

Different Approaches to Resolving Disputes

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





QUICK TIPS FOR YOUR CLIENTS

- Divorce is 80% emotional, 10% legal and 10% financial
- Parties transition from marital partners to parenting partners
 - Approach your co-parenting relationship like a business venture
- Gain the other parent's trust by keeping agreements and commitments
- Keep children's issues and financial issues separate
- Never make negative remarks about the other parent. It is equivalent to saying negative remarks to and about their child.
- Be a good role model for your children by modeling good problem solving
- Children feel most safe when their parents are cooperating
- If parents can make the best of the situation, the children will too
- Parents can finally understand the financial and emotional consequences of not working together, by beginning to co-parent

A CLIENT CENTERED APPROACH

WHICH DIVORCE PROCESS WILL WORK FOR YOU?

		MEDIATION	LITIGATION	COLLABORATIVE DIVORCE	DIY
 ▶	COST	\$\$\$	\$\$\$	\$\$\$	\$\$\$
 ▶	TIME	2	4	3	5
 ▶	PRIVACY	😊	😞	😊	😞
 ▶	OPPORTUNITY TO BE HEARD	3	1	3	1
 ▶	DURABILITY OF AGREEMENT	😊	😞	😊	😞
 ▶	CONTROL OF DECISION	★★★	★	★★★★	★
 ▶	CONTROL OF PROCESS	😊	😞	😊	😞
 ▶	FLEXIBLE PLAN	😊	😞	😊	😐
 ▶	GOOD FOR COMPLEX FINANCIAL SITUATIONS	☑ YES	MAYBE	☑ YES	☒ NO
 ▶	WORKS IF CASE INVOLVES DOMESTIC VIOLENCE	☒ NO	☑ YES	MAYBE	☒ NO

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PARENTING COORDINATION

IS...

- A child-focused ADR process
- For high conflict parents with an inability to resolve disputes otherwise
- An assessment and reduction of conflict tool
- Non-confidential
- Appointed by the court or hired by the parents
- Requires written progress reports to a Judge
- Child focused: listens to the voice of the children
- Creates quasi-judicial immunity

IS NOT...

- Therapy
- Legal representation
- Custody evaluation
- Diagnosis
- Protected under HIPAA
- As expensive as litigation

PARADIGM SHIFT

LITIGATION

- Adversarial
- Focuses on past behavior
- Fact-specific
- Placing blame
- Win/Lose

PARENTING COORDINATOR BENEFIT

- Cooperative
- Focuses on the future
- Helps rebuild and restructure relationships
- Positive impact on the future
- Win/Win (true compromise)

WHO DOES
PARENTING
COORDINATION
BEST SERVE???

HIGH CONFLICT PARENTS



- Parents with intense anger and contempt, and loss of child focus
- Parents who use the child to express feelings toward the other parent
- Parties' with severe suspiciousness, and polarized views of child-related issues
- Situations with repeated child and/or substance abuse allegations
- Those with constant parental internal distress, who externalize their difficulties
- Parents with psychiatric illness
- Those who have depleted emotional and financial resources
- Parents who have engaged in brief mediation or parent education services that have been unsuccessful

PARENTING COORDINATION OBJECTIVES

- Implement a parenting plan
- Resolve disputes in a child-focused manner
- Reduce conflict between the parents
- Encourage parents to focus on the needs of children
- Improve communication and problem-solving skills
- Provide stabilizing presence for families
- Affords child's therapist a buffer
- Reduce dependence on litigation and drain on financial and psychological resources
- Preserve judicial resources



HOW CAN YOU POSSIBLY HELP?

- 1. Child rearing and discipline...**
(ethnic, sexual orientation, religion, other differences; special needs; health, etc.)
- 2. Child appearance...**
(dress, haircuts, piercings, tattoos, etc.)
- 3. Substance abuse issues...**
(parents or teens; testing and/or treatment; legal fees and restitution costs)
- 4. Changes in parenting plan as children age...**
(transitions with significant others and extended family)
- 5. Sharing costs...**
(education, extracurricular, medical)

THE
COLLABORATIVE
PROCESS:
ANOTHER ADR
OPTION

A dispute resolution model based on three
core principles:

1. A pledge not to go to court (i.e. a **participation agreement**);
2. An honest exchange of information;
3. A solution that takes into account the highest priorities and the goals of the whole family.

THE COLLABORATIVE TEAM

- The couple
- Two attorneys
- Two coaches (occasionally one coach)
- One child specialist
- One financial neutral
- Other collaterals, as needed

	COLLABORATION	LITIGATION
WHEN	<ul style="list-style-type: none"> • Client’s pace, faster if requested and agreed 	<ul style="list-style-type: none"> • Attorney/Court’s pace, slower
WHO	<ul style="list-style-type: none"> • Client driven 	<ul style="list-style-type: none"> • Attorney driven
COST	<ul style="list-style-type: none"> • Cost-effective 	<ul style="list-style-type: none"> • Cost-prohibitive, expensive
FOCUS	<ul style="list-style-type: none"> • Interest-based • Balance of power • Positivity, strengths, agreements • Creative 	<ul style="list-style-type: none"> • Positional, polarized • Imbalance of power • Negative, focuses on weaknesses • Law-bound
EMOTIONS	<ul style="list-style-type: none"> • Acknowledged and dealt with • Cooperative process • Empathy between ex-spouses • Children can be involved, prevent alienation • Finality and closure are obtained 	<ul style="list-style-type: none"> • Avoided, ignored • Criticisms of your spouse via pleadings • No cooperation • Children are not involved • No healing, finality
PROBLEM SOLVING	<ul style="list-style-type: none"> • Practice agreements, making and keeping them • Cooperative • Customized to the family • Includes contingencies 	<ul style="list-style-type: none"> • No opportunity to experiment • Competitive • Restrained by the law • No provision for contingencies
EXPOSURE	<ul style="list-style-type: none"> • Private, respectful • Voluntary disclosure 	<ul style="list-style-type: none"> • Public via the public record • May involve threats and intimidation
FAIRNESS	<ul style="list-style-type: none"> • Does not proceed without equal division of resources 	<ul style="list-style-type: none"> • Litigation is only fair when resources (i.e. monetary) are balanced