



## Choices

**When a family has difficult decisions—collaboration can be key!**

In collaborative law, the parties agree to resolve the case without adjudication by the courts. The parties agree to involve third parties, such as financial neutrals, divorce coaches and child specialists, as necessary to assist them, but the final decision making rests with the parties. The process is facilitated through a series of four way meetings. The parties creatively explore options for mutual gain and satisfaction.



## Getting started with collaborative divorce

When parents decide that they are going to divorce, they may feel overwhelmed by the difficult decisions that they face. Working with a certified attorney in the area of collaborative law may help you determine the best process to make the important decisions about

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## Collaborative Divorce



**When you want to make your own choices**

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## Getting started: Selecting a process

After you decide to seek a divorce, you have a number of very important decisions to make. One of the first is to pick the legal process for the divorce. Twenty-five years ago, the only process available was litigation. One party hired an attorney who filed a complaint or petition with the court and the sheriff served the other party with the papers. That party hired an attorney who filed a response. After that, the parties and their attorneys attended a series of hearings and the attorneys attempted to negotiate a resolution prior to a final hearing.

This process was often cumbersome, expensive and emotionally difficult. Further, it did not consistently produce the best results. Judges, who know far less about the children or the family, made important decisions.

Today, families have more options. In mediation, the parties meet with a mediator, with or without attorneys, who facilitate discussions that may lead to agreements. Those agreements are put in writing and then presented to the court, which may include them in a final order.

When the parties are not able to work with a mediator, collaborative law provides another option. Meetings are held with the parties and their attorneys to work on agreements. Often a financial specialist or child specialist is included in the meetings. The agreement is reached before any paperwork is filed with the court.

Both collaborative law and mediation provide opportunities to find a resolution that works for you!

### Q&A

***Isn't collaborative divorce more expensive than the usual divorce?***

No. While collaborative divorce tends to be more costly than a mediated divorce, it is still less costly in both short term and long-term costs than litigation.

***My spouse and I can't get agree on anything, I can't see how collaborative divorce could work.***

The only thing you have to agree with your spouse about is that you will both retain specially trained lawyers who are certified by the IACP to represent you, and that you will follow the process for the collaborative case. In most collaborative cases, the parties do not agree on everything before they begin the collaborative process.

***Will a collaborative divorce be faster than the conventional process?***

That is up to you and your spouse. Since you will be the ones making decisions, you will also be the ones setting the pace.