative Process is designed to address those emotions and to take the energy from them so they do not prolong or undermine the process. While all Collaborative Professionals are mindful of those emotions and their impact, the Divorce Coach has special training to address them.

2. The Collaborative Process works better and is more cost effective and time efficient when the Collaborative Attorneys delegate to other professionals on the Team. There is no hierarchy on a Collaborative Team. Remember that your attorneys are the most expensive part of the process. In addition, you deserve to work with the specialists who can best provide you with what you need in order to make the decisions necessary to conclude the process successfully.
3. If you have children, the Coach will work with you to prepare your children for the divorce. The Coach will also help you prepare to move into a two-home family and to develop a residential schedule to ensure a strong, engaged relationship for the children with both parents. This includes how to spend the holidays and school breaks, *and* how to commit to the actions and activities that will help you maintain a skillful co-parenting relationship for the years to come. These agreements will be memorialized in the form of the Parenting Worksheet. Once you approve this Worksheet, the Coach will give the Worksheet to the Collaborative Attorneys to translate into the court-mandated Parenting Plan form.
4. At times parents would like the divorce process to include their children's own voices, their children's versions of what they need. If you bring this desire up to your Attorney or your Coach and decide to move forward, the Coach will arrange to include a Child Specialist who then meets with you prior to meeting with your children. A Child Specialist has expertise in interviewing children whose parents are separating and then assisting with identifying normal adjustment issues and differentiating them from distress needing more rigorous attention.

After seeking input from the children (specifically, asking, "What's working for you as your parents set up your two-home family, and what's hurting or particularly hard for you?"), the Child Specialist will return to the Coach's office to discuss the children's input with the parents and the Coach. This *neutral* input helps parents understand their children's perspective and experience in order to make adjustments necessary to assist the children with their own grief and acceptance. The Team understands that the Coach is dedicated to working with the parents and the Child Specialist is dedicated to working with the children to bring the "voice of the child" into the divorce process.

5. It is recommended that the Coach attend all Team meetings other than the first four-way meeting. Throughout the Process discussions can trigger emotional responses. The Coach's presence during the meetings acts as insurance to help get through these discussions. The Coach also has skills for meeting facilitation, group process, meeting flow and management. This frees the other professionals on the Team to focus on their respective roles.



What To Expect When Working With A Collaborative Financial Neutral

A premise of Collaborative Practice is that clients are best served by working with people who are trained experts in their field. A divorce involves “uncoupling” in three areas:

Emotional / Family Restructuring Financial Legal

Rather than having one professional who may or may not have competence in all aspects of a divorce, the Collaborative Process works better, is more efficient, and can be less costly in the long term by adding specialists in each area to the Collaborative Team.

This handout explains the role of the Collaborative Financial Neutral and what clients should expect when working with a Financial Neutral in a Collaborative Case.

In Washington State, a statute, RCW 7.77, codifies the Uniform Collaborative Law Act. Pursuant to that statute a Collaborative Case requires two parties, each represented by their own attorney, and a signed agreement that disqualifies the attorneys from representing either party outside of the Collaborative Process. While there is no requirement that a Collaborative Financial Neutral be a part of every case, the work of the Financial Neutral is so specialized and essential to the Collaborative Process that many experienced Collaborative Attorneys will not accept a Collaborative Case without a Financial Neutral on the Collaborative Team.

In the Collaborative Process “Financial Neutral” refers to a financially trained professional whose functions are primarily to:

- independently verify financial information on behalf of the clients and attorneys;
- help clients financially uncouple from a nuclear (one) household to a binuclear (two) household; and
- help the clients create a financial base on which to support the financial realities of a new family structure.

Unproductive conflict and unresolved emotions regarding finances are some of the most difficult issues to address in the divorce process. The Financial Neutral helps you understand in a clear, concise, and unemotional manner what assets, liabilities, and incomes you have, and illustrates for you the impact of different possible solutions on the future financial well-being of you, your spouse, and your children. Working with the other professionals on the Collaborative Team, the Financial Neutral will help you articulate your options for property division and income sharing.

Your Collaborative Financial Neutral has extensive knowledge of finances relating to divorce or legal separation and is focused primarily on helping you reach a financial settlement. The Financial Neutral is the Team member who will be most familiar with your finances and will be the “go-to” person to get answers to your financial questions. The Financial Neutral will help you work through the financial considerations that will ultimately go into your financial resolution. This input is essential to help you define and address the financial considerations and questions that are a part of your financial settlement, incorporating as many of your financial goals as possible.

Your Financial Neutral’s Expertise

The International Academy of Collaborative Professionals’ (IACP’s) Minimum Standards for Collaborative Financial Practitioners requires that your Financial Neutral have a license or designation in good standing in one of the following areas, or such other equivalent license or designation that requires a broad-based financial background and continuing education, and that is regulated by a governing body under a code of ethics:

- | | |
|--|---------------------------------------|
| CFP (Certified Financial Planner) | CMA (Certified Management Accountant) |
| CPA (Certified Public Accountant) | CGA (Certified General Accountant) |
| CA (Chartered Accountant) | ChFC (Chartered Financial Consultant) |
| CDFA (Certified Divorce Financial Analyst) | |

Your Financial Neutral may have background, education and/or experience in:

- Financial Aspects of Divorce
- Cash Management and Spending Plans
- Retirement and Pension Plans
- Income Tax
- Investments
- Insurance
- Property Division
- Individual and Family Financial Planning Concepts
- Business Valuations
- Employee Stock Plans
- Real Estate

Your Work With The Financial Neutral

Financial Neutrals have their own fee agreements which you will need to sign prior to working with them.

You will receive a list of source documents for you to provide and forms to fill out in order to provide financial background. These may include requests for a budget of your current expenses and your anticipated post-divorce budgets. Your Financial Neutral will let you know how to deliver these documents, whether by hard copy or through a secured electronic portal.

You and your spouse will meet with the Financial Neutral to review these documents, ask questions, and identify any additional financial information needed. This first meeting provides the opportunity for you to learn more about the role of the Financial Neutral in the Collaborative Process and to discuss issues and concerns that are specific to your situation. You will come away from this meeting with a work plan and deadlines for completing tasks.

Your second meeting with the Financial Neutral will be during a full Collaborative Team meeting with your attorneys for the purpose of reviewing your initial property and budget reports, making sure that each asset and liability is listed, accurately identified by account number, and that a placeholder value is entered. It is essential to establish the accuracy of the property and budget report before progressing to the next steps.

Once your financial information has been compiled and verified as part of the information gathering phase of the Collaborative Process, the next step is identifying your Financial Interests, specifically your financial objectives. This provides the opportunity for you to articulate what is most important in your financial life. For instance, it might be most important for you to be financially self-sufficient, or to keep the family residence, or to save for retirement, or to have cash for a down payment on a new home, or to have the children attend private school, or any number of other objectives.

Knowing your financial objectives is an essential part of the financial uncoupling, which may not be solved with a fifty-fifty division (or other percentage division) of assets. For example, you may not want to buy a new residence if it does not provide the flexibility you want in other parts of your life. Or you may value retirement assets more than other types of assets.

After this identification of each person's Financial Interests, the Financial Neutral will model the "scenarios" to show the impact of various allocations of assets, debts, and income on each household.

These scenarios will provide you with a better idea of what works and what does not work, until you find the scenario that works "well-enough" for each of you; the goal being that each person achieves as many of the person's Financial Interests as possible.

How A Financial Neutral Will Help You Through The Collaborative Process

You and each professional stand on equal footing and each person brings necessary information to the Collaborative Process. All professionals have appropriate training and while there is some crossover in what is brought to the table, everyone on the Collaborative Team wears a main “hat.” Here are some of the ways a Financial Neutral may assist you in your Collaborative Case:

1. The Financial Neutral provides independent verification of the financial information and can also help you understand your current financial situation and your future financial situation, even if you are financially astute.
2. The Financial Neutral can provide guidance when, as in many relationships, one person has managed the finances and the other person may need to be brought up to speed and gain the information and skills necessary to manage the new financial situation and resources.
3. The Financial Neutral may bring to the Collaborative Process additional resources that are not always considered in the legal process. These resources may include information about the use of Vocational Rehabilitation experts, pension valuations, business valuations, tax information, Social Security information, and other knowledge to assist you in making informed decisions that make the best use of your assets and incomes.
4. The role of the Financial Neutral complements the work of the Divorce Coach and the Collaborative Attorneys, who are responsible for other information relevant to the Collaborative Process.

In any legal proceeding emotions and a lack of information have a direct correlation with the cost of the process and ultimately the quality of the Resolution. You bring into your divorce process a broad range of emotions. The Collaborative Process is designed to address those emotions so they do not prolong or undermine the process. The Financial Neutral has information and special training to address effectively for each of you the emotions and fears related to finances and financial decisions.

The Financial Neutral will attend all Team meetings related to financial issues, other than the first four-way meeting.

The Collaborative Process works better and is more cost effective and time efficient when clients are working with the professional most qualified for the task. There is no hierarchy on a Collaborative Team. Remember that your attorneys are the most expensive part of the process. In addition, you deserve to work with the specialists who can best provide you with what you need in order to make the decisions necessary to navigate and complete the process successfully.



YOU HAVE A CHOICE

Now that the decision has been made to divorce, you come to another important decision – how will you accomplish your goal? There are several roads leading to the termination of your marriage, and the one you choose can have a significant impact on your future and that of your family. The purpose of this handout is to give you sufficient information about the various routes you and your spouse can take so that you can make an informed decision about which road to follow.

‘Kitchen Table’ Settlements

This settlement method is simple. The Husband and Wife sit down “at the kitchen table” and work out an arrangement that satisfies each of them. The agreement can be taken to a lawyer to be put into legal form, or used to complete do-it-yourself divorce forms.

Unlike some other divorce options, this method of reaching agreements can produce inexpensive, quick, private agreements for couples who may not have children or substantial assets. Without the benefit of legal advice, however, you may not know if you are giving up valuable rights. It is also easy to “re-invent the wheel,” or make mistakes that someone with family-law experience could help you avoid. People often find, upon taking the agreement to a lawyer, that questions will arise that may cause one or both spouses to change their agreement. If the Husband and Wife do not have equal information and equal power in the relationship, one person might not get his or her needs met.

Do-it-Yourself Divorce

Bookstores and online resources sell forms that can be used to handle a divorce without attorneys. Forms may also be available at local law libraries. Simple forms for people without children or substantial property are also available online. Divorce kits or forms generally provide a check-list approach to property and child-related issues, so users are not left completely in the dark about their options. But not all forms are equal; some can create more problems than they solve. When children and real estate or other major assets are involved, the forms may not be detailed enough to do what you are trying to accomplish. Further, check lists cannot inform you of your rights and leave little room for creativity. If the Husband and Wife do not have equal information and equal power in the relationship, one person might not get his or her needs met.

Early Intervention Mediation

Mediation is assisted settlement negotiation. Mediators don't take sides, and are used for the sole purpose of trying to help people reach a settlement. Many couples find working with a skilled mediator at the start to be a helpful and satisfying way to settle the issues in their divorce. A mediator is a neutral party, not necessarily an attorney, who can help the couple resolve all of the questions that a court wants addressed in a final divorce decree. Even if the mediator is an attorney, he or she cannot give the parties legal advice. It is likely that the mediator will recommend that each of you retain an attorney (each of you need your own attorney; it is not ethical for one attorney to represent or give legal advice to you both). These attorneys provide the legal guidance before, during or after the mediation process. Mediations are often done in a series of joint meetings with the mediator.

Collaborative Law

In the Collaborative Law model, Husband and Wife and their lawyers commit to a process steeped in full disclosure, transparency, and good faith negotiations. There is an agreement that no one will take any contested issue to court. The "Collaborative Team", which often includes mental-health Coaches, financial professionals and child specialists, focuses its attention on finding ways to restructure the family from a nuclear (one-household) family to a bi-nuclear (two household) family so that everyone involved, including the children, gets their needs met to the greatest extent possible. The lawyers on this team should be family lawyers with experience and training in Collaborative Law.

If a Husband and Wife decide to follow the Collaborative Law road to divorce, they must sign a Participation Agreement with a disqualification provision for the Collaborative Professionals in the event the process is not successful. This agreement assures the clients that the attorneys are "all-in" and that they cannot use the process to gather information to be used against them outside the process. The Participation Agreement also ensures that you understand the process and that you are committed along with everyone else to making the process work to its full potential.

The objective in a Collaborative process is to provide you all the information you need to, with informed consent and full disclosure, create your post-divorce lives based on your most important goals and concerns. While there are no guarantees that your Collaborative case will result in a resolution, the vast majority of Collaborative cases reach Resolution. In the event there is a Termination of the case, you will be transitioned to new counsel to assist you with a process other than Collaborative. Safety nets remain in place if you need to transition to a new process, and neither party will be able to take advantage of the other if there is a transition. In the event of a Termination, the Coach, Financial Neutral, and Child Specialist are also disqualified from working with you outside the process.

The Collaborative Process is conducted in a series of joint meetings in which the parties and their lawyers, and possibly other professionals, sit down together in the same room. Washington State had adopted the Uniform Collaborative Law Act (RCW 7.77), which includes an evidentiary privilege that makes everything that happens in the Collaborative Container (as it is called) confidential. The only information that comes out of the Collaborative Process is information agreed to by the parties.

Participation in the Collaborative Process is voluntary. Either party may choose to end the process at will, and both parties must agree to any resolution that is reached.

Collaborative Mediation

Collaborative Mediation combines Mediation with Collaboration, a divorce process where in its simplest form each client has their own attorney who helps them reach agreement on the division of property, allocation of income, and sharing of parenting rights and responsibilities based on their individual interests and goals.

Collaborative Mediation is another consensual dispute resolution process available to you. As with a Collaborative Divorce, the requirements for a Collaborative Mediation are:

- One mediator or two co-mediators
- Two parties
- Each party represented by an attorney (Collaborative?)
- A signed Contract (Participation Agreement) that includes a disqualification provision for the attorneys and any other involved professionals

The central difference between Collaborative Mediation and a Collaborative Divorce is that in the Mediation process the mediator takes the lead in facilitating the discussion, and the attorneys take a “back-seat”, but integral, part in the process. In fact, the attorneys only attend mediation sessions as needed and their participation may be limited to review of the final resolution.

Litigation

In litigation, decisions are made for the parties by a Commissioner or Judge. Litigation is governed by the Rules of Civil Procedure and the Rules of Evidence, which are very strict rules about what information may be presented to the decision-maker.

Litigation provides resolution for people who cannot find a way to settle their differences any other way. The court system is the only way to “force” a reluctant party to deal with family law issues. Litigation, however, is a process that often focuses on the negative aspects of divorce and other family law matters. In comparison to some other divorce options, it causes people to focus on how they are “right” and the other is “wrong”, when they really may just have different ideas about how their lives should look after divorce.

Litigation can be expensive and destructive to relationships. Even though most cases settle before they ever go to trial, the process of preparing to go to trial, if necessary, can cause relationship damage that is difficult – if not impossible – to repair. The costs of litigation can use up funds that could be put to better use, like children’s college or litigants’ post-divorce financial autonomy.

Mediation is part of the litigation process. Washington State Courts require the parties to try to settle their case through mediation before showing up for trial. The mediators are neutral and can offer clients a different, unbiased perspective. Also, having both clients, both lawyers and a mediator in the same place at the same time with everyone’s attention focused on getting a settlement can often create a positive environment for making agreements. Unfortunately, in litigation these mediations often takes place just before a case is scheduled to go to trial, after the parties have already spent money, time and emotional energy fighting.

Mediation (often referred to as “settlement conferences” in the litigation setting) under these circumstances often feels coercive to clients, who may never have previously discussed the realities of their situation with their attorneys.

Arbitration

Arbitration is another road to resolution that is available in a divorce, if both parties agree to utilize the process. An arbitrator is hired by the parties to make a decision in their case and will hear the evidence that would otherwise be presented in a trial. The decision of the arbitrator can be binding or non-binding, depending on the agreements of the parties and the law in the jurisdiction where the proceeding is taking place. For example, in Washington State, an arbitrator cannot make a binding decision on certain parenting plan issues as the legislature has not delegated that authority from the courts.

An agreement to arbitrate in a family law matter must be in writing. An arbitrator can be hired to decide all of the issues in a divorce or just one or more. Unlike a trial to a Court, the hearings before the arbitrator are more informal and can be heard at times convenient to the parties and their attorneys. In determining the formality the parties will decide with the arbitrator how closely they need to follow the rules of evidence and rules of civil procedure.

If an arbitrator’s award is binding, either the arbitrator will file the decision, or the attorneys / parties will draft court Orders to submit that reflect the decision.