

Kate van Dyke
CLII North Shore Practice Group Meeting
January 27, 2010

6 Steps for Talking about Collaborative Divorce with Your Clients

1. Ask the client about their goals for the divorce process and listen for their high priority ones. E.g. Time, Money, Control, Privacy, Parenting:

“What are your thoughts about your goals for getting a divorce?”

2. Verify with the client their top 2 or 3 priorities:

“So, it sounds like your biggest goals are doing this quickly (time), saving money and keeping the outcome private. Is that accurate?”

3. Tailor your comments about Collaborative Divorce (CD) to address their top priorities established in Step 2:

“Let me tell you about a process that enables you and your spouse to manage the timeline, is typically less costly than the traditional court process and has the greatest possibility of keeping as much of the outcome as is legally possible private. . . .”

4. Gather their feedback to identify their objections and/or concerns:

“How do you think this process might work for you? Your spouse? . . .”

5. Address the client’s concerns and objections by comparing and contrasting them with the other processes:

“Well, you are right, there are fewer professionals involved in a litigated case typically, but CD provides for creative solution building that usually results in a more comprehensive parenting plan that both you and your spouse can more fully support. And research has shown that the less conflict your children are exposed to, the better they will do both during and after the divorce.”

6. Finalize the divorce process choice, - hopefully it will be CD! - or if the client isn’t ready to make a decision, establish next steps with a timeline:

“So what process do you think will work best for you?” OR

(If the client can’t make a decision at this moment,) “What else needs to happen so you can make a process choice? Let’s talk about some next steps that need to be taken in order to make a decision and some timeframes for these next steps.”