

Our Services

Divorce and Family Law

Collaborative Law: an alternative way to get divorced

A breakdown of a relationship is a difficult and emotional time. A painful and acrimonious divorce can leave scars: both for the couple concerned and their family. Dividing up assets can result in costly court battles – and an extended period of uncertainty.

For couples seeking a non-confrontational approach to divorce, Collaborative Law is a real alternative: especially if you are both committed to open communication to reach shared solutions and wish to avoid dragging your family law matters through the court.

What is Collaborative Law?

Collaborative Law is a relatively new way of resolving family law matters including divorce, separation, and parenting disputes. It was started by couples looking for a less acrimonious way of resolving their issues to obtain a divorce.

The emphasis is on open communication between you and your partner. You will both have specially trained Lawyers, who will encourage you to seek solutions together through roundtable meetings. The four of you will discuss and resolve issues together, rather than your Lawyers corresponding only with each other. This keeps costs and acrimony to a minimum.

Collaborative Law places the decision making process in the hands of you and your partner - not a stranger in the court room.

How does it work?

Both you and your partner will work with trained Collaborative Lawyers from different practices. You will both receive separate legal advice and guidance, and the four of you will meet to discuss issues further and make firm agreements. The two of you will set the agenda, so you can talk through what matters most, openly and transparently. Where necessary, your Lawyers will invite in other professionals such as financial specialists, child experts or counsellors to give advice and help you reach a solution. Discussions are focused on the needs of both you and your family.

The collaborative process helps to maintain the dialogue between you and your partner. This can be especially valuable if you have children.

How is Collaborative Law different to other ways of getting divorced?

Collaborative Law allows you and your partner to reach shared solutions and agreement away from the court room, giving you both more control of the situation. You make the decisions regarding your financial and child arrangements, not the courts.

If everyone is committed to the process it can be much speedier, less hostile and less stressful than court proceedings. It can also avoid the cost of expensive and uncertain court battles. You will set the agenda and pace, because you will not be forced into anything by court dates and appearances.

If we opt for Collaborative Law, what do we need to be committed to?

You must both:

- Have a genuine commitment to making the process work
- Want to minimise the pain of a family break down
- Be willing to disclose all assets
- Be ready to participate in honest and open negotiations
- Be prepared to sign a written agreement that you will reach a solution without going to court.

Did you know?

Collaborative Lawyers will sign an agreement with you, which prevents them and their firm from representing you in court if the collaborative process breaks down. That way you know they are both trying to find a fair solution, rather than increase conflict.

Collaborative Lawyers are skilled and compassionate professionals who are not afraid to call in additional help - from mediators or counsellors for example - if the process would benefit from it.

The Collaborative Law process provides a genuine resolution to marital breakdown and those who come out the other end report a genuine sense of well-being.

It is a real alternative for many couples who are genuinely seeking to resolve their differences and move forward.

Further information?

At Walker Smith Way you will always receive the best advice and recommendations to suit your specific circumstances. We will make sure that your voice is heard and acknowledged. Together we will help you decide the best way forward.

If you have any further questions about Collaborative Law, please do not hesitate to contact one of our specialist Collaborative Lawyers.

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