

Understanding Collaborative Law

A New Approach to Separation & Divorce



Discover this alternative to litigation that supports your family's emotional well-being and helps create a fair, positive resolution for all.

What is the Collaborative Process?

Collaborative law is a unique and effective approach for separating or divorcing couples to come to agreements without the need for court intervention. This process focuses on cooperation, communication, and reaching mutually beneficial agreements that prioritize the well-being of all parties involved, especially children.

It's a voluntary process that focuses on facilitating constructive negotiations that respect the wishes of each individual, helping you to achieve the best possible outcome for all. Beyond separations, this process is also an excellent option for working through details of a marriage contract or cohabitation agreement.

How it works

In collaborative law, each party works with their own lawyer and a team of professionals, including financial experts and family neutrals, to find a solution that works for everyone. This cooperative process fosters open dialogue and ensures that all voices are heard. By avoiding the adversarial nature of litigation, collaborative law reduces stress and conflict.



What costs are involved?

Unlike traditional litigation, where costs can quickly escalate due to lengthy court proceedings, the collaborative process is generally more cost-effective because it is designed to resolve issues more efficiently and outside of court.



How long does this take?

Your team can start working on your settlement as soon as they have been retained. How long a resolution takes depends on the complexity of the financial information to be assembled and you and your spouse's ability to work together to resolve conflict areas.



Key Benefits of the Collaborative Law Process:

Private & Confidential

Unlike court proceedings, which are public, collaborative law ensures complete privacy and confidentiality throughout the process. This confidentiality allows for more open communication between the parties and their professionals, fostering an environment of trust and cooperation. It also protects the emotional well-being of family members, especially children, by preventing sensitive information from becoming part of the public record.

Child-Centered

One of the core principles of collaborative law is putting the children's needs first. Parents and professionals work together to create agreements that support a stable and nurturing environment for the children. It encourages parents to work together to avoid putting children in the middle of conflict, making sure their voices are heard, while shielding them from the stress of legal battles.



Control & Flexibility

Unlike traditional litigation, where a judge imposes decisions, the collaborative process empowers parents to work with professionals to create solutions that best suit their unique family situation. This could involve parenting plans, financial arrangements, or asset division—all tailored to the family's needs. The process is also flexible, allowing adjustments as circumstances change over time.



Your Collaborative Team

Collaborative law involves a team of professionals who work together to support you through the process. Each adult engages with their own Collaboratively-trained lawyer, with a shared financial professional and family neutral added to the team, where required.

Collaborative Lawyers

Specially trained to help you reach a fair and equitable agreement without going to court. They guide you through each step, offering legal advice while keeping the process cooperative and non-confrontational.

Financial Professional

A neutral financial expert helps both parties understand their financial situation and provides insight into how different options can impact each individual's financial future. They ensure that financial decisions are transparent and equitable.

Family Neutral

A trained family professional who helps manage emotions and ensures that the children's needs and perspectives are considered. They help facilitate discussions, foster better communication, and help parents develop a clear and effective parenting plan.



In Collaborative Law, you commit to:



Cooperation

You agree to work together, rather than against each other, to find solutions that benefit everyone, particularly your children. You agree to negotiate a mutually acceptable settlement without going to court.



Transparency

All parties are committed to being open and honest about their needs, concerns, and financial situations. Full disclosure and open communication is key to reaching fair agreements.



Respect

All interactions are conducted with respect for one another's needs and values, with the goal of avoiding conflict and find common ground. You commit to keeping information confidential and private, except for specified financial disclosure.



A Positive Future

By focusing on cooperation rather than adversarial tactics, you're building a foundation for better co-parenting and healthier family dynamics in the future. This attitude helps the team to create customized solutions that consider the priorities of both spouses.

The Process Explained

The collaborative process ensures that you and your spouse make all decisions relating to your settlement. Here are the steps you can expect to take when you engage in this process:

01

Connect with a Professional

You can begin the process by connecting directly with a Collaborative Lawyer, Financial Professional, or Family Neutral for an initial meeting. This is your opportunity to learn more about the collaborative process and ask any questions you may have.

Scan the QR code to review the directory of Kawartha Collaborative Practice members or visit:
www.kawarthacollaborative.com/members



02

Sign a participation agreement

The participation agreement is where you and your spouse agree not to initiate a court application, to be open and forthcoming with all financial information, and to communicate respectfully. This is a requirement if you decide to move forward with the process.

03

Build your collaborative team

Depending on your situation and needs, you may decide to build out your team by adding a Family Neutral or Financial Professional. Parents may meet with the Family Neutral outside of the regular collaborative meetings to discuss child-related issues, including the parenting schedule. The Parenting Plan resulting from these meetings will be part of your final agreement.

04

Determine your goals

Unlike litigation, the collaborative process focuses on achieving the goals of each spouse. At this stage, both parties will share their primary goals and identify any issues to be resolved. The team will then determine the information necessary for a meaningful discussion, and once that information is available, options for resolution are identified.

05

Negotiate and settle

Along with your spouse and collaborative team, options for settlement are discussed, analyzed and agreed to. The team is skilled in working together to generate creative solutions that satisfy each spouse's priorities.

Once all issues have been resolved the lawyers will prepare a Separation Agreement reflecting all the items agreed to in your settlement negotiations. This agreement is legally binding and ensures that everyone's needs, especially the children's, are met.

What if a settlement cannot be reached?

If you and your spouse do not reach an agreement on one or more issues, your lawyers may draft a written agreement for the issues where the parties are in agreement, thereby reducing the number of issues in dispute. For the issues where there is no agreement, options will be reviewed such as mediation, arbitration or court. If the matter proceeds to court your collaborative lawyer cannot represent you, although they may continue to assist with mediation or other methods of dispute resolution.



Is Collaborative Law right for me?

The choice of what process you use for your divorce or separation is an important decision. This process is ideal for couples who are:

- ✓ Committed to resolving issues outside of court
- ✓ Focused on creating a healthy, long-term co-parenting relationship
- ✓ Looking for a fair, transparent, and respectful process
- ✓ Willing to engage in open, honest conversation

Collaborative Practice is ideal for parents with children, for couples who want to preserve assets and couples who want their divorce kept private because the process is expressly designed to keep the couples out of court and out of the public record. In essence, it avoids (or breaks) the cycle of conflict.



Who is in control?

In Collaborative Law, clients are in control of the process to ensure the process meets their needs. You and your spouse are guided through settlement negotiations by your own lawyers with the assistance of family and financial professionals who are focused on your goals and priorities.



Is this process adversarial?

A primary goal of the collaborative process is to minimize conflict, make informed decisions, and maximize the opportunities for settlement. Prioritizing goals and interests, respectful communication, and financial transparency all assist to reduce the adversarial nature of separation and divorce.

About the Kawartha Collaborative Practice

The Kawartha Collaborative Practice (KCP) follows the same core principles of collaborative law but is tailored to the needs of families in the Kawartha Lakes region.

Our members work to meet the unique challenges of the local community and to help families resolve issues in a way that promotes respect, fairness, and the well-being of all involved.

Our Service Area

We are proud to serve families in Kawartha Lakes, Peterborough, Haliburton, Coburg, the surrounding areas, and beyond. Whether you are located in a rural community or a more urban center, we are here to support you through the collaborative process.

Learn more:

Visit us online to learn more about the collaborative process, see member profiles, and reach out to get the process started.



www.kawarthacollaborative.com





Get Started:

You can begin the process by contacting a local collaboratively trained lawyer, financial professional or family neutral.



Find a professional by scanning the QR code
or by visiting us online:
www.kawarthacollaborative.com/members



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