

4 LEGAL DIVORCE PROCESS OPTIONS

DECISION COUNSELING (1-8 sessions, 1.5-2hrs each) – Couple decides to:

Preserve status quo, 6 mos. of Intensive Couples Therapy or Divorce. Identify specific “gives and takes” required to make relationship work. Couple is clearer and more confident about focus of couples’ therapy (if that’s their choice), or more “agreement-ready” (clearer about shared responsibility) if choose divorce.

- 1. DO-IT-YOURSELF – Least costly, *unless* very costly errors/omissions**
 - “Kitchen Table Divorce”
 - Some courts have a Family Law Facilitator – helps with forms, not legal advice.
 - Recommend *careful review by reputable, mediation-trained Family Law Attorney*, prior to submission. Can be very costly to remedy errors and/or omissions after submission.
- 2. LITIGATION: Traditional Representation – Typically most costly – Cost increases after begin.**
 - *ONLY* option that can *force* a person to act / not act, and enforce deadlines.
 - Attorney driven – 2 Attorneys direct all communication and the process; costs tend to escalate.
 - Attorneys decide when settlement efforts begin; 95% settle without going to trial. Timing of *when* attorneys approach settlement affects cost.
 - Forensic Accountants warn: expect to spend at least 1/3 of your entire estate if you do not settle and you go to trial – Can be \$25k-60k/day.
 - If Trial: Judge *must* decide based *only* on laws/evidence, not what partners’ consider best.
- 3. MEDIATION – Doesn’t offer legal advice; Facilitates Negotiation & Communication**
 - TRADITIONAL – Primary Mediator is family law attorney (our bias) working with couple; Always recommend “Mediation-Friendly” Consulting Attorneys for ongoing advice about YOUR best interests.
 - ENHANCED – Add an off-site mediator(s). Example: Parents mediate parenting plan (custody) with collaboratively-trained Licensed Mental Health Professional(s). Then, Primary Mediating Attorney includes this agreement in final Judgment. *Mediation/Collaborative Divorce both allow for creative solutions.*
 - CO-MEDIATION or TEAM MEDIATION – Primary Attorney Mediator has pool of collaboratively-trained Co-Mediators to select from - in same room, as/when needed. Examples: 1-2 Divorce Coaches help with emotions/communication, Financial Specialist with taxes/business valuation, Consulting Attorneys.
- 4. COLLABORATIVE DIVORCE: Address Legal-Financial-Emotional Aspects; Cost *diminishes* over time.**
 - 2 Collaboratively-trained Family Law Attorneys (1/Client)
 - 2 Collaboratively-trained Licensed Mental Health Professionals (1 “Communication Coach”/Client)
 - 1 Financial Neutral (= Forensic CPA or Financial Specialist)
 - 1 Neutral Child/Adult Child Specialist – Voice of Children’s Concerns/Needs
(Size in diagram below does not indicate extent of time spent!)



Regardless of the process, conflict increases cost – e.g. more professional intervention is needed to manage intense emotions and ineffective communication.