



The Collaborative Family Law Institute

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► About The Process of Collaborative Family Law

The practice of collaborative family law enables separating spouses to accomplish their divorce in a spirit of cooperation and mutual respect in an environment in which both transparency and personal privacy are emphasized. Although the value of privacy can hardly be overstated for many couples, often it is the first casualty of a traditional, legally contested or litigated divorce. The collaborative family law process uniquely allows divorcing parties to keep their family matters private because the process is expressly designed to keep marital dissolutions out of court and out of the public record. In essence, it breaks the cycle of conflict.

► How it works

At the outset and if the parties consent, attorneys for both spouses recommend and often work with a neutral mental health professional. The role of the mental health professional is multifaceted and is distinctly different from that of a therapist. The mental health professional works closely with the couple, initially gathering important information about their concerns, goals and interests while fostering trust and facilitating good communication among the parties. When children are involved, the mental health professional is able to facilitate and encourage the development of a healthy co-parenting plan by teaching the parties new communication skills. The center of the process is the Collaborative Participation Agreement, which the parties and collaborative professionals execute, and which stipulates that the parties agree not to seek judicial resolution of the dispute during the collaborative family law process. The parties make an economic and emotional commitment toward achieving a mutually agreeable settlement out of court.

► Financial Considerations to Collaborative Law

The collaborative family law process offers a potential for significant savings over the costs of a traditional, litigated divorce. Unlike the discovery process in divorce litigation, the parties in the collaborative family law process gather information themselves and do so voluntarily. Complex financial issues are openly discussed, in a spirit of transparency and cooperation. Typically, after the clients and attorneys hold their first or second joint meeting, they decide whether to engage a financial professional, whose role is to assist the parties in finding a solution that will maximize the financial benefits to both parties. Financial disclosure documents and affidavits are voluntarily exchanged and, through these financial disclosures, the parties disclose their income, expenses, assets and liabilities. The financial professional can also help the parties resolve alimony and child support issues and provide advice on the tax consequences of proposed settlement options.

► Collaborative Law in Florida

Collaborative law has been around in one form or another in the United States for more than 20 years, and is now being practiced in 20 countries around the world. It is being taught in Florida law schools and a collaborative law statute is likely to be passed in the near future. While it is utilized in Miami-Dade County primarily in family cases, it is used in other parts of the country to resolve probate and commercial disputes. It allows the parties to independently resolve their dispute without going to court or having a third party make decisions for them. Because collaborative cases are fully confidential, collaborative law is an especially attractive alternative to litigation for those in the public eye.