

Why Choose Collaborative Divorce?

By Barbara Phillips-Bute, J.D., Ph.D.

Not too long ago, it seemed that you had two choices for how to end a marriage.

In the traditional model, each spouse went out and hired an attorney to “zealously represent” his or her interests, and the attorneys then engaged in a process of filing motions, positional bargaining, tearing down the other spouse, and maybe fighting it out in court. It was (and is) an expensive, time consuming, emotionally draining, and potentially devastating experience.

Couples who didn’t want to go down that destructive route, who prided themselves in being reasonable and capable, tried to do it themselves. They would sit down at the kitchen table and decide who got the toaster and who got the microwave, and maybe work out their own co-parenting plan. They could even choose to sit down with a neutral third person who mediated their issues. If the issues were simple, this might work out well. But if the issues were complicated, it was a little like trying to do surgery on yourself. Most divorcing couples simply don’t have the necessary knowledge about family law, about child psychology, and about financial planning to do a thorough job of working through all the issues which will affect their future, their well being, and their family members.

Ending a marriage involves really big decisions, with potentially long-lasting consequences. How can a divorcing couple get the support and advice they need to move on from the marriage, without risking the destruction of the family relationships?

There is a way.

Collaborative divorce is a process that walks this delicate line. In a collaborative divorce, each spouse has their own attorney, and, as appropriate, access to a team of professionals to advise them. The attorneys work in a respectful, cooperative, and professional way to help the divorcing spouses make decisions that are in the best interests of the entire family. The collaborative attorneys commit to resolving all matters outside the courtroom, and the spouses commit to full voluntary disclosure of all relevant information. How civilized is that? The collaborative process is much less expensive than litigation, and for that matter, less expensive than making a costly mistake by trying to do your own QDRO (don’t know what a QDRO is? My point exactly...)

Divorce is not the end of a relationship; it is a transition into a different kind of relationship. The way you handle your divorce will affect you, your spouse, and most especially your children, for many years.

Here is what two recent clients said about their experience with the Separating Together collaborative process:

"Your guidance and obvious care were instrumental to help us avoid a schism that would have been devastating to our well-being and respect for ourselves and our partner and friend of 25 years. That we were able to separate with peace of mind and, surprisingly, with some humor, is a testimony to your ability and the validity of this collaborative process. We will be forever grateful that you helped us maintain our mutual friendship and affection."

For more information on the collaborative divorce process, visit our website at www.separatingtogether.com. We are the first and oldest collaborative law practice group in North Carolina, and we are ready to work with you.