



By Shirley "Toni" McCord, CPA

## Collaborative Divorce—An Alternative Process

It is unfortunate, but 50 percent of marriages in the United States end in divorce. Divorce is the biggest financial transaction of many people's lives. In a whirlwind of emotional turmoil, the financial and legal structures of two people's lives are forever transformed. Divorcing couples have a tremendous need for accurate and complete financial and tax advice. Wrong decisions made during this crucial time can have devastating consequences for the family's future. My practice helps clients understand their options when dividing property and making other financial decisions.

I recently completed training as a financial professional in the Collaborative Process and have added this service to my accounting practice to complement the litigation support and tax work that I perform for divorcing couples. Additionally I am working with Andrew Hoffman, a Certified Financial Planner and Certified Divorce Financial Analyst, whose specialty is working with couples to avoid many of the financial and tax mistakes made during a divorce.

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Divorce affects every member of the family, not just the couple getting the divorce. Until recently there were three choices when couples divorced: Pro Se, Litigation and Mediation. Each has its own specific set of rules and expectations. The newest approach is through the Collaborative Process, which brings the best legal, personal and financial wisdom to the process of separation and divorce in a humane cost-effective fashion. This multi-disciplinary model offers a process of separation and divorce that protects the dignity, integrity and long-term best interests of all family members.

The Collaborative Process utilizes a team approach. The team is made up of an attorney for each spouse, one life coach for each spouse, one neutral financial specialist and most importantly the divorcing couple themselves. A child specialist, whose job is to understand the children's perspectives and to advocate for their best interests throughout the process, can be involved if needed. Participation of the divorcing couple is mandatory in the collaborative process because they decide how to resolve the parenting and financial issues of their divorce as opposed to having the court-imposed solution forced upon the family.

"In over 1,200 cases in which I have participated, I have never seen a winner. Everyone loses when you go to court,

especially the children," says Judge W. Ross Foote of the Louisiana 9th Judicial District.

The team approach is also more cost effective because the couple agrees not to litigate while in the Collaborative Process saving time and money spent on court appearances, and information is freely exchanged within the team rather than the couple incurring the time and expense of discovery through letters and subpoenas. The team works together on the same side rather than against each other on different sides.

Within the team concept, responsibilities of both the client and the professionals are defined, and realistic expectations regarding time, cost and the issues are set. The team concept ensures that the legal, emotional and financial issues present in every divorce are resolved by the couple with advice from properly qualified professionals.

Traditional litigation divorce has shown us that many divorces are driven by emotions, children are seen as property, and the legal process is adversarial and narrowly focused. The collaborative process encompasses a broader view and tries to resolve a problem rather than win a battle.

The team approach assists in minimizing conflict, which benefits all members of the family. Each team professional is utilized as needed, allowing the family to receive the support they need during a very difficult time. Emotions are dealt with when needed, legal issues are addressed at the appropriate time, and financial issues are addressed by the couple in an atmosphere where each spouse's issues can be addressed and discussed in the presence of a financial specialist.

The Collaborative Process disqualifies any of the professionals involved from working with either spouse before and after the divorce to eliminate any conflicts of interest to prevent either spouse from manipulating the Process. Additionally, if the case is litigated all members of the team must withdraw and cannot be used in the litigation. If any party is found to not be truthful in providing information, one or more of the professional team members must withdraw.

The truth is that there may not be an alternative to divorce, but there is a much less stressful and often less expensive approach than the traditional litigation process.

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