



# Collaborative Divorce

## Collaborative Practice

The Collaborative Divorce Process avoids the traditional adversarial process of going to court. It puts you and your spouse in charge of all decision-making, allowing you to determine the most fair and appropriate solutions for you and your loved ones.



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## Collaborative Divorce Process

Collaborative Divorce (Collaborative Family Practice) is a new dispute resolution process in Singapore. It is a suitable process for couples who have decided to separate or divorce. Through negotiation, it can avoid the lengthy and costly process of a contested divorce.

The goal of the Collaborative Family Process is to help couples to work successfully within the Collaborative Law Structure to achieve a positive outcome for both parties whilst trying to avoid the social, emotional and economic strains, a traditional divorce can have.

A Collaborative Divorce is a voluntary, client-centered process, where each party engages their own Singapore Dispute Resolution Centre accredited lawyers who work together towards achieving an amicable result for their clients.

The lawyers act to facilitate the negotiation between the spouses, giving couples greater control over the entire process, and more importantly, over their decisions. Ms. Gloria James is amongst the first batch of lawyers in Singapore to receive such accreditation.





Collaborative Divorce is founded on the following principles:

- A pledge not to litigate in Court.
- An open, honest and voluntary approach to the exchange of information.
- A commitment to work towards solutions that take into account the highest priorities of both parties and their children.

The Collaborative Divorce process can be used to address all of the issues addressed under the traditional divorce process, such as:

- Child custody care and control, child access
- Spousal and child maintenance
- Division of matrimonial assets

Besides divorce, the Collaborative Process can also be used in other family law matters such as annulment, legal separation, pre-nuptial and post-nuptial agreements.

# How does the Collaborative Divorce process work?

- Both you and your spouse will engage a Collaboratively-trained family lawyer who has been accredited by the Singapore Mediation Centre.
- In your initial meeting with your lawyer, your lawyer will discuss whether the Collaborative Process is suitable for your circumstances.
- Both parties and your respective lawyers will undertake and make an agreement not to go to Court. This removes the threat of litigation, which can often overshadow and be counterproductive to negotiations.
- Parties must also make full and frank disclosure of any required information, ensuring a more open and cooperative environment in which the parties can work through the issues at hand. TRUST is of outmost importance here.
- The Collaborative Process is confidential, meaning the terms of your settlement will not be made public. All discussions and documents are legally privileged and conducted on a “without prejudice” basis, meaning that they cannot later be used in Court proceedings should no settlement be reached, with the exception of financial disclosures.
- Most of the negotiations will take place at face-to-face four way meetings involving you, your spouse and your respective lawyers. This allows you and your spouse to be in control of the negotiations and reduces misunderstandings.
- Correspondence between your lawyers is kept to a minimum apart from the exchange of meeting minutes and discussion points for future meetings.
- Once settlement has been reached, your lawyers will draw up a settlement agreement which will be filed in the Court as a draft consent order for approval. The Court will seal the terms and turn them into a Court Order.



## Collaborative Divorce FAQ`s

### Is the Collaborative Divorce Process in Singapore suitable for me?

CFP may be the right choice for you if you seek:

- A dignified approach to handling your divorce.
- A fair and non-aggressive resolution of the issues based on the best interests of the family, not just the individual.
- Guidance, support and advice on legal issues without the threat of fighting in Court.
- The opportunity to work through the emotions and avoid misunderstandings so as to arrive at sound, well-thought out decisions.
- To avoid the costs and emotional strain of Court Proceedings.
- To make your dispute and the terms of settlement confidential.

### How do I start the Collaborative Divorce Process?

First, you need to contact a Collaborative Family Lawyer. In order for the process to be effective, it is important that you choose a lawyer who has been trained in Collaborative Family Law. The Collaborative approach requires a special set of skills in guiding negotiations and in managing conflict. There are currently only a few lawyers trained in the Collaborative Process in Singapore.

## **Will my lawyer still protect my rights?**

Your lawyer is your advocate throughout the Collaborative Process and is committed to helping you achieve your reasonable settlement goals. However your lawyer will not adopt the adversarial role he or she would adopt in Court proceedings. The lawyer's goal is to help you negotiate in a respectful and cooperative manner to achieve an outcome that is in the best interests of both you and your family. The lawyer will focus on educating you and advising you on the issues at hand and your options so that you can have control over your decision-making process.

## **How do I get my spouse to agree to the Collaborative Process?**

Discuss the process with your spouse and the benefits for both of you. You can encourage your spouse to read some of the literature on the process and also refer your spouse to this website. If your spouse is still unsure, you and/or your spouse could contact a Collaborative Lawyer for some more information.

## **What if we cannot reach a settlement?**

Your Collaborative Lawyers cannot act on your behalf in Court proceedings because they have signed the undertaking not to litigate. The Collaborative Lawyer will brief your trial lawyer to assist them with the transition from the Collaborative Process to litigation.