



WELCOME !

We want to commend you for taking the first step toward achieving an honorable divorce. The Collaborative Process will not make a painful situation a pleasant one, but it will avoid making it worse.

Please take a moment to review this packet of information which should answer many of your questions. The Participation Agreement, in particular, should be read carefully.

In this folder you will find:

- Article titled "What is Collaborative Practice?"
- Assessment Tool: Is Collaborative Process Right for Me and My Family?
- Top 10 Steps to Making Collaborative Law a Success
- Divorce Rules from Your Child
- Document Checklist for Settlement Planning
- Participation Agreement

We look forward to assisting you in fairly and honorably working with one another through one of life's most difficult challenges. Should you have any questions after reviewing this material, or if you would like to schedule a consultation, please contact us.

A handwritten signature in black ink that reads "Deborah Bennett Berecz".

Deborah Bennett Berecz



WHAT IS COLLABORATIVE PRACTICE?

Collaborative Practice is a different way to divorce. Both spouses/partners commit to settling their own divorce rather than submitting it to a judge. The process formally begins when both retain lawyers who have been specifically trained in Collaborative Law.¹ An agreement is signed by both spouses/partners and by both of their lawyers, committing all to settling issues in a non-adversarial manner, without going to court.

Often people initially want to divorce with dignity and respect and avoid a contentious battle. Yet entering the legal system rarely supports remaining true to that commitment. Human nature enters the picture as well, and hurt or anger can spiral out of control, despite the best intentions. Collaborative Practice builds in support systems and professionals so that you can honor that commitment while navigating the difficult waters of divorce.

WHY CONSIDER COLLABORATIVE PRACTICE?

Traditionally, both parties retain a lawyer who advocates the best outcome for his or her client and prepares for trial. The

problem is, *only 2% of cases go to trial*. The Collaborative Process recognizes there's a 98% chance that a case will settle and gets down to the business of negotiating that settlement rather than preparing for a likely non-event, i.e., a trial.

In addition, the Collaborative Process is solution-oriented, in contrast to the adversarial nature of traditional divorce process. Instead of focusing on getting the largest financial reward no matter the human or financial cost, clients and their counsel try to find "win-win" solutions that meet the needs of both partners and the restructured family as a whole.

Although each Collaborative professional has a duty to his or her own client, each also knows that the way to serve the highest interests of the client is to act with integrity, in the spirit of cooperation and mutual respect.

A marriage or partnership may be ending but the Collaborative Process recognizes that relationships and obligations often continue – particularly when children are involved. Hopefully your future relationship can be characterized by peace and a level of ease for you and your children.

¹ For a list of Michigan Collaborative Practitioners, visit www.CollaborativePracticeMI.org. For Greater Grand Rapids: www.gentlerdivorce.com;

for Southwest Michigan:
<https://sunsetcoastcollaborativedivorce.net>



HOW DOES COLLABORATIVE PRACTICE WORK?

All participants agree to work together respectfully, honestly and in good faith in a series of meetings with both clients, both lawyers, and the divorce coach. No one may go to court, or even threaten to do so, as long as they are in the Collaborative Process.

After signing the Collaborative Participation Agreement in the first joint meeting, a discussion follows which identifies:

- immediate needs
- goals for children during the separation and after the divorce
- a process for identifying assets and debts and how documents for each will be obtained
- parenting plan possibilities
- financial objectives
- the next meeting dates

At subsequent meetings, each issue is discussed and various options are explored, until an agreement is reached on each issue.

People have found the Collaborative Process to be efficient. Rather than issuing a formal subpoena to obtain a document, the document is identified in one meeting and brought by one party or the other to the next. We simply don't play games and waste resources in the Collaborative Process.

ARE OTHER RESOURCES UTILIZED IN COLLABORATIVE PRACTICE?

This is one of the primary benefits of the Collaborative Process. If you encounter a difficulty (who doesn't in a divorce?) you have the freedom to acknowledge that challenge and seek assistance from appropriate resources. For example, if you and your spouse are having difficulty determining cash flow from various investments which you each might retain in a settlement, you can consult a *neutral* financial specialist who has Collaborative Process training. He or she can assist to ensure that you have complete information on which to base a decision.

Similarly, if you find that you and your partner/spouse are repeating old, unproductive patterns of communication during the process of divorcing, your divorce coach can be consulted to assist in developing new ways to communicate. It may only take one, or a few, sessions with a coach, but the skills you develop will be invaluable over the long term and may save you and your children years of conflict after your divorce is final. No one takes Divorce 101 in college or intuitively knows how to divorce productively, especially when such powerful emotions are in play. Sometimes it just makes sense to get some expert help.

Perhaps the most important resource can be a *neutral* child specialist. Parents



often have different parenting styles whether married or not. It can be difficult to determine what is best for children and even more difficult to put one's own desires aside when evaluating what would truly work well for your children. A *neutral* child specialist can be invaluable in achieving some objectivity and sorting through difficult emotions and decisions about your children. Both parents meet with the specialist who then meets with your children. What emerges is a more thoughtful, well-designed plan for your children that optimally meets their needs.

IS IT REQUIRED THAT WE USE THESE OTHER RESOURCES?

No, with the exception of the divorce coach. You only use those resources you agree would be helpful to you or your children. Although people often use these types of resources at some point in their divorce, the difference in Collaborative Process is that the professionals are neutral and work together for your family's benefit. In addition, you both are able to access the *neutral* professional and costs are therefore minimized. These professionals are able to communicate with your other team members so that we are all best able to serve your family in the most efficient, cost-effective way possible.

WHY DO THE LAWYERS HAVE TO WITHDRAW IF WE DO NOT SETTLE?

You will never have to worry about being cross-examined by your partner/spouse's Collaborative lawyer. The "commitment clause" makes clear that we are committed to NOT going to trial. No one is marshaling evidence to be used against the other at trial. This principle is necessary to maintain focus – not just for the divorcing spouses/partners but for their Collaborative lawyers as well.

A lawyer cannot be double-minded. He or she cannot be expected to creatively and fully contemplate various options for settlement while also preparing trial strategy. The effectiveness of both efforts would be undermined which is a disservice to clients. Limiting the terms of representation keeps the focus sharp throughout the Collaborative Process.

These limitations are necessary for divorcing spouses, too. Clearly there are difficult emotions experienced during a family transition. One of the emotional stages of divorce is anger – no surprise there. The commitment agreement avoids unproductive anger that uses the legal battle as a threat, i.e., the proverbial "I'll see you in court!"

In the unlikely event that a party feels that court is a better alternative, the Collaborative Process ends and both parties hire litigation lawyers to take their case to court. Fortunately, this rarely occurs.



HOW IS MY DIVORCE FINALIZED?

After settlement is reached, a Petition for Divorce and Judgment of Divorce are drafted which incorporates all of the details of your agreement. Both spouses and lawyers sign the petition and agreement and the Collaborative lawyers assist in processing your divorce agreement through the court. That involves a very brief hearing to submit the Judgment to the court for the judge to sign. Only the spouse who filed for divorce, and his or her Collaborative lawyer, need attend.

WAITING PERIOD

While there is a 6-month waiting period if you have children (2 months if you do not), most judges are aware that you have worked for a period of time to process your divorce with care, dignity and respect and so they are usually willing to reduce the wait to the minimum period of 2 months.

CONCLUSION

Many families and lawyers have determined that preparing to hand over one's future to third-party strangers, i.e., judges, to make decisions about the people and things most important to divorcing families, just doesn't make sense – particularly when there's a 98% chance of settling anyway. Thus, to incur the additional expense of trial preparation is often illogical. The Collaborative Process provides a

framework for working closely with an attorney *specifically trained* to formulate a thoughtful settlement that meets the needs of both partners/spouses and the post-divorce family.

WANT TO LEARN MORE?

To learn more about the collaborative process visit our website at www.FamilyResolutions.us or the International Association of Collaborative Professionals' website at www.CollaborativePractice.com. If you would like to receive a link to a video of an actual couple participating in their Collaborative sessions, please let us know. This can be very helpful in understanding just what it looks like to use a Collaborative Process for your divorce.

In addition, we are happy to send you a complimentary book about Collaborative Divorce. Just let us know your address!

Contact us to learn more at our direct line for either location: 269.428.3447 or via email at assistant@familyresolution.us. We look forward to working with you to help you achieve a Collaborative family transition.

2022-07 Client Info & Handouts/Collaborative/What is Divorce?



IS COLLABORATIVE PROCESS RIGHT FOR ME AND MY FAMILY?

The Collaborative Process is a good fit for many people. But not everyone is able to do the work required to reach their own agreement. Fill in the number by each statement which most closely matches your response to each based on the following:

1	2	3	4	5
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree

My ability to achieve a successful outcome in the divorce primarily will depend on the decisions I make during the process. _____

In order to achieve my most important goals, I am willing to let go of some smaller short-term issues, even though it may be very hard to do so. _____

I am capable of making the emotional commitment necessary to achieve the best possible outcome. _____

I am not afraid of or intimidated by my spouse. _____

I am willing to try to see things from my spouse's point of view in order to help achieve the best possible outcome. _____

I believe it is possible for my spouse and me to restore enough trust in each other to achieve a successful outcome. _____

I am willing to commit myself fully to resolving the issues through the collaborative process by working toward common interests rather than simply arguing in favor of my positions. _____

It is important to me that my spouse and I maintain a respectful and effective relationship after the divorce. _____

I have accepted the fact that this divorce is going to happen. _____

I believe that it is very important that our children maintain a strong, healthy relationship with both parents. _____

TOTAL POINTS: _____



INTERPRETING ASSESSMENT RESULTS

- 40+ There's a very good chance that the collaborative process is a good fit for you. Assuming your spouse is also a good candidate (he or she should take the quiz separately), your chances for a successful outcome are very high
- 32-39 There is still a good chance you are a good candidate for the collaborative process. You will want to review with your attorney statements on which you responded with 1 or 2.
- 20-29 You are borderline. The collaborative process may work for you but you'll have to do a lot of preparation work to get there. Carefully studied the challenges identified by statements on which you responded with 1 or 2 and consider what you need to do to become a better prepared. You might also want to consider postponing the divorce, if possible, until you're ready to work toward the best possible outcome, perhaps with a qualified counselor or coach.
- Below 20
It is very likely you'll become frustrated with the collaborative process and there's a good chance you'll find alternatives equally frustrating. While it's still possible to succeed in the collaborate process by resolving your case of court, unless you make some significant changes in your perspective, you won't come to the collaborative process feeling as if you've achieved your most important goals.

PUTTING IT INTO PERSPECTIVE

Of course, this test is simply a tool used to help identify challenges inherent in the collaborative process, and help you determine whether you are willing to meet them. Certainly, there are some circumstances, such as abuse or addiction, that may make collaboration impossible, regardless of how you scored on other aspects of the test.

At Berecz & Associates, PLC we are committed to helping you choose from the available processes as you contemplate divorce. Contact us to discuss which process is right for you and your family.



DOCUMENT CHECKLIST FOR SETTLEMENT PLANNING

- Recent statements for all bank or credit union accounts identifying account numbers, current balances and name(s) on account, including those owned with or for children.
- kbb.com reports on all vehicles and boats for private party (not trade-in) values.
- Warranty deeds and mortgage statements reflecting balances owed for all real estate. Warranty deed likely in your closing document packet.
- Most recent property tax statement and any recent appraisal reports for all real estate.
- Retirement account statements (401K's, IRA's, 403B's, pension, etc.) Use same date for all plans if possible.
- Life insurance statements for policies which have a cash surrender value. Note: term policies do not have a cash surrender value; most employers provide term policies. (The amount which is paid your beneficiary when you die is the "payable on death" amount. Cash surrender value is what your life insurance company would pay you if you canceled the policy before you die).
- Statements for investments (stocks, mutual funds, bonds, e-trade, cryptocurrency, etc.)
- Statements for all charge accounts and other debts (car loans, home equity lines of credit) indicating whether account is joint or individual and balance owed.
- Financial statements, if any, recently prepared for loan applications or other reasons.
- Last three paystubs for both spouses.
- Recent credit report to ensure that all joint debt is accounted for in your settlement.
- Most recent tax return with W-2s and schedules attached.
- List of significant collections and approximate value (guns, comic books, art, etc.)
- If you have children under 18:
 - Verification of annual daycare costs.
 - Information on, or copy of, current health insurance cards.
 - Cost of employer provided health insurance with breakdown for cost for:
1) self alone and 2) cost for self and children.
 - Statements for accounts that you have for the benefit of your children (529, ESA, UTMA etc.)

Note: Do not provide screenshots, print outs of web pages or photos. Provide actual statements instead.



TOP 10 STEPS TO MAKING THE COLLABORATIVE PROCESS A SUCCESS

1. Be Patient. You didn't generate conflict in a session or two. It's very doubtful you'll resolve it in that time.
2. Focus on the Future. The past can inform us but shouldn't control us. You can nurture the hurts of the past or you can focus on and create a brighter, more peaceful future.
3. Acknowledge that the Other Side Has a Point. It's rare that any of us is right 100% of the time. When hurt and anger are most intense, we are less likely to see the full picture. Remain open to understanding the other's perspective.
4. Use Collaborative Professionals as Needed. It benefits you and your children and the process to work with a divorce coach. If a collaborative financial professional would help you or your spouse gain some clarity about financial options, work with him or her. If a child specialist would assist your children, be open to using this resource.
5. Understand that Win-Win is Possible and Preferable. The only way you win is if the other side feels okay too. Five years from now you want to look back and know that you dealt honorably with yourself AND your former spouse/co-parent. If you're willing to do the work, you will find your way to it. **Remember: You are writing your children's story of their parent's divorce.**
6. Take tools from Collaborative Sessions to Use in the Future. If you have children, you'll likely be grandparents someday and might encounter each other at the nursery. Be open to new tools for communicating more productively so that your conflict isn't carried on down through the ages.
7. Be Prepared. If there are documents you need to gather before the next session, gather them. Analyze options and develop alternatives with an open mind.
8. Educate Yourself. They don't teach surviving divorce in school. There are good divorces and bad divorces. Yours can be one of the good ones if you take the time to learn from those who've gone before you. Read any of the excellent books available (*Rebuilding* by Bruce Fisher, *Crazy Time* by Abigail Trafford, *Collaborative Divorce* by Pauline H. Tesler and Peggy Thompson, to name just a few).
9. Work through www.UptoParents.org if you Have Children. This website won an American Bar Association award because it does a phenomenal job of helping parents remain focused on their most important asset: their children. Your children are worth the time it takes.
10. Understand that Even The Very Best Settlement Won't Make You Ecstatic. It's tough to split assets. It's hard to identify times you won't be with your children. It's a financial strain to support two homes on what used to support one. So don't look for the resolution that's going to make you ecstatic. Be realistic.





Divorce Rules from Your Child

Directions: Post these rules on your refrigerator as a reminder of your commitment to your own child(ren). Ask your child to let you know if you forget a rule. Never reprimand your child when s/he gives feedback.

Dear Mom and Dad, I'm just a kid, so please...

1. Do not talk badly about my other parent. *(This makes me feel torn apart! It also makes me feel bad about myself!)*
2. Do not talk about my other parent's friends or relatives. *(Let me care for someone even if you don't)*
3. Do not talk about the divorce or other grown-up stuff. *(This makes me feel sick. Please leave me out of it!)*
4. Do not talk about money or child support. *(This makes me feel guilty or like I'm a possession instead of your kid.)*
5. Do not make me feel bad when I enjoy my time with the other parent. *(This makes me afraid to tell you things.)*
6. Do not block my visits or prevent me from speaking to my other parent on the phone. *(This makes me very upset.)*
7. Do not interrupt my time with my other parent by calling too much or by planning my activities during our time together.
8. Do not argue in front of me or on the phone when I can hear you! *(This just turns my stomach inside out!)*
9. Do not ask me to spy for you when I am at my other parent's home. *(This makes me feel disloyal and dishonest.)*
10. Do not ask me to keep secrets from my other parent. *(Secrets make me feel anxious.)*
11. Do not ask me questions about my other parent's life or about our time together. *(This makes me uncomfortable. So just let me tell you.)*



12. Do not give me verbal messages to deliver to my other parent. *(I end up feeling anxious about their reaction. So please just call them, leave them a message/text/email or put a note in the mail.)*
13. Do not send written messages with me or place them in my bag. *(This also makes me feel uncomfortable.)*
14. Do not blame my other parent for the divorce or for things that go wrong in your life. *(This really feels terrible! I end up wanting to defend them from your attack. Sometimes it makes me feel sorry for you and that makes me want to protect you. I just want to be a kid, so please, please...don't put me in the middle!)*
15. Do not treat me as an adult, it causes me too much stress for me. *(Please find a friend or a therapist to talk with.)*
16. Do not ignore my other parent or sit on opposite sides of room during my school or sports activities. *(This makes me very sad and embarrassed. Please act like parents and be friendly, even if it is just for me.)*
17. Do let me take items to my other home as long as I can carry them back and forth. *(Otherwise, it feels like you are treating me like a possession.)*
18. Do not use guilt to pressure me to love you more and do not ask me where I want to live.
19. Do realize that I have two homes, not just one. *(It does not matter how much time I spend there.)*
20. Do let me love both of you and see each of you as much as possible! Be flexible even when it is not part of our regular schedule.

Thanks, your loving child

