

**You can't change the fact that people divorce.**

**You can change the way that they divorce.**

Divorce is a fact of life for almost half of all marriages. We know it is one of the most difficult transitions in a person's life. The traditional way to obtain a divorce is through litigation—going to court or alternative dispute resolution processes that are conducted while preparing to go to court. This preparation is an adversarial, winner-takes-all process.

Unfortunately, the personal turmoil that accompanies the end of relationships is equally widespread. Diminished self-esteem, persistent hostility, reduced productivity and strained relationships among spouses *and their children* often result. A growing number of lawyers and counselors have made a commitment to offering divorcing couples an alternative to this picture.

Collaborative Practice is an approach built on mutual problem-solving. The parties pledge in writing to work toward an agreement without going to court. Collaborative Practice calls upon the knowledge and skills of the professionals: client understanding, child communication, problem-solving and negotiation.

Collaborative Practice appeals to the highest motivations of the divorcing couple: their desire to maintain respect, protect children and prepare for a hopeful future. Divorce will always remain a significant life event. With Collaborative Practice, however, you can help families make the divorce a more constructive transition to a new life.

**Collaborative Practice – Helpful to families facing divorce no matter how you phrase it: common sense divorce, enlightened divorce, forward thinking divorce, holistic divorce, or self interested divorce- all accurately describe true Collaborative Practice**

Collaborative Practice is attractive to people who want to retain some of the good aspects of their relationship, or forge new positive aspects, despite their divorce. And it is especially attractive to people who are concerned about how their divorce will impact their children. Collaborative Practice makes it quite possible for parents to co-parent their children effectively going forward, while living separate lives in separate dwellings. Although ending the marital relationship is emotional, the continuing relationship is transformed into one that is a little more business-like.

**Helping Families Grow Through Adoption.  
Helping Preserve Family Relationships Through Collaborative Practice Divorce.  
Anne C. Towey, PLLC, a child focused law practice**

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When their children marry, will they be able to sit together in the same pew, or at the reception? Will they be able to sit together at athletic events to their children? After a collaborative divorce the answer usually is, "Yes!"

### **Collaborative Practice is comprised of three significant principles:**

1. The parties and their counsel sign a Participation Agreement in writing not to go to Court. This is called a Participation Agreement. Without a signed participation agreement, the divorce is not a truly collaborative process. It may be described as 'cooperative,' 'friendly,' or some other term. But it's not collaborative. It may claim to be 'cooperative,' while still having to go through the financial and emotion cost of gearing up for trial. When lawyers and clients check their guns at the door, the only thing left is cooperation.
2. The parties make an honest and good faith exchange of information.
3. Solutions take into account the highest priorities for both parties and their children, and are reached through interest-based rather than competitive negotiation.

### **Some Hallmarks of Collaborative Practice Include:**

- A shared commitment to proceed honestly, respectfully and in good faith at all times.
- Avoidance of the threat of, or resort to, litigation.
- Active participation by the parties in four-way meetings
- Investment of time in ascertaining the shared goals and legitimate interests of the parties.
- Encouragement to work directly with professionals in a team to assist in the resolution process, with each serving a specific function; attorneys for the legal issues, licensed mental health professionals to assess the impact of divorce on children, and to help the parties deal with their own emotional issues. Licensed financial professionals suggest creative solutions that ensure the family's needs are met.
- Joint retention of any additional experts necessary, such as accountants, mortgage brokers, etc.
- Disqualification of all lawyers, or other professionals involved in the Collaborative Process from participation in any litigated proceedings between the parties.

### **Retain or gain some control in the divorce by obtaining knowledge of the options**

While everything feels out of control, and you may not have chosen the divorce, you need not give the control of your future over to judges or lawyers whose interests may differ from yours. Collaborative Practice keeps control of the process with the parties. Through the Collaborative

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Process, you will have absolute veto power. Nothing can happen without your consent. It bears repeating: Attorneys and Judges will not make decisions and tell you about them later. No agreements or decisions will be made until you decide that your needs will be met.

You're invited to explore Collaborative Practice, a different way of divorcing that can help you make a healthy, hopeful transition from one stage of your life to the next. There are web sites intended to provide you with some basic and more detailed information regarding the Collaborative Practice so that you can make a fully informed decision. Please see examples at [www.atowey.com](http://www.atowey.com) and [www.collaborativepractice.com/](http://www.collaborativepractice.com/) . Each of these sites provides explanations about how the Collaborative Practice works, examples of and links to articles and video clips taken from the mainstream media, along with resources to reach Collaborative Practice attorneys.

**The Collaborative Process may be for you if any of the following are true:**

- You are willing to acknowledge that although you never intended for this to happen, divorce is a normal transition in life; not something reserved for bad people or failures
- You are willing to acknowledge that while you may not have chosen the fact of this divorce, you have choices to make going forward with the divorce
- You understand that there is more to divorce than the end of your marriage; the piece of paper “making it legal” has very little to do with the sum of your needs and your future
- You respect yourself and want to make the choices that will shape the rest of your family’s lives
- You are willing to be accountable for yourself going forward
- You are willing to acknowledge that hurting your partner may feel good for a moment, but will not bring about your highest priorities in the long run
- You are willing to acknowledge that although divorce is a normal transition in life, you are not obligated to obtain the divorce through the process normally touted by trial lawyers and/or friends or family who may or may not understand your highest priorities
- You are looking for more than you can obtain from the traditional legal system

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