



Barbara Browne

Collaborative Separation and Divorce

Dignity and Respect

York Collaborative Practice is a group of lawyers, financial professionals and mental health practitioners who are committed to assisting separating couples to resolve their family law disputes a better way.

The professionals who participate in the collaborative process have received specialized training.

Everyone who participates in a collaborative family law process must:

- Commit to resolving the dispute without going to court or threatening to go to court
- Provide full and complete disclosure of all information to reach a resolution
- Conduct themselves in a manner that is dignified and respectful of all participants
- Have a willingness to consider a variety of settlement options

Collaborative Practice: It Begins with Mutual Respect

Ending a marriage or relationship is painful. Professionals such as lawyers, divorce coach counsellors and financial consultants offer constructive services to make plans for you and your family away from the court system. These professionals are a part of the Collaborative Practice model.

Collaborative Practice is a reasonable approach to divorce based on three important principles:

- A mutual pledge not to go to court
- An honest exchange of information by both spouses

- A solution that takes into account the highest priorities of both spouses and their children

Mutual respect is the basis for Collaborative Practice. You and your lawyer work together with your spouse and his/her lawyer toward a negotiated resolution to separation issues. When respect is given and received, discussions are likely to be most productive and an agreement reached more easily.

A Client Centred Approach

A Pledge to Collaborate

The key difference between Collaborative Practice and conventional divorce is the mutual promise to reach an agreement without going to court. You and your partner maintain control over decisions regarding your family and your property and assets. A judge or other strangers are not going to be in control of your family or your future.

To accomplish this, all parties contract in writing to be part of a respectful process that leads to an out-of-court resolution.

The goals are to create positive relationships, solve problems jointly, and to prevent court battles now and in the future.

Open Communication

In painful emotional circumstances, talking together can be difficult as a relationship is ending. Collaborative professionals are here to help you keep the lines of communication open so that reaching an agreement is possible. Collaborative Practice provides you with face-to-face meetings with your spouse and your respective lawyers, and including other professionals in the process as needed. Sessions promote honest exchanges of information, needs and expectations regarding all of the issues. Problem solving can be direct and solution focused.

Collaborative Practice at a Glance

- Encourages mutual respect
- Focuses on the needs of children and family

- Contract to stay out of court
- Keeps control of the process with you
- Encourages open communication
- Promotes problem solving
- Addresses the interests and concerns of all
- Prepares spouses and children for the future

Please visit www.yorkcollaborativepractice.com, where I am a member and board member, for more information, and www.divorcehappens.ca.

Suggested Reading

The Smart Divorce®

By: Deborah Maskovitch

The Joy of an Ex

By: Jackie Ramler