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COLLABORATIVE DIVORCE

The following is a basic step-by-step process to provide a guideline of how most collaborative law divorces proceed:

- Each party hires his/her own attorney. By choosing a Collaboratively trained attorney, you are protected from the usual attorney approach of zealous or aggressive representation. This type of advocate, which may work well in a courtroom, will not be effective when trying to negotiate in the Collaborative process.
- You meet with your attorney privately, without spouse and spouse's attorney. You will discuss issues and concerns with attorney and he/she will provide legal guidance and analysis, with a realistic approach to settlement talks. Issues should be discussed and understood before negotiations begin in order to keep the process running smoothly and to reach the best solution for everyone. Ongoing negotiations are part of the process.
- Together, you and your spouse meet with and hire a financial expert, who will act as a neutral in the process, and provide invaluable information on your budget, finances, investments, retirement, etc. This person can educate about the current financial situation and provide vital information on the future budgets as well.
- Together, you and your spouse meet with and hire a family support specialist, who will also act as a neutral and will provide guidance on effective communication styles between you and your spouse, steer the conversation in a settlement-minded approach, develop parenting plans, etc.
- You and your attorney meet with your spouse and your spouse's attorney, and the other professionals, as needed. These meetings will occur on a regular basis, and will sometimes include the financial expert and family support specialist, as needed and as appropriate. There is also constant communication in between meetings, fostering a healthy and proactive approach to negotiations.
- Sometimes, if you and your spouse are having difficulties reaching any agreements, a licensed mediator may be brought into the situation. Mediators are individuals who are skilled in negotiation techniques and knowledgeable of the law and procedures. The mediator is very strategic in guiding you to reach an agreement you are satisfied with.
- Both you, your spouse, your respective attorneys and the neutral professionals all sign a "Participation Agreement," at the beginning of the case, that directs all experts to withdraw from the case, should either you or your spouse choose to litigate this matter in court. The Collaborative process requires full financial disclosure and participation in order to work.
- Once all of the issues are resolved, your interests are addressed and your voice is heard, a Settlement Agreement is drafted. This Agreement will be filed in an uncontested divorce application, for a judge's signature. You do not ever have to appear in court.

The Collaborative process can save a significant amount of time, money, and emotional trauma that litigation often brings. Most importantly, it can allow you and your spouse to work together to reach a solution that is best for your family, while working in a respectful and supportive environment.