

The Better Way to Divorce

By Tamara Cherry, TORONTO SUN September 16, 2010

When Cyd Barley saw the nightmare her friend went through with her divorce, she decided to go for something different.

Three years later, her two kids have emerged from the split "reasonably unscathed," her finances are in order and while she isn't very close with her ex, they've been able to maintain a relationship.

The collaborative approach the former couple chose for their divorce will be the theme of a conference in Burlington next week highlighting the benefits for children when their parents can work together to while splitting apart.

In legal circles, it is called "collaborative practice" and the idea is to get the divorcing parties talking — and listening — to each other in a less adversarial way than traditional divorces.

After hearing about the approach from friends, Barley said she Googled "collaboration" and found the Ontario Collaborative Law Federation (OCLF), which is hosting next week's conference titled, Children: The Beneficiaries of Collaborative Practice.

Through OCLF's website, she found a lawyer and posed the idea to her husband. He agreed and got a collaborative lawyer of his own.

Having undergone special training, the lawyers were able to work out a plan that suited the couple's needs. "They basically laid out a path that we followed to explore what it was that we actually wanted out of it, because the decision was that we weren't going to be married anymore, but how were we going to do that?" Barley said.

The couple's lawyers brought in a financial advisor who met with Barley and her husband together and separately to figure out what they could and couldn't afford, Barley said.

The approach allowed the couple to stay civil throughout the process, something Barley said proved beneficial for their kids, who were 10 and 13 at the time.

"They were devastated when we told them, but they haven't seen a lot of bickering," she said.

There are now 17 groups of professionals that fall under the umbrella of OCLF and are specially trained "to work as a team" in divorce situations, lawyer and federation president Judith Huddart said.

In addition to financial advisors and lawyers, the professionals also include counsellors who can work with the parting couple and their kids as they plan for the future, said Huddart, who has been offering the collaborative approach to clients for 10 years.

Huddart cautioned the collaborative approach isn't for everybody: If a couple can work it out on their own, do it, it'll save lots of money. If a couple can't sit in the same room together, they may have to dish out the cash in court, but if they are willing to talk and just need some extra support, the collaborative approach may work for them, Huddart said.