

## **Divorce: Explore New Methods of Marital Dissolution**

*Mediation or Collaboration: two options worthy of consideration*

A primary cause of marital strife and ultimate marital dissolution is a failure to communicate: about feelings, finances and a host of other issues.

There are several ways to resolve the situation and move on. The ideal scenario – to amicably settle differences and finalize a divorce settlement fair to both parties – does not always happen.

### **Explore creative options when it comes to divorce**

“I’m getting more calls and questions about alternative conflict resolution options for divorce,” states **Denisa Tova**, a Certified Divorce Financial Analyst (CDFA) and Colorado Springs partner in the Divorce Resource Centre of Colorado. “There appears to be a trend toward non adversarial methods to resolve conflicts so often present in divorce.”

Two relatively new options, facilitative mediation and collaborative family law, are growing disciplines worth exploring. Which one is best? The answer is either one, depending on your situation.

### **MEDIATION METHOD EXPLAINED**

Mediation is a non-adversarial method to resolve conflict between divorcing parties. An impartial mediator brings the couple face to face then guides the discussion to facilitate interaction. This creates an environment in which both parties can openly share and understand the other’s perspective.

### **Why mediation might work for you**

The divorce process causes stress and indecision; emotions run high and displays of anger can be harmful and delay resolution. Mediation places both parties on common ground: the stronger one is tempered while the weaker one feels empowered with information and respect. It sets the stage for active listening, which is vitally important.

A mediator assists both parties in looking forward and not dwelling on an emotionally laden history. This helps to define areas of mutual interest, and promote cooperation and collaboration.

### **COLLABORATIVE FAMILY LAW ANOTHER OPTION**

The Collaborative Divorce Model addresses financial, legal, and emotional challenges by utilizing a team of professionals. The team make up depends on the specifics of each case.

Each member plays a unique role and the clients utilize him or her on an as needed basis. In addition to a collaboratively trained attorney, the team consists of:

**A neutral financial professional** educates the clients about their current financial situation and helps them to choose acceptable financial outcomes for the money issues of their divorce.

**One or two “Divorce Coaches,”** licensed, credentialed mental health professionals provide effective communication tools to the couple. If children are involved, they assist the couple with creating workable parenting plans.

**A neutral child specialist** could join the team if needed to bring the voice of the children to the table.

**A neutral business appraiser** could be utilized if necessary

### **Why collaborative family law might work for you**

It is an excellent option for parents wanting to maintain a healthy relationship and effectively co-parent their children post divorce. Participants agree to work together respectfully, honestly, and in good faith to find a mutually acceptable outcome.

The notable distinction of the Collaborative model: if divorce issues are not resolved, the professional team must withdraw. This means the attorneys cannot represent their clients in a litigated proceeding. In most cases this provision has a positive effect, providing an incentive to find mutually acceptable outcomes.

“There is a misconception that the Collaborative divorce model with its team of professionals must be incredibly expensive, but compared to a case that goes to Court it is not,” states CDFA **Deb Johnson**, another partner in the Divorce Resource Centre of Colorado. Most litigated divorces require a team, but instead of one neutral financial expert, there is one expert and a rebuttal expert. There may be two rather than one business appraiser and so on. The difference is:

**In the Collaborative model**, the team is addressed up front as part of the model  
**In the litigated model**, the team is addressed as the process moves forward

### **CIRCUMSTANCES DICTATE WHICH OPTION IS BEST**

Mediation and collaborative law are both effective ways to achieve a mutually acceptable solution. Choosing the best one depends on the situation.

Candidates for mediation are parties with:

- More limited resources
- Less complicated financial situations
- Less complicated issues (without complexities such as special needs children, etc.)

Candidates for collaborative model are parties with:

- Complex assets (businesses, multiple real estate, disparity in incomes, etc.)

Complex parenting issues (special needs children, or ‘other issues’ (alcoholism, addictions, mental health issues)

A need for a long term goal (such as maintaining healthy relationship for the children and with extended families)

A desire for deep conflict resolution

**Making a graceful exit**

When divorce is unavoidable, perhaps a non-traditional option such as mediation or collaboration is the best parting gift a couple can give to themselves and their family.

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About the authors

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