

# BARKER GOTELEE

## S O L I C I T O R S

### COLLABORATIVE LAW

#### A FRESH APPROACH TO DISPUTE RESOLUTION FOR SEPARATING COUPLES

In the UK today one in two marriages end in divorce and many people will be familiar, either first-hand or through having seen a loved one go through the separation process, with the maelstrom of emotions and issues, both financial and child related, that separating couples experience during the long-road to disentangling their lives.

Last year, around 159,000 people divorced in the UK and nearly 1 in 4 children experienced their parents separating. Evidence shows that for children this often involves the loss of or a fundamental change in relationship with a parent, interparental conflict and economic distress. Many parents find it is often as long as two years until they feel thoroughly in control of their new life-style and during this two years negative emotions in the home result in loss of parenting time and resources.

For couples without children the experience can be equally traumatic and the traditional process, which often includes court intervention, may only serve to increase feelings of loss, grief, bitterness, guilt and lack of control: frequently isolating people from the resources they need to rebuild their emotional and economic lives.

In the UK today there is another way – Collaborative Law. Collaborative Law uses a process of meetings to resolve all the issues that separating couples have, culminating in a settlement that ends with a divorce decree and financial agreement endorsed by the court; or a separation agreement.

Couples and their lawyers enter into a binding agreement at the start of the process that prohibits either party from asking the court to assist in resolving their issues. Thus, eliminating the threat of legal proceedings if one party does not do what the other wants and providing an incentive to the couple to see the process through to conclusion.

At each meeting the couple are supported by their lawyers, who work co-operatively with each other to facilitate the couple to reach agreements about their finances, who is to divorce who and on what grounds and what is to happen to their children, if any. The agreements the couple can reach about their future lives are not constrained to the narrow strait-jacket of orders that a judge could make and the couple retain control over the speed of the process and the outcome.



During the process independent experts may be invited to take part in the process to support the couple. These experts may be accountants and business or financial advisors, who may assist the couple with, for example, valuing assets or re-structuring family businesses and provide specialist advice on pension or investments. At the choice of the couple relationship counsellors or family therapists may be invited to provide emotional support or specialist input into difficulties being experienced by the family.

The emphasis is on financial security for both parties; better communication leading to enhanced relationships; a decrease in negative emotions and control for the parties over the process and outcome.

For more information about collaborative law please see [www.clear.gb.com](http://www.clear.gb.com)  
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