

Information Sheet

Collaborative Family Law

Collaborative family law aims to assist you to separate with dignity, respectfully, and to arrive at solutions that are **fair to everyone**. You are accompanied by your specially-trained lawyer throughout the process who will provide legal advice and guidance, while working as a team with your former partner and his or her lawyer to find creative solutions that suit everyone. The team can be expanded to bring in other collaboratively-trained professionals where necessary, for example a family consultant or child psychologist, or a pensions expert.

All participants sign an agreement at the start of the collaborative process **agreeing to work together** in a respectful, honest and dignified way to try and reach settlement without threatening to go to court. The agreement also disqualifies your collaborative lawyers or their firms from representing you at court if the collaboration process breaks down. In the event that the collaborative process did not enable you to reach agreement, you would need to **instruct new lawyers to proceed to court**. This means that everyone involved is attempting to achieve settlement without threatening or being subject to the threat of court proceedings when things become difficult. It is in nobody's interests for the process to fail.

As collaborative family law depends to a significant extent on the **goodwill** of both people directly involved, it may not be appropriate in high-conflict situations or where you do not believe that the other person is going to be completely honest. However, the settlement agreement that the two of you reach during the collaborative family law process is no different in nature from a settlement negotiated in more traditional ways, e.g. by solicitors' correspondence. If it turns out that one person has not been fully frank and the settlement would have been different if the information had been available, then the person who has lost out may seek to overturn the agreement, even if it has been confirmed by a court order.

Collaborative family law is **different to mediation** as it is unusual in mediation to have your lawyers present with you while you negotiate. In the collaborative law process, your collaborative lawyer is there at hand throughout to support you, provide you with advice, express your views and translate financial information as much as you need. Whereas a mediator cannot give you legal advice or draw up a binding agreement between the two of you, your collaborative lawyers can do so. Mediators may still have a role in the collaborative process: if the two of you wish to work with an impartial mediator on a particular issue, your collaborative lawyers can help you find a suitable mediator.

The collaborative process takes place in meetings between you with your solicitors, and it can help **improve future communication**, giving particular benefits when you have children. The involvement of family consultants and child specialists where necessary can help everyone focus on the wider family's long-term interests and needs.