

## What is the Collaborative Divorce Process?

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**A collaborative divorce process is a divorce process where both parties agree to work out an agreement with the help of a collaborative attorney and several other professionals without filing motions with the courts.**

### The Collaborative Divorce Process

If you and your spouse decide to participate in a collaborative divorce, you both have to agree to the collaborative divorce process, and each will hire your own collaborative attorney. You will sign a collaborative agreement with your respective attorneys and then you, your spouse and your respective attorneys will work together to choose other professionals who will be retained by you and your spouse as part of the team of professionals who will work with you and your spouse to obtain a full agreement.

### Professionals Involved in the Process

The professionals that could be retained by you and your spouse during the collaborative divorce process, other than your respective attorneys, could be an Appraiser, Accountant, [Business Evaluator](#), Realtor, Mediator, Counselors, Coaches, Therapist, Tax Advisors, Parenting Allocation Evaluators or any other professionals required to work out a solution to the issues relative to your specific case.

The benefit of choosing to retain these professionals jointly is that you could save a substantial amount of money in retaining one professional to provide a service to both of you as opposed to each of you hiring your own independent professional leading to potentially two different opinions or values which then has to be litigated in the Courtroom. Not only does this involve the additional costs of two professionals but also the costs for your respective attorneys to work with the professionals, prepare the professionals for court and then present the relevant evidence to the court to make a decision. Many of these decisions that a court would make, such as the value of property or a business or a piece of art is going to weigh heavily on the expert testimony and the reports provided. You and your spouse would have this same information from a neutral professional retained in a collaborative divorce without the additional expense of litigation.

### Working with a Collaborative Divorce Attorney

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During the collaborative divorce process, you and your attorney will meet initially to discuss the facts of your situation and talk about what would be the best outcome for you, and then you would work on moving towards that as a solution. In addition to meetings with your collaborative divorce attorney, you and your attorney will meet with your spouse and their attorney on a regular basis, along with the other professionals as necessary, in order to work through all of the issues.

## **Collaborative Divorce Does Not Involve Discovery**

During the collaborative process, there is no discovery. Discovery is likely one of the most expensive procedures in litigation. Discovery is both written and oral. Written discovery requests are sent out from your attorney to your spouse asking them to produce years of documents relating to your income, expenses, assets, and liabilities. It can take many weeks to gather all of these documents for your attorney and it takes your attorney many many hours to prepare the documents to be sent over to the other side and then many more hours of time to review what your spouse has produced to your attorney. In addition to the initial requests and production of documents, the obligation to produce anything that has been asked for is on-going which means if you were asked to produce all of your bank statements for the past 3 years and you do produce those, your obligation continued to produce each and every bank statements as the case progresses through the court system, which could be a year or more. In a collaborative divorce, all documents are voluntarily provided to each side so there is no formal discovery requests or preparation of responses and there is no issues with non-disclosure as both parties agree initially when they choose collaborative divorce to fully disclose all of their assets, liabilities, income and assets. There is nothing that is hidden or should come as a surprise.

In addition to written discovery [oral discovery, or depositions](#) can be taken of you and your spouse. Depositions are time-consuming to prepare for and a time consuming and expensive process. You and your attorney as well as your spouse and their attorney are all present along with a court reporter. Both attorneys are charging hourly rates and the court reporter charges for their time as well as any transcript that is ordered. In the Collaborative Divorce process, there are no depositions. All information is discussed and provided freely during collaborative meetings.

## **Agreement Through Collaboration**

Once you reach an agreement, the paperwork is prepared and signed by both parties and their respective attorneys and presented to the Court for approval and entry.

Generally, if you are unable to reach an agreement using the collaborative divorce process, the collaborative attorney you have retained and worked with will not be able to represent you in court and you will have to hire another divorce lawyer to move forward with the process in court.

## **COOPERATION AND COMMITMENT TO COLLABORATIVE DIVORCE CAN LEAD TO POSITIVE OUTCOMES**

Collaborative Divorce can help you keep your divorce from escalating unnecessarily by working out temporary solutions during the pendency of the collaborative process. This is made possible through voluntary exchanging information, agreeing on professionals to assist you, negotiating which allows you to be part of the final agreement and makes sure that you address all aspects that are important and specific to your individual situation. A cooperative spirit of all parties is key to making this process work.

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## Is the Collaborative Divorce Process Right for You?

Whether the collaborative process is right for you or not depends on both spouse's opinion of the process and how they want to proceed. You must both agree to move forward in a collaborative fashion in order for the process to work. If you cannot agree, then you must file for divorce with the court and move through the divorce litigation process with the help of the Court. This does not mean that you cannot settle your case without the assistance of the court. Reaching a settlement in your divorce is certainly possible. Most attorneys are trained to work out amicable solutions that benefit their clients *without* the assistance of the court so just because you are unable to proceed (or choose not to) with a collaborative divorce does not mean you cannot settle your case outside of court. You can and you should. Divorces are financially, emotionally, physically and mentally draining to you and your entire family. Choose an attorney wisely for these reasons, whether it be a collaborative divorce lawyer or a divorce lawyer that will work with you through the court process. Having the right attorney by your side can make all the difference.

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