



Minimizing the Costs of Separation/Divorce: The Collaborative Process

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When it comes to a separation, there are different types of costs to consider. Right away, most people think about the financial cost. However, there are other important costs as well. Another big consideration is the time cost; most people wish to deal with the issues of their separation in a timely manner so that they can move on with their lives. Finally, people often don't consider the emotional costs of a separation, even though, sometimes, this might be the most important consideration in choosing a process to deal with a separation.

Therefore, the costs of separation can be broken down into three main categories:

- 1) Financial Costs
- 2) Time Costs
- 3) Emotional Costs

Financial Costs:

Financial costs are generally what many spouses think about when going through a separation. The Collaborative Process is a much more cost-effective process than the Court process. While the cost will depend upon the complexity of the issues and the time necessary to negotiate an agreement, in the Collaborative Process, most cases cost substantially less than Court cases. In the Collaborative Process, the matter is dealt

with out of Court so costs can be kept to a minimum. The Court process is very expensive due to all of the paperwork that needs to be filed with the Court and all the procedural steps of a Court process. Often in the Court process, parties are incurring fees while their lawyer is simply waiting at the Courthouse for the Judge to hear their case.

In the Collaborative Process, parties are able to work with a neutral family professional along with their respective lawyers. Going through a separation is extremely difficult and emotions are often high which can side-track potential progress and cause legal fees to soar. In the Collaborative Process the neutral family professional will help people manage their emotions and keep the process on track, which helps keep legal costs down.

Often a neutral parenting professional becomes involved with the parties as well to resolve issues related to children. He or she can assist with minimizing costs by facilitating the negotiation of a parenting plan. The parenting professional is experienced in the needs of children in the divorce process and is able to provide the parties with advice about what is needed for the children given their ages and current circumstances.

Furthermore, a financial professional can assist in managing costs in the Collaborative Process by collecting the various financial documents needed and facilitating a discussion on the financial issues involved.

The Court process is an adversarial process, which often means costs are unpredictable and can escalate rapidly. In the Collaborative Process, your lawyers work together with both parties and other professionals to reach a mutually agreeable resolution. This team approach makes the Collaborative Process financially efficient by bringing together professional resources within a collaborative atmosphere, as costs are therefore more manageable.

Time Costs:

The details of each specific situation influence how quickly a separation or divorce proceeds. The Collaborative Process can be a more direct and efficient process than going to Court. In the Collaborative Process there is a focus on problem-solving, rather than blame and accusations. There is an opportunity to strive for respectful negotiated results. Full disclosure and open communication will help to address all of the issues in a timely manner. Working together, the parties, lawyers and other professionals involved, set the timelines in the process in order to keep the matter moving efficiently. In the Court process, you often have to wait for multiple court dates in order to move the matter forward. If your matter must proceed to trial there is often a long wait on the trial list. Matters in the Court process may take years to resolve.

Emotional Costs:

The Court process can take a huge emotional toll on people going through a separation. In the Court process, Affidavits

are required to be sworn as evidence and sometimes this can degenerate into an “affidavit war,” in which each side writes nasty things about the other in an often fruitless attempt to gain an advantage. Often the Court process can inflame conflict in a separation, whereas the Collaborative Process works to manage and deal with conflict and to find a mutually agreeable resolution.

There is a huge advantage to the Collaborative Process when it comes to emotional costs. The Collaborative Process involves both parties, along with their lawyers and other professionals, to improve communication and work at resolving any conflict. Part of the Collaborative Process is minimizing the emotional costs associated with a separation.

A final important consideration is that an agreement reached together through mutual problem-solving, as in the Collaborative Process, is more likely to be complied with in the long term, as opposed to one reached through an adversarial process.

About the Author **Jennifer Black, B.A. (Hons.), LL.B.**

Jennifer Black is an experienced family law lawyer, collaborative law professional and mediator at SorbaraLaw.

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