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Dream Divorce

Category: Mediation & Collaborative Divorce

Sorry, to anyone experiencing or contemplating divorce, but there is no way for me, or anyone else, to guarantee that you will ever fondly refer to your divorce as a “dream divorce.”

In actual fact the opposite is more often the case. Just ask anyone who has previously suffered through the cost, and soul destroying trauma, of having their marital dispute dragged, (slowly and painfully), through the traditional court system.

But, since second, or third, (or more), timers should know by now, the futility of using court to resolve family disputes; this advice is for first timers.

My first advice, oddly enough, since I make my living providing legal advice to separating and divorcing couples, is to explore whether there remains any possibility that the relationship can be saved.

In my experience, except in circumstances of abuse or other emergency situations, there is usually the time and opportunity to take a step back, take a deep breath, and take advantage of available marriage counseling options. If you, or your spouse, work for a company, you should enquire as to whether the company will subsidize counseling appointments.

Assuming that you, or your spouse, aren't prepared to commit to marriage counseling, or you have already tried it, unsuccessfully, it may be time to move on. Although it's helpful to remember that you can always re-visit counseling anytime during the legal process, provided you and your spouse are in agreement. Be sure if you do however, you let your lawyer know your plans in advance.

Once you've decided that the relationship is definitely over, what are your legal options? There are essentially two tracks to resolution, negotiation or litigation, although these options are not mutually

exclusive. This means you can start with one track, and eventually end with the other, or even employ a combination of negotiation and litigation.

Personally, and professionally, I always recommend, as the first option, the negotiation track, with what I, and others, refer to as the collaborative divorce approach. Collaborative divorce lawyers are a combination of a specially trained mediator and family lawyer. Not every family law lawyer is qualified as a collaborative divorce lawyer, if you're not sure yours is, be sure to ask.

The key difference between the collaborative process and the traditional legal process is that the collaborative focus is to attempt to resolve matters without the need of court intervention, usually by means of informal meetings between the parties with the assistance of their counsel. In fact, one of the central tenants of the collaborative process inspires the parties to work towards a negotiated resolution. That's because, if either party decides to commence, or continue, court action, both collaborative counsel are required to essentially “fire” themselves from the file.

Another vital advantage of the collaborative process is the potential involvement of various therapists and counsellors to work with the parties, and children, to address the inevitable emotional issues arising from the end of the relationship.

My final words of wisdom – take my advice and give collaborative divorce a chance, if you, or your spouse, are contemplating, or experiencing, divorce. It's the best way, I know of, to reduce the risk of your “dream divorce” becoming your worst nightmare. 🌸