

## A HEALTHIER WAY TO DIVORCE: THE COLLABORATIVE PROCESS

Divorce is inevitable for about half of marriages. The Collaborative Process provides a respectful divorce, where each client is represented by a Collaborative attorney, and all commit that the issues of the dissolution will be resolved without court intervention.

It is well known, both clinically and anecdotally, that a divorce is a highly stressful life event. Children and adults who experience divorce can suffer “toxic stress,” resulting in a high risk of physical and mental illness. Researchers have studied the effects of stress on physical health for decades. The Adverse Childhood Experiences, or “ACEs” test, asks ten questions about events in a child’s life, with one point given for each positive response. The divorce of parents is on the list, and behavior often leading to the divorce (addiction, abuse, etc.) are others. A score of 4 indicates a heightened risk of serious adult illness. A higher score correlates with greater risk of serious physical illnesses - diabetes, heart disease, stroke – and mental illness– depression, alcoholism, addiction.

A test that measures the effect of stressful events at any age on physical health is the Holmes and Rahe stress scale, which attributes a numbered score for each item on a list of life events. Scores for most divorcing people are well within the zone for risk of serious physical illness down the road.

Litigation does nothing to bring those numbers down. In a litigated divorce, the parties submit their dispute – parenting of the children, the distribution of property, and the redistribution of cash flow - to a stranger to the family called a judge. Over 90% of litigating parties reach a settlement, but usually not before expensive disclosure, mediation, and protracted court proceedings. Attorneys are frequently thought of as “warriors,” who go to “battle,” with a winner and a loser. That mindset alone creates stress for both parties and is especially harmful to the children.

Other high stress impacts of litigation are:

- the indignity of surrendering one’s own authority to the authority of the Court;
- the conflict inherent in positional bargaining: e.g.: “I want as much as I can get,” met with, “I’m not paying anything;” and
- publicity of court filings and proceedings. No wonder judges use the Collaborative process themselves.

While every divorce is stressful, it does not have to be toxic. A Collaborative divorce is a healthier divorce. Using “interest-based negotiation,” common concerns are found and met with creative solutions. The entire family’s emotional, physical and financial wellness are of primary concern. Formal disclosure is dispensed with, replaced by transparency and open communication. Other collaboratively-trained professionals may assist. Mental health professionals can help address issues such as addiction, or depression, privately and professionally. Financial professionals generate options for resolution in complex financial cases.

If you are considering divorce, the health and wellness of your family will hinge on the decisions you make. For more information, start here: <https://www.kellyforstlaw.com/what-we-do.html>

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