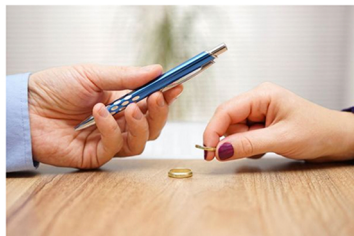


Family LIFESTYLE

Collaborative divorce process gives guidance, aims for teamwork

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Lawyers and specialists who practice collaborative divorce guide families through the stress of the process. Photo Credit: 123rf.com



What is a collaborative divorce?

A collaborative divorce is different from mediation, where one person facilitates communication between the two parties, or from litigation, where parties ask the court to decide terms of a divorce.

With collaborative divorce, there's a lawyer for each party, a mental health professional as coach and a financial expert who is a forensic accountant or a certified financial planner, says Kim Ciesinski, a Garden City attorney who participates in collaborative divorces. "That's the protocol," Ciesinski says. At the outset, parties agree not to litigate, though they don't give up their right to do so if they aren't happy with the collaboration, Ciesinski says.

Ciesinski says she favors collaborative divorce because she sees fighting in court as "a win-lose scenario." Because of fear, grief, vengeance and anger, divorce cases can become drawn out and backlogged. "Somebody has to be winner and loser. You lose all autonomy and all privacy," she says.

With a collaborative divorce, both parties are at all meetings and discussions, and every meeting has an agenda, she says. "It's losing that whole adversarial persona and becomes a team effort," she says. "That's very hard to do." Hot spots for couples include "your kids and your money," Ciesinski says, so having a therapist and financial expert available can help iron out arguments, she says. "My goal is to work with the other lawyer and professionals to come up with a scenario everybody can live under. Lawyers in this process act as teammates and not adversaries. If you come to an agreement you fashioned yourself, you are far more likely to abide by that agreement. You're never in the legal system until a judge signs the judgment of divorce."

"It isn't well known," Ciesinski says of the collaborative process.

Couples can find collaborative divorce lawyers at Collaborative Divorce Resolutions Long Island at cdfri.com