

Divorcing with dignity



Don Campbell / HP staff

Attorney Deborah Bennett Berez talks about the collaborative divorce process recently at her St. Joseph office.

Collaborative process allows couples with children to separate while preserving the family

By LOUISE WREGE
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After representing clients in messy divorces, St. Joseph attorney Deborah Bennett Berez said she wanted to find a different way.

The last straw came a few months after she said she helped a mom win custody of the couple's two little girls through the traditional court process.

"I got a call from the mom who said, 'Can you do something? My children's father is telling them that I'm going to hell,'" Berez said.

They took the father back to court, where the judge ordered him to stop telling the girls that their mom was going to hell. But Berez said that didn't solve the problem.

"Some months later, I get another call from her," she said. "(The mom) said, 'We have a problem. He's not tell-



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Eden and Cary Kittleson of Berrien Springs, on left, talk with their attorneys about the success of their divorce, which was done through the collaborative process. Their attorneys are, from left, John Colip of Buchanan and Deborah Bennett Berez of St. Joseph.

ing them I'm going to hell. He's just telling them that I'm not going to heaven."

Berez said that in the traditional divorce process, underlying anger problems are often not resolved. In fact, she said the process can increase the anger.

"People are remarkably skilled at keeping the battle going and circumventing court orders because you can't order absolutely every appropriate behavior," she said. "We have a great legal system, but it was not designed for families because relation-

ships continue. Families don't belong in court."

Within a year of that case, she sought and received training in the collaborative divorce process.

Forming a coalition

That was 11 years ago, and she said she no longer handles divorces any other way. She said she helped form Michigan Collaborative Divorce Professionals, which recently changed its name to Sunset Coast Collaborative Divorce. For more information, call 428-3447.

"We are a group of professionals from various disciplines who are interested in helping families transition through divorce in a way that preserves the family," she said.

She said the goal of collaborative divorce is to find a settlement outside the courtroom that both parties feel comfortable with.

The process has divorcing couples and their attorneys sitting at the same table working together rather than fighting each other.

She said also at the table is a divorce coach, who helps the couple get through the emotional aspect of the divorce.

"The collaborative process is more holistic, I would say, in that it's really a team approach," she said. When she was handling traditional divorces, she said couples would often drag each other into the courtroom every couple of years.

She said that rarely happens since she has been doing the collaborative process.

"And if they do come back, they do it in a cooperative way," said Buchanan attorney John Colip. "I think it's the best way to go."

Everyone wins

St. Joseph attorney Carl Burdick said the traditional divorce process often creates winners and losers and the emotional issues go unresolved, especially when children are involved.

"The courtroom becomes a battle arena, and the process tends to further alienate and polarize the parents, which is not healthy for the children," he said. "Ironically, the process is to make a determination of what is in the best interest of the child and the process itself, sometimes, is not in the best interest of the child."

Cary and Eden Kittleson of Berrien Springs, whose divorce was finalized in August, said they found the process to be much smoother than the horror stories they heard from friends who had gotten divorced the traditional

way. They said they have four girls ages 6-13.

"We continue as professionals raising our kids to communicate quite well," said Cary Kittleson, who was represented by Berez.

Eden Kittleson said when they decided to go their separate ways, they had a hard time finding information even on how to do it the traditional way.

"I had no idea how to begin," she said. She said they didn't want to hire lawyers.

"It was like, why spend money on a lawyer," Cary Kittleson said.

"We weren't fighting each other," Eden Kittleson said.

They said they thought that involving lawyers would turn the divorce into a battle.

Cary Kittleson said he wanted to find out about mediation so he contacted St. Joseph attorney Margo Runkle, who is also a psychologist.

"She said she could do mediation but preferred collaborative, which at that time I had no clue what it was," he said.

Eden Kittleson said no one she talked to even mentioned the collaborative process as an option.

"Everybody was really, really fixated on the serving of the papers," she said.

"We were sold on the idea once it was explained," Cary Kittleson said.

Resolving conflict

Berez said collaborative divorce allows attorneys to be problem solvers rather than part of a miserable battle.

"By and large, people who go through the collaborative process emerge far better equipped to be happy and move forward and to not be continuously embroiled in conflict," she said.

She said the collaborative process differs from mediation in that both people get legal advice from their own attorney. She said that in mediation, even if the mediators are attorneys, they can't give

advice.

Runkle, who was the divorce coach for the Kittlesons, said having a coach at each session is crucial.

"Having a coach right in the sessions where the work is being done takes a little bit of pressure off the attorneys in terms of the emotional issues that come up during the session," she said. "The coach is neutral. They don't represent either party. There's value in having one person in the room who's just there to support the process and support both of them." St. Joseph attorney Steve Wolfram said traditional divorce starts with the case being filed with the court. In the collaborative process, he said the divorcing couple reach an agreement before the papers are filed.

More control

"Here, we step back and say we're not going to let the paperwork drive this process," Berez said.

Runkle said divorce terms can be customized to meet the needs of each family during the collaborative process. "There are no cookie cutter solutions," she said. "You have all the control as long as you work within the legal boundaries."

Colip said working on a collaborative divorce is much more satisfying for him as an attorney.

"When it's done, everyone may not be happy, but at least they are satisfied," he said.

Berez said that in Michigan, couples with children who file for divorce have to wait six months before their divorce is finalized. She said most local judges have agreed to reduce the waiting period to two months for couples who go through the collaborative process because most of the work has been done outside of the courtroom.

Looking at costs

As far as costs go, Wolfram said he has found that couples who go

through the collaborative process save money in the long run.

"Litigation is expensive," he said. "You've got the discovery process in litigation where people are using court procedures to gather information from each other where in the collaborative process, it's all voluntary. Everyone's sharing information freely. There's no hiding the ball, so to speak. That can reduce costs."

Burdick said angry people who want to divorce go to a lawyer, who is known as a shark.

"They're going to go to someone who is known to be combative - who will dig a hole and put their spouse in that hole, and the other party is going to do the same," he said. "... It magnifies and exacerbates the anger and the hostility and the destruction of what relationship they had had. Kids need parents who can continue to have a civil relationship, at least a business-type relationship, in making decisions that are for the children."

Berez said collaborative divorce isn't for everyone, but it should be considered as an option. Collaborative divorce was started in 1990 in Minneapolis by lawyer Stuart Webb, she said.

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