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Dignity in Divorce

Category: Mediation & Collaborative Divorce

“Collaboration” is a word you don’t hear often these days. Especially, when discussing a bitter separation or marriage breakup. It’s obvious to most, including myself, that the current family law justice system, based on adversarial win or lose principles, does nothing to foster collaboration between lawyers or the parties themselves.

But if Susan Gamache, Family and Marital Therapist, and other like-minded professionals have their way, the process of “collaborative divorce” would become a commonly heard phrase. As described by Susan, “collaborative divorce is a revolutionary new process that brings the best of legal, personal and financial wisdom to the process of separation and divorce in a humane and cost-effective fashion”.

Susan points out that the most damaging aspect of separation or divorce is the conflict and loss which often affects children caught in the middle. The function of a collaborative divorce is to “safeguard children’s needs for stability and effective planning throughout the divorce process”, thus hopefully ensuring a “good working relationship between the parents post divorce”.

In a collaborative divorce, there is a team of professionals “made up of a divorce counsellor, collaborative family lawyer, a financial specialist, and a child specialist” who all work together for the common good of the parties and their children. I asked Susan about the contributions of each team member.

Each party retains a collaborative family lawyer “who must agree in advance not to pursue any adversarial strategies and preparations for trial”. Of course, if the collaborative process fails, the matter will then be referred to a family trial lawyer. One important feature is that the parties and their lawyers also agree that any and all discussions or communication cannot be used for any further legal action. This can often enhance more effective dialogue since each party knows that whatever they

say can’t be subsequently used against them at trial.

In addition to the lawyers, a divorce counsellor helps the parties to clarify “how they feel and think about issues... and to develop a parenting plan”. A financial specialist helps the parties organize their financial affairs and a child specialist focuses on the interests of the children, and importantly “provides an opportunity for the children to ask questions and to identify problems or worries.”

The overall advantages of the collaborative divorce process are immeasurable. Susan mentions, “First, it is cost effective, thus protecting the financial resources of the family. Second, the non-adversarial approach safeguards the common ground of the separating spouses building on the available good will and recognition that their co-parenting relationship will go on forever.” “Third”, and perhaps most importantly, “divorce counsellors work to create the best possible family environment post divorce.”, which offers the only lasting hope for the children. Concludes Susan, “if divorce is necessary, we owe it to our children to do it as sensitively and sanely as we can.”

If you would like to contact Susan and learn more about the collaborative divorce process and whether it can assist you, call me. 