Collaborative Divorce

A Better Way Forward

COLLABORATIVE DIVORCE: A BETTER WAY FORWARD

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INTRODUCTION

How This Booklet Can Help You

You are reading this booklet because you are facing one of life's most challenging transitions. Divorce is rarely easy, but the path you choose will make a big difference in how you, your children, and your family experience this process. This guide introduces you to Collaborative Divorce—an approach designed to help you navigate this difficult time with dignity, respect, and a focus on the future.

Ways to Use This Resource During Your Divorce Journey

Whether you are just starting to think about divorce or are already in the process, this booklet offers helpful guidance. You might read it from start to finish to fully understand Collaborative Divorce, or go directly to sections that address your current concerns. Keep it handy as you talk with professionals, consider your options, and make important decisions about your divorce. The checklists, questions, and resources included here can support you at each step.

Disclaimer: This booklet provides general information but should not be considered legal advice. Please consult an attorney for specific legal advice regarding your situation.

What Collaborative Divorce Offers You and Your Family

Collaborative Divorce offers an alternative to traditional adversarial legal battles. It provides a structured process where you and your spouse work with trained professionals to reach agreements that respect both of your needs. Unlike going to court, which often makes conflicts worse, Collaborative Divorce helps you:

- Keep control over decisions that will affect your life
- Protect your children from the harmful effects of parental conflict
- Create solutions that fit your family's unique situation
- Maintain relationships that will continue after divorce
- Build a foundation for effective future communication
- Reduce emotional and financial costs
- Keep the details of your divorce private

The Collaborative approach recognizes that while your marriage is ending, your family relationships —especially if you have children— will continue in a new form. By choosing Collaboration, you are taking an important step toward a healthier future for everyone involved.

> *"In my years working with families going through divorce, I've seen how courtroom divorces can tear families apart. Collaborative Divorce offers couples a chance to end their marriage with the same care and respect they brought to beginning it."*
>
> **— Collaborative Attorney**

WASHINGTON STATE DIVORCE ESSENTIALS

Legal Elements of Divorce

There are common legal elements (two in divorces without children, four in divorces with children) that all couples must address to complete their divorce.

Dividing Properties and Debts

Washington is a community property state, meaning all income received and debts incurred during marriage generally belong to both spouses and are subject to fair and equitable division. Separate property may also be subject to division in some circumstances.

Spousal Support (Maintenance/Alimony)

Spousal support is a transfer payment from one spouse to the other based generally on one spouse's need and the other's ability to pay.

Parenting Plan

A parenting plan is a court order that establishes a schedule of where your children will live and how decisions will be made for them, rather than using traditional "custody" terminology. It includes decision-making authority, residential schedule, and other key elements to guide your co-parenting relationship.

Child Support Obligations

Child support is a monthly, ongoing payment from one parent to the other to help pay for a place for the child to live, clothing, food, and other necessary expenses. To calculate child support, Washington uses a standardized schedule based on parents' combined income and the number of children in a child support worksheet.

PARENTING CLASS REQUIREMENT

Washington requires all parents filing a parenting plan to attend a court-approved parenting class (generally done online). Some counties accept participation in a Collaborative process instead of a parenting class because of the parenting skills and principles covered in the process. Ask your attorney if that is the case for your county.

CHECKLIST

Topics that might be discussed as part of your divorce:

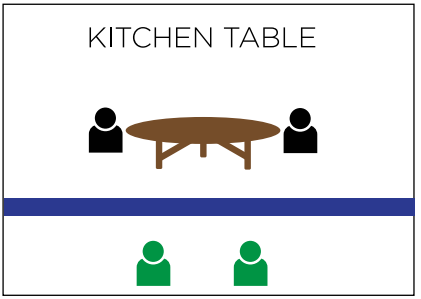
- ☐ **Parenting time arrangements**
- ☐ **Decision-making authority for children**
- ☐ **Child support amounts**
- ☐ **Spousal support/maintenance (alimony)**
- ☐ **Who keeps the family home**
- ☐ **How to divide retirement accounts**
- ☐ **Debt responsibility**
- ☐ **Value of a business or professional practice**
- ☐ **College education expenses for children**
- ☐ **Health insurance after divorce**
- ☐ **Tax implications of property division**
- ☐ **Pets and personal property**

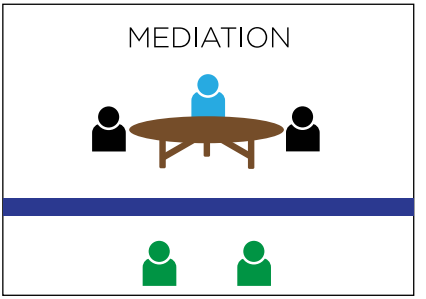
The more boxes you check, the more you might benefit from professional guidance in your divorce process.

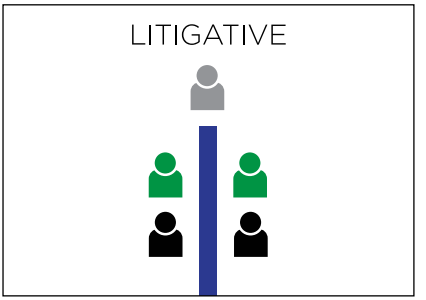
CHOOSING YOUR DIVORCE PATH

Understanding Your Four Conflict Resolution Options

Every family's situation is unique, and there is no one-size-fits-all approach to divorce. Choose one of four paths that best fits your circumstances, priorities, and relationship dynamics.







SPOUSE

ATTORNEY

MEDIATOR

OTHER SPECIALISTS

DIVORCE COACH

FINANCIAL NEUTRAL

SETTLEMENT MEDIATOR
ARBITRATOR/JUDGE

Represents who is inside the "room" talking to each other. In KITCHEN TABLE and MEDIATION, spouses may choose to get advice from attorneys, but attorneys are not part of the conversation with both spouses.

1) Kitchen Table Approach

When direct negotiation might work for you

The kitchen table approach involves you and your spouse negotiating directly with each other without professional guidance.

2) Mediation

How Mediation Differs From Other Approaches

In mediation, you and your spouse work with a neutral third party (the mediator) to resolve your divorce issues. The mediator does not make decisions for you but helps facilitate productive discussions. You may attend mediation with or without attorneys present.

3) Collaborative Divorce

In a Collaborative Divorce, both parties work with a team of professionals (two attorneys, a divorce coach, and a financial neutral) to reach an agreement on all the decisions related to the divorce.

Core Principles and Values That Will Guide Your Process

Collaborative Divorce is built on commitments to:

- Full and voluntary disclosure of relevant information
- Respectful cowmmunication
- Focus on interests rather than positions
- Creative problem-solving
- Child-centered decision making
- Privacy (keeping your divorce out of court)

Benefits For You, Your Children, and Your Future

The Collaborative process offers unique advantages:

- Team of professionals providing specialized expertise
- Support for emotional needs alongside legal/financial concerns
- More control over timing and pace

- Creative solutions tailored to your family's specific needs
- Better foundation for future co-parenting
- Protection of family relationships and children's well-being

When Collaborative Divorce May Be Your Best Option

Consider Collaborative Divorce when:

- You want specialized professional support
- Maintaining family relationships is a priority
- You have complex financial or parenting needs
- You want to avoid the adversarial court process
- Both spouses are willing to work together despite differences

4) Traditional Litigation Approach

What to Expect

A litigative approach to divorce is often the most familiar because it is the one most frequently depicted on TV and in movies. In litigation, you and your spouse hire attorneys to represent only your individual interests. Your case moves from attorney negotiations through the court system, with a judge making final decisions if you cannot reach an agreement. This process typically involves:.

- Filing divorce papers with the court
- Formal discovery (formal exchange) of financial and other information, and any motions (formal requests of the court)
- Court hearings for temporary orders
- Settlement negotiations and mediation before trial
- Trial preparation
- Trial (if a settlement is not reached)
- Final judgment from the court

How the Adversarial Framework Might Affect You

The litigation process is designed to be adversarial—it pits you

and your spouse against each other. This approach can:

- Increase conflict and emotional tension
- Make communication more difficult
- Create a "win-lose" mindset that may harm ongoing relationships
- Make it harder to co-parent effectively after divorce

Financial and Emotional Costs

Litigation is often the most expensive divorce option. Costs include:

- Attorney fees (which increase dramatically if motions are filed or you go to trial)
- Expert witness fees
- Court costs
- Lost productivity at work due to stress and court appearances
- Emotional toll on you and your children

IMPORTANT NOTE:

While Collaborative Divorce (or another nonadversarial path) works well for many families, traditional litigation may be the most appropriate option in certain situations. Court intervention and protections are often necessary when there is:

- Active domestic violence or coercive control
- Concerns about child abuse or neglect
- Untreated substance abuse or serious mental health issues
- A partner who refuses to provide financial information
- One spouse who is unwilling to participate in conflict resolution

Your safety and well-being—and your children's—should always be your top priority when choosing a divorce process.

COLLABORATIVE DIVORCE

The Collaborative approach is unique in that it brings together a team of professionals with specialized expertise to support you through your divorce.

Collaborative Team Members

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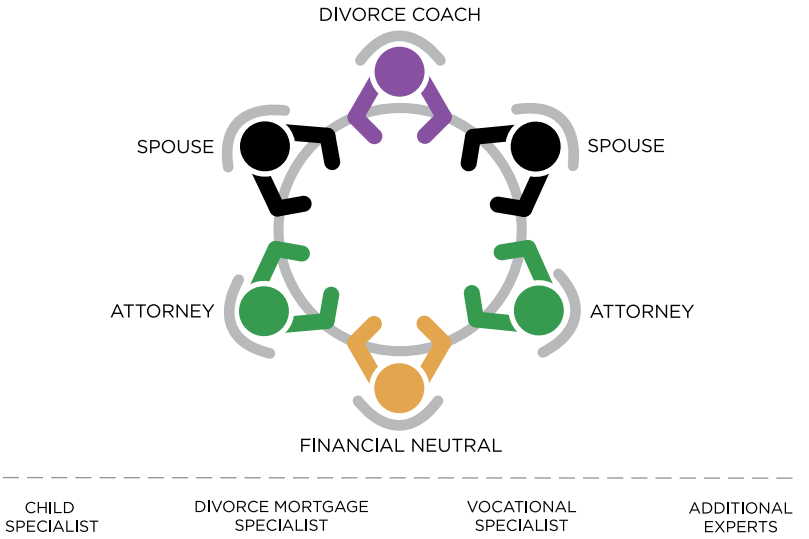

Attorneys

Your Collaborative attorney provides legal advice specifically tailored to your situation and helps you understand your rights and responsibilities. Unlike in litigation, your attorney works not only to advocate for your interests but also to find solutions that work for your entire family. Generally, you begin by hiring your Collaborative attorney, who will further explain the Collaborative process. Your attorney and your spouse's Collaborative attorney will then work together to help you assemble the rest of your team.

Financial Neutral

This financial professional works with both you and your spouse to:

- Gather and organize financial information
- Help you understand your complete financial picture
- Create different financial scenarios
- Develop budgets for your post-divorce life

Divorce Coach

This mental health professional helps manage the emotional aspects of divorce and improves communication by:

- Keeping discussions focused and productive
- Teaching conflict management skills
- Supporting you through emotional challenges
- For families with kids, they will also lead the development of your parenting plan

Child Specialist

In some cases, this professional may be recommended to meet with your children privately to understand their needs and concerns, then bring their perspective into the process without putting them in the middle of adult decisions.

Additional allied professionals that may be consulted:

- Divorce Mortgage Specialist
- Individual Coach
- Vocational Specialist
- Real Estate Agents
- Tax Professionals
- Business Valuation Professionals

Participation Agreement

After assembling your team, the Collaborative process formally begins with a Participation Agreement that you, your spouse, and all team members sign. This contract serves as the foundation for your Collaborative Divorce, outlining the key commitments that all parties make.

Commitments you and your spouse will make:

We agree to...

- Resolve all issues outside of court
- Use respectful communication
- Consider the needs and interests of the entire family
- Work toward mutually acceptable solutions
- Act with transparency and in good faith

PARTICIPATION AGREEMENT

This legally binding contract establishes the ground rules for your Collaborative Divorce. It includes a disqualification provision stating that if the Collaborative process ends without agreement, your Collaborative attorneys must withdraw and cannot represent you in court. This provision ensures everyone stays committed to finding solutions outside of court.

Collaborative Process Phases

The Collaborative Divorce process has five main phases.

1. Foundation Building

During this initial phase, you will:

- Review and sign the Participation Agreement
- Set high-end goals
- Discuss any temporary agreements, like the parenting schedule and housing

2. Information Gathering

In this phase, your team will help you collect and organize:

- **Property information:** Comprehensive listing of all assets and their values (real estate, vehicles, accounts, retirement, investments, etc.)
- **Income/debt documentation:** All income sources and outstanding debts
- **Budget information:** Current expenses and projected post-divorce needs

Your financial neutral will use this information to create a comprehensive picture of your finances. You will also meet with your divorce coach to review the parts of the parenting plan and to start developing parenting agreements.

3. Creating Scenarios

After you have helped your team gather all the necessary information, you start to brainstorm possible financial scenarios. This is where you start to put all the puzzle pieces together with professional expertise and support.

4. Evaluating and Refining Scenarios

During this phase, you will:

- Review financial reports
- Adjust scenarios as needed for your family
- Come to agreement

The goal is finding solutions that work for everyone, not “winning” at the other’s expense.

5. Drafting, Review, and Finalization

In the final phase, the professionals will create the necessary paperwork to provide to the court to finish the process.

How Meetings Work

Joint Sessions

Most of your work will happen in joint meetings with both spouses and relevant team members present. This transparent approach prohibits back-channel strategizing and helps prevent manipulation and misunderstandings.

Individual Sessions

You will also meet with your attorney one-on-one, and sometimes with one of the neutrals for specific support or education. For example, the partner with less financial knowledge may meet individually with the financial neutral to understand terms and calculations.

Professional Team Meetings

The professionals will also have professional-team-only meetings where they share progress updates and plan upcoming meetings. Remember that the process belongs to you and your spouse and will be tailored to your specific situation. Your professional team is there to guide and support you through each phase of the journey.

GOAL OF DURABLE AGREEMENT

The Collaborative process aims to create agreements that stand the test of time. A durable agreement:

- Addresses your unique situation
- Anticipates foreseeable future changes
- Helps plan for unexpected developments
- Creates a foundation for ongoing communication by addressing both legal and emotional needs of the family

Using a Collaborative Process Fulfills These Legal Requirements:

- **Your financial neutral helps gather information for accurate property division and support calculations**
- **Your divorce coach (and if needed child specialist) helps create a child-centered parenting plan**
- **Your attorneys ensure all paperwork is properly completed and filed, including:**
  - Petition for Dissolution of Marriage
  - Parenting Plan
  - Child Support Worksheets and Order
  - Property Settlement Agreement/Separation Contract
  - Final Divorce Order (Decree)
  - Findings of Fact and Conclusions of Law
- **The team approach ensures legal requirements are met while supporting your family's needs.**
- **Collaborative solutions often address issues not covered by standard court forms. For example:**
  - Plan for both spouses' future living arrangements
  - Create agreements on how parents will talk to kids about the divorce
  - Develop timelines for one person moving out
  - Tailor transitional residential schedules as one parent builds childcare skills
  - Plan for introducing new partners
  - Address pet sharing

IS COLLABORATIVE DIVORCE RIGHT FOR YOU?

The following factors suggest Collaborative Divorce might be a good fit:

- You and your spouse are willing to work together and communicate with each other, despite your differences
- If you have children, you both value a respectful co-parenting relationship
- You and your spouse prefer to maintain control over decisions about your divorce
- You are willing to listen to and consider your spouse's interests
- You value privacy during your divorce process
- You are committed to honesty and transparency
- You are open to creative solutions
- You want professional guidance, but want to avoid court
- You are willing to work toward mutually acceptable outcomes

Special Considerations for Your Situation

While Collaborative Divorce works well for many families, certain circumstances require careful consideration:

Domestic Violence

If you and your spouse have a history of domestic violence, Collaborative Divorce may or may not be appropriate. Court protections might be necessary to ensure safety during the divorce process. Your attorney can help you carefully assess whether sufficient safeguards can be put in place for a Collaborative process or if litigation may be better for your circumstance.

Substance Abuse Issues

The Collaborative Divorce process can sometimes work well when substance abuse is a factor. Since Collaborative Divorces operate outside of court, they allow spouses to address substance abuse problems constructively while maintaining privacy. However, this requires that the substance abuse issues are acknowledged and that there is a willingness to address them through treatment and accountability measures.

Mental Health Concerns

Mental health challenges do not automatically rule out Collaborative Divorce. However, these issues must be acknowledged, and there must be a willingness to address them with appropriate treatment and support. If a spouse's mental health condition prevents them from meaningfully participating or understanding the process, a different approach may be needed.

High-Conflict Relationships

Collaborative Divorce can be difficult for couples with high-conflict relationships. The process requires a baseline ability to communicate respectfully and consider each other's perspectives and interests. When extreme hostility exists, negotiations often break down and meetings become unproductive. Even with skilled professionals, some high-conflict couples find it impossible to reach agreements without court intervention.

FIRST STEPS: STARTING A COLLABORATIVE DIVORCE

Finding Your Collaborative Professionals

How to build your professional team:

- **Use Professional Directories.** Collaborative Professionals of Washington maintains a directory of trained professionals. https://collaborativeprofessionalsofwashington.org/membership-account/directory/
- **Seek Recommendations.** Ask friends, family, or therapists for referrals to Collaborative professionals they trust.
- **Start With Your Attorney.** Most people begin by finding a Collaborative attorney. Each spouse will need their own Collaborative attorney. You may want to meet with more than one person before making your choice. Find someone whose approach and personality feel right for you. Your attorney and your spouse's attorney will then help you assemble the rest of the team.
- **Look For Proper Training.** Collaborative professionals have undergone specialized training in the Collaborative process and in conflict resolution, and are members of professional organizations like Collaborative Professionals of Washington.

Questions to Ask in Your Initial Consultations

When meeting with potential Collaborative professionals, consider asking:

Attorneys

- What specific Collaborative training have you completed?
- How do you approach difficult situations when spouses disagree?

- What is your philosophy about the Collaborative process?
- My primary concern is [*fill in the blank*]; how have you helped other people with this?

Financial Specialists

- How do you help couples understand and divide complex assets?
- What is your approach to helping develop post-divorce budgets?
- How do you handle situations where one spouse has less financial knowledge?
- My primary financial concern is [*fill in the blank*]; how have you helped other people with this?

Divorce Coaches

- How do you help manage emotional issues during difficult conversations?
- What is your approach to helping develop parenting plans?
- How do you keep discussions productive when emotions run high?
- How do you keep a case moving forward if we both want to move at different paces?

Planning for Your Costs

Understanding and planning for costs is an important step in your divorce process. Your professional team can help you budget for your financial circumstances.

Fee Structures

Collaborative professionals typically charge hourly rates (this varies by profession and region).

"Retainer" or Advance Fee Deposit

Most professionals require an initial deposit against which they bill their time. The deposit is typically replenished as it is used.

Factors That Will Affect Your Final Cost

- Complexity of your situation (financial, parenting, etc.)
- How well you and your spouse can communicate
- Time needed to gather and analyze information
- Number of meetings required to reach an agreement
- Directing questions to appropriate professionals (financial questions to the financial neutral, etc.)

Cost Comparison

The Collaborative process may save money compared to litigation because you share the cost of neutral professionals, work more efficiently, and avoid court motion-related expenses.

Your Next Steps: A Summary

1. **Discuss the process with your spouse**
2. **Schedule consultations**
3. **Choose your attorney**
4. **Have an initial meeting with your attorney to prepare for your first joint meeting**
5. **Assemble your team**
6. **Sign Participation Agreement**
7. **Begin joint meetings**

Throughout this journey, remember that the process is designed to help you transition to your post-divorce life with dignity and respect. While challenging at times, the Collaborative process aims to create solutions that work for your entire family.

WHEN THE COLLABORATIVE PROCESS ENDS

Successful Completion of Your Collaborative Process

Finalizing Your Agreements
Once everything has been agreed upon, your attorneys will prepare a comprehensive settlement agreement, which, once signed, will be a binding agreement.

Filing Court Documents
Although the Collaborative process happens outside of court, a judge must still issue your final divorce decree. The attorneys will prepare the final orders for your signatures and submit the necessary paperwork to the court for entry.

Transitioning to Your Post-Divorce Life
Your Collaborative team can help you prepare for life after divorce. The team will provide clear direction for any additional steps needed, such as transferring property to complete the division of assets.

The skills learned during the Collaborative process—effective communication, focusing on interests rather than positions, and creative problem-solving—will serve you well post-divorce.

If Your Collaborative Process Terminates Early

While most Collaborative cases successfully reach agreement, some situations may lead to early termination. In this circumstance, your attorney will provide you with the next steps. Your Participation Agreement and the Uniform Collaborative Law Act, RCW chapter 7.77, will be applicable.

YOUR DIVORCE EXPERIENCE

Understanding Your Emotional Journey

Divorce is a disruption of the family. It is normal to have emotional responses to a significant life change, including anxiety, grief, fear, and uncertainty.

Remember that these feelings are not permanent. With time and support, you will develop new coping skills and begin to see possibilities for growth.

Divorce Grief is the natural emotional response to the end of your marriage. Unlike the grief that follows a death, divorce grief can be complicated by ongoing interactions with your former spouse, especially if you have children together. This grief often includes sadness, anger, relief, and confusion—sometimes all in the same day. Acknowledging and processing these feelings, rather than avoiding them, helps you move toward healing.

How Your Divorce Affects Your Children and Family Dynamics

Children experience divorce differently from adults, but they are deeply affected by how you and your spouse handle this transition. They may worry about losing their relationship with one parent, changes in their daily routines and home life, and how to manage their loyalty to both parents. Understanding these concerns can help you provide the reassurance and stability your children need during this challenging time.

How You Can Move From Crisis to Opportunity

While divorce is challenging, it can also be a chance for positive change. Many people discover strengths they didn't know they had and build more authentic lives after divorce. This transition can be an opportunity to:

- Develop different relationship dynamics
- Build better communication skills
- Create healthier boundaries
- Model resilience for your children
- Build a more fulfilling future based on your values

Why Your Choice of Divorce Approach Matters

The path you choose for your divorce significantly affects everyone involved, especially children. Your choice influences the emotional impact of the divorce on your family, your family's future financial well-being, your ability to co-parent effectively, and how quickly you can move forward with your life. The approach you select today will shape not only the immediate experience of ending your marriage but also the foundation for your family's relationships and healing for years to come.

> *"In my work with divorcing families, I've found that how couples handle this transition matters more than the divorce itself. Children are remarkably resilient when parents can minimize conflict and maintain respect for each other. Your divorce is a chapter in your family's story—not the whole book."*
>
> ***— Family Therapist***

RESOURCES

Legal Information and Assistance

Washington Law Help
https://www.washingtonlawhelp.org

Free legal information and self-help materials covering divorce, parenting plans, child support, and property division.

Washington Courts Website: https://www.courts.wa.gov and Your County Court Website

Forms, instructions, and information about court procedures.

County Law Libraries

Legal research materials and resources are available at county courthouses.

Collaborative Law Resources

Collaborative Divorce Washington
https://collaborativedivorcewashington.com

Information and FAQs on the Collaborative Divorce process in Washington.

Collaborative Professionals of Washington

https://collaborativeprofessionalsofwashington.org

Directory of trained Collaborative professionals throughout the state offering resources to support families through divorce.

Low Income and Moderate-Means Programs

Reduced Fee Program for Collaborative Divorce by King County Collaborative Law
https://kingcountycollab.org/reduced-fee-program/

Provides Collaborative Divorce services to income-qualifying residents throughout Washington State, not just King County. A team of professionals agrees to work at reduced rates based on your household income.

Northwest Justice Project
https://nwjustice.org/home

Legal assistance for low-income individuals. Also provides county-specific information for programs throughout Washington State.

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https://collaborativedivorcewashington.com