

## **The Collaborative Law Divorce Team**

One of the unique features of Collaborative Law in New York is the Collaborative Law team. All cases start with each party having his or her own attorney who has been trained in the Collaborative Law model of dispute resolution. Then, neutral experts who are also trained in the Collaborative process are added to help with specific areas of the decision-making and settlement process.

The concept of having neutral professionals provides divorcing couples with all information necessary to resolve their case is unique to Collaborative Law. In litigation cases, husband and wife would probably hire competing experts to support their respective positions at trial, causing further damage to the parties' post-divorce relationship and economic well-being.

Because they are hired by both parties to provide information (rather than to support one person's position), clients engaged in the Collaborative Law process find the experts' opinions to be more credible and reliable than they would be if they were expected to support one side or the other.

Clients often express concern that they will spend too much money if so many professionals are involved in their case. Actually, the neutral team members may save money because the least expensive, most competent person in a given field is doing what he or she does best.

Clients are not counting on their lawyers for financial services. In addition, the couple's resources are used on one source of information rather than paying two experts to fight in court.

Collaborative Law teams include:

### **Neutral mental health professionals**

Mental health professionals perform several roles on the Collaborative team. They act as process facilitators to assure that meetings go smoothly and that the group is making progress toward completing the case; they are consultants who help clients develop and focus on what interests they would like to have satisfied as they move through their Collaborative divorce; they also serve as negotiation facilitators who help clients reach agreements on child-related or other specific issues. The neutral mental health professional can help parents create a parenting plan for making decisions and spending time with their children after the divorce is completed.

Neutral mental health professionals do not perform therapy for either client or the couple. Instead, they help the parties while the remainder of the team works at their optimal level. Divorce is almost always a difficult and emotionally-challenging experience. The parties' feelings range from anger to sadness to frustration to depression to confusion - to name just a few. Having a mental health professional on the team to help the parties deal with those feelings allows everyone to attend to the business decisions that are required to finish a case.

Mental health professionals serving as team members are engaged at the beginning of a Collaborative case and generally attend all joint meetings. They often meet with the husband and wife, individually and/or together, at various times during the process between joint meetings. They work toward resolution of specific issues or to intervene if communication becomes difficult.

### **Neutral financial professionals**

Having a neutral financial expert as part of the Collaborative team benefits both parties in several ways. Typically, the financial professional helps the parties analyze historical spending and predicts individual household expenses after divorce. The financial professional gathers and verifies information about the husband and wife's marital property and any separate property that might exist. A divorcing spouse who has little experience with managing money can look to the financial neutral for education about his or her finances and how the financial future might look, given specific settlement options. If there are complicated tracing or valuation issues, the neutral financial team member may perform the necessary calculations or oversee getting the required information from a third party.

A financial professional can help the parties integrate a plan for child and/or spousal support, tax planning, and asset and debt division.

Other experts like the ones listed below can be brought into a case to provide specialized information.

### **Child specialist**

When there are minor children, a neutral child specialist may be asked to help parents learn and implement co-parenting skills and to perform or oversee evaluations and make recommendations about what arrangements would be in a child's best interest; and help parents ease the children's transition from one household to two.

## **Appraisers**

If there is a need for information about the value of real property, businesses or specific items of personal property, neutral appraisers can be hired to give opinions of value.

## **Therapist**

Therapists are sometimes hired to work with children or one or both of the parties, if there are specific needs to be addressed.

## **Experts in specific fields**

Family law cases in New York often include issues involving other areas of law. Bankruptcy lawyers, estate and probate lawyers, and insurance professionals, for example, can provide critical information to divorcing couples. The benefit of the system is that clients receive customized information specific to their case and nothing more.