

Use of Collaborative Law in Divorce

Collaborative law is a method of family law dispute resolution in which divorcing spouses settle their differences out of court. The trend towards collaborative law developed from a desire to avoid lengthy legal and court proceedings while still reaching a compromise mutually acceptable to all parties. Parties to divorce, their attorneys, and any other professional involved agree to make a good faith attempt to reach an amicable settlement without going to court; collaborative practice is intended to minimize difference while working toward that resolution.

When dealing with separation and divorce, the parties involved face many challenges, especially with respect to their children. Collaborative law provides a positive context in which to deal with important divorce-related matters (child custody, child support, visitation, alimony, property division, etc.) without resorting to litigation. In the collaborative process, each spouse is responsible for gathering information necessary for the eventual settlement agreement.

The collaborative law approach to divorce has many advantages, including:

- early settlement;
- full and voluntary participation of parties in the settlement process;
- mutual respect for the responsibilities and duties imposed by the settlement agreement;
- transparent process of negotiation; and
- no lengthy legal court process.

In divorce, the collaborative law approach enables spouses to focus on their common interests, exchange information in a non-adversarial environment, explore possible choices, understand each other's concerns, and arrive at solutions that work for the entire family.