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PETALUMA
COMMUNITY
RELIGION 4 | STEPPING OUT 6 | EDUCATION 10

SECTION
B

Local group focuses on civilized divorce

By JANE LOTT

FOR THE ARGUS-COURIER

Most people enter marriage with rosy anticipation of a happily-ever-after. So when the time comes, as it does for more than half of U.S. marriages, that one or both people want a divorce, no one is prepared. Each person hires a lawyer, focuses on the dastardly deeds of their spouse and gathers an army of experts, preparing for battle. Too often, the one with the most money "wins."

But some divorce attorneys have found a better — and less expensive — way.

Collaborative family law takes a different approach to the traditional adversarial divorce.

"We try to get people to be realistic about the fact they are restructuring the family," said Martie Leys, a Petaluma attorney and mediator who is certified in collaborative family law. "It's a whole re-educating process that goes along with preparing people for divorce."

The collaborative family law movement has been re-educating not only divorcing couples but also the legal profession and the courts. Because the traditional concept of divorce compares to opposing teams going to war, the result — no matter who "wins" — leaves the family battle-scarred, often with unintended casualties. But early in the 1990s in Minnesota, one successful litigator decided he was tired of fighting.

"He decided he wasn't going to court anymore," Leys explained.

That battle-weary decision became the basis for collaborative family law, which has spread internationally to become a legal specialty. Questions regarding this new concept are even included on the state bar exam, Leys said.

The process is called collaborative because instead of opposing lawyers hoarding information and using it as ammunition against the other side, they join together with their clients and discuss the family's issues in joint meetings outside of court.

In fact, said Randy Cheek, a licensed marriage and family therapist who is also certified in collaborative divorce, one of the fundamental principles of collaborative family law is that all information is shared.

"Nobody's holding back," he said.

But that doesn't imply a barrage of emotional abuse. The process has other ground rules, including a protocol for meetings. For example, the parties agree to discuss issues in good faith, which might be a challenge for couples whose marriage



TERRY HANKINS/ARGUS-COURIER STAFF

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has degenerated to the point they are seeking divorce.

That's where divorce coaches such as Cheek come in.

"People are encouraged to trust the process and have hope" — hope that by trusting the process and their professional helpers, they will be taken care of, Cheek said.

In addition to meeting with the attorneys, the couple meets separately with their coaches — preferably a male coach for the husband and a female coach for the wife. In these sessions, coaches help the couple identify the major issues that need to be worked out. For example, Cheek said, "What have been some of the issues with chil-

dren?"

Recognizing that divorce is an emotionally difficult time for all involved, the team addresses the needs of children and even of the extended family, such as grandparents. Often child specialists may be called in to identify needs of children being impacted by divorce and separation from one of the parents.

While dealing with the emotional issues is one of the major steps in the collaborative process, another is helping the couple think through financial issues.

Divorce is expensive.

"We get people to think through the consequences," Cheek said.

The intention of the team is to help a couple best allocate the family resources. Depending on the complexity of a couple's property and assets, this work may involve inviting a certified financial planner to join the team.

While the collaborative family law approach may sound preferable to the traditional divorce process, Leys stressed that it isn't for every-

THE DIVORCE WITHOUT COURT

The group includes many professionals working as a team to help divorcing couples and their families reach a settlement that addresses the needs of all people involved, including children and grandparents.

Currently members of the Sonoma County Divorce Without Court include local attorney Martie Leys and marriage and family therapist Randy Cheek. Any of the professionals on the following of Divorce Without Court members can answer questions or help begin the divorce without court process.

For additional information, visit the Web sites at divorcewithoutcourt.us, or call one of the following professionals.

Professionals interested in practicing collaborative family law can find more information at collabgroup.com, collaborativecouncil.org, collaborativedivorce.com or collaborativefamilylaw.org.

DIVORCE WITHOUT COURT CERTIFIED SPECIALISTS

Attorneys: Betty Ann Spencer, 570-2424; Catherine Conner, 523-0480; Martie Leys, 789-0390; Robert Marmor, 433-4842; Joyce MacLaury, 579-9917; Trish Nugent, 523-1135; Amy Rodney, 523-0480.

Coaches/child specialists: Susan R. Berg, MFT, 792-9716; Randy Cheek, MFT, 778-1720; Moss Henry, MFT, 525-8968; Peggy Thompson, PhD, 579-2208; Loren Stuart Gerstein, PhD, 794-7217.

Financial planners: Lisa Schneider, RFC, CDS (415) 781-1181; Pamela Nachtigall, CPA, 769-8334.

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Collaborative divorce is inappropriate, "if there's been a high degree of domestic violence or substance abuse, where there's a lack of good faith or where someone is so angry they cannot see beyond that to the larger goal of the benefit of the whole family," Leys said.

But for those who can use the process, the benefits are impressive. According to Catherine Conner, president of the Collaborative Council of the Redwood Empire, the cost of a collaborative divorce is a mere 25 percent of the traditional process.

The success rate, Conner said, was 82 percent in 2003, including six couples for whom the process resulted in reconciliation.

"These are cases that would otherwise find themselves in the courthouse," Leys explained.

And the benefits to sustained relationships after divorce are immeasurable.

"It's an approach," Leys said, "that allows good people to be at their best in a bad time."

Which is one way of living happily-ever-after.

(Contact Jane Lott at argus@arguscourier.com)