

BOYSEN McEACHEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

COLLABORATIVE DIVORCE PROCESS

I. Initial Meeting with your Attorney

At the initial meeting with your attorney, he or she will discuss with you the options for your case: collaborative law, cooperative settlement, mediation, or litigation.

The attorney will describe the collaborative divorce process and how it correlates with the court legal process and take initial information from you and see what additional information may be needed. A brief inventory of your assets and debts may be taken. Your goals for resolving the case will be discussed.

The attorney will explain their experience, fees and employment contract (retainer agreement).

The bulk of your attorneys' fees in a collaborative case will be related to the four way meetings (see below). Your attorney will spend time preparing for them, attending them, and summarizing them.

If another attorney is already on the case, a date for the initial four way meeting will be scheduled.

The attorney will discuss other collaborative professionals and see if one may be helpful in your case. Examples include a financial planner, divorce coaches, counselors, real estate agents, etc.

The most important thing to consider when choosing a collaborative attorney is that you feel it is a good match and you are comfortable working with that person.

II. Four Way Meetings

These meetings are the backbone of the collaborative divorce process. They are usually attended by you, your spouse, and both attorneys. They typically take place at the office of one of the attorneys. They are generally scheduled about 2-3 weeks apart at a time convenient to all participants. They can also include any other professionals you have chosen to be part of the collaborative team.

The Four Way Meetings may include the following:

A. Initial

Introductions are made.

The Participation Agreement is explained and signed by both spouses and their attorneys.

Goals and interests are identified.

BOYSEN McEACHEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

Initial financial information is shared.
Issues are prioritized.
Homework is determined.
Other collaborative professionals are discussed.
An agenda for the next meeting is discussed.

B. Mid-Process

Questions are answered.
Decisions are made regarding additional neutral professionals.
Alternatives are identified and evaluated
Financial spreadsheets are developed.
Agreements are reached.
Final steps for completing the process are outlined.

C. Final Meeting and other Closing Steps

A Settlement Agreement will be signed.
Documents required for transfer of assets will be prepared and/or signed.
How the case will be finalized by the Court will be discussed.

III. Court Proceedings

A Petition for Dissolution of Marriage must be filed with the Court in order to initiate the divorce action. In Missouri, there is a minimum 30 day waiting period before the divorce can be final. The Petition can be filed as a Joint Petition signed by both spouses or it can be filed by one spouse as the Petitioner.

In a collaborative case, the Petition often is not filed until a comprehensive collaborative settlement agreement has been reached. If the court has a busy calendar, it may be agreed upon to file a Petition at the beginning of a case in order to start the waiting period and move forward. The Petition will be filed as an “uncontested” case. Once a Settlement Agreement has been reached, the Agreement, along with any financial forms required by the Court, and a proposed Decree of Dissolution of Marriage will be submitted to a Judge for approval. Your divorce is technically final 30 days after the Judge signs the Decree.

IV. Resources

Collaborative Divorce, The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues and Move on with Your Life, Tesler, Pauline H., M.A., J.D. and Peggy Thompson, Ph.D. (2006).

The Collaborative Way to Divorce, Webb, Stuart G. and Ronald D. Ousky. (2006).