



INTRODUCTION TO THE COLLABORATIVE DIVORCE ROADMAP¹

Welcome to Collaborative Divorce, a client-centered, professionally-assisted process, where the lawyers are 100% committed to settlement.

The collaborative process is designed to maximize the chances that you and your spouse will reach a settlement uniquely tailored to suit your family and as a result be a durable agreement. To that end, professionals working within the interdisciplinary framework of collaborative divorce -- attorneys, neutral financial professionals and neutral mental health professionals -- have pooled their experience in collaborative work to carefully construct a roadmap for this process.

As an overview, the Roadmap is designed to assist spouses to build a strong foundation for making informed and inspired choices in reaching an agreement regarding parenting and finances. Eventually in the process, these choices will be embodied in a Financial Plan and a Parenting Plan. [Note: Like the Roadmap, this introduction includes cases where there are minor children. If you and your spouse do not have children still eligible for child support, the parts of this Introduction and the Roadmap referring to parenting, child support and the like are inapplicable to you].

In arriving at a Financial Plan, the parties will consider the three tools generally available to fund it -- property division, alimony and child support. Some of these tools may not be appropriate or needed for your family's circumstances. The tools are based on different legal principles and have pros and cons. It is important to the process that you do not pre-judge which tools you will eventually decide are useful in creating a Financial Plan. Through the evolution of your work in following the Roadmap, the use and roles of these tools will become evident.

In commencing the process you should try to clear your mind of preconceptions and positions in regard to what the shape and contents of your Financial Plan will end up being. Entering the process with preconceptions about what your agreed upon financial arrangements will ultimately be will hinder the process, which is designed for spouses to evolve in their thinking toward a the final agreement. .

In order to create a Financial Plan which meets your needs, the needs of your spouse and your children, there must be direction. There must be some sense of a common vision for your financial futures, guided by considerations of your lifestyles during the marriage, the financial realities of having to pay for two households instead of one, what , reasonably , can be done to maximize your financial potentials, and where retirement fits into the overall picture.

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You will first consult with your attorney and be advised as to the law concerning issues which appear to be applicable to your circumstances. You will be educated about the legal principles concerning property division, spousal and child support and parenting issues. You will work on your Financial Affidavit and gathering needed financial documents.

Next the financial and mental health professionals will be retained.

You and your spouse will work with the mental health professional, called the Coach, trained in the collaborative process. The Coach will initially need to gain an understanding of the nature of your relationship, the way in which you made decisions in the past and the dynamics of how you communicate.

The work with the Coach on communications dynamics and marriage history will help improve your ability to communicate, which is important to arriving at agreements, and will assist the Coach to identify areas of particular conflict and emotional hot buttons. The Coach will be sharing their observations on these topics with the rest of the team to help the other professionals gain an understanding of the dynamic between you and your spouse.

After a meeting amongst you, your spouse, your attorneys and the Coach to get organized and review the Roadmap, Statement of Principles and the role of the law in your case, you and your spouse will meet with the Financial Professional to review the financial records you and your attorneys have assembled, and, if necessary, obtain more records needed to finalize your Financial Affidavit and summaries of your current incomes, budgets, assets and debts. This foundational work is important for the creation of an asset and debt chart, determination of current incomes and what your current financial needs are.

Your work with the Coach will progress to a discussion, in very general terms, about your values and belief systems, how you view you and your spouse's financial futures and about the possibility of maximizing your financial potentials. During this process, you will refer to the Statement of Principles in the Roadmap, will make a sincere effort to understand your spouse's authentic financial needs and fears and explore shared financial values and visions for your financial futures.

These discussions will be entirely dependent upon the particular circumstances of your family and how you see your future lives likely unfolding. If you are retired or nearing retirement, that will be included in the discussion, as will any other aspects of your financial timeline. If you have children, their needs and their futures will be an important topic of discussion, including what the parties think would be important for the children in terms of the quality and character of their parents' respective households. The discussions about your financial futures will include reference to your lifestyles during the marriage and a general discussion of the extent to which it appears those lifestyles will be compromised by the financial reality of separating your households.

No decisions about future finances will be made in these meetings with the Coach. Reference to particular dollar amounts will generally not be occurring. Instead, big picture discussions will occur. This will serve two purposes. First, it will permit free-wheeling and creative discussions, without concern that you will be committing to dollar figures. Second, it

will leave the more concrete financial discussions to you and the professional best equipped to assist you in that respect -- the neutral Financial Professional.

Once you and the team believe you have progressed sufficiently with your discussions about financial values, rehabilitation discussions and future financial visions, you will meet with your attorneys and then with the Financial Professional to begin working on projected budgets and projected future incomes.

The projected budgets will be informed by the discussions you have had with the Coach about the topics set forth in the Statement of Principles (e.g., housing, transportation, medical insurance, etc.). Having discussed these topics in big picture terms, you will be in a better position to arrive at projected budgets. If it realistic to rehabilitate one or both of your vocational skills by education or training, you will work with the Financial Professional to quantify the expense of the rehabilitation and the projected future income(s) of the spouse(s) who will be working to rehabilitate their earning capacity.

By projecting future budgets and incomes, the Financial Professional will be able to assist you and the team to create a Financial Plan using the financial tools set forth in the beginning of this introduction.

Once the Financial Professional has developed the projected budgets and incomes, they will supply reports to your attorneys, who will share them with you to prepare for a full meeting of clients and the team to brainstorm ideas for creating and funding a Financial Plan. This may require more than one full meeting or it may be deemed advisable to have you meet either with the Coach and/or Financial Professional or your attorneys to deal with unresolved issues.

If you have children, you will be working with the Coach on parenting issues. The training and experience of mental health professionals makes them the most qualified member of the team to assist you to reach agreement on parenting issues. The attorneys will be there to assist you as well. Consultations between the Coach and the Attorneys on progress concerning resolving parenting issues will be an ongoing process; the attorneys will be fully aware of your work with the Coach and will be advising you concerning parenting issues along the way. .

Formation of a Parenting Plan will be discussed and hopefully resolved at the six-way meeting at Step 4.1 of the Roadmap. This is the same meeting where there will be brainstorming about the Financial Plan. If a Parenting Plan is not agreed to at this six-way meeting, then there will be a joint decision as to whether to have you do additional work with the Coach or perhaps schedule a conference amongst you, the attorneys and the Coach.

Once you have resolved your remaining differences regarding your Financial and Parenting Plans, Step 5 shows you how the team will prepare and file the necessary documents to memorialize your agreement in court approved forms in order to obtain a divorce for you and draft other documents needed to execute the Financial Plan. Your attorneys will draft the documents, though sometimes the Coach drafts the Parenting Plan for the attorneys' review and approval.

By having you work with the Coach on parenting issues, financial values issues and your visions for your financial futures, and work with the Financial Professional to complete reports of current incomes, budgets, assets and debts and later create long-term projected budgets and incomes, substantial savings will be realized compared to having your attorneys doing the same work.

The attorneys will be overseeing the entire process, but in the earlier stages of it they will not be as involved in as much of a hands-on sense as the Coach and the Financial Professional. Again, this represents an economical and targeted approach to use of the professionals in the process.

The attorneys are the professionals who sign and file the documents for court approval. They are responsible for the final product. They will be consulting with you through the process to explain the law as it relates to your circumstances and to explain the range of reasonable solutions. However, unless they believe that you are heading towards an agreement so out of line they must warn you about it, they will refrain from substituting their judgment or values for yours. Because this is a client- centered process, it is your solution to find, with the expert guidance of the professional team.

On behalf of the team of professionals which is dedicated to serving your best interests, we look forward to working with you to arrive at an agreement which you will regard as fair and as satisfying as possible under the difficult circumstances of divorce.