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Split divorce

'Collaborative divorce' helps people avoid judges, confrontation and drama

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Published 12:00 am PST Sunday, January 14, 2007

Story appeared in SCENE section, Page L1

Collaborative divorce" sounds a little like "tea-party rumble," "peaceful war," "polite battle" -- pick your own contradictory pair.

But it is an up-and-coming way for couples to work together on taking apart their marriages.

When Lori and Bob Tricarico decided to divorce in 2004 after 16 years of marriage, they wanted to spare their daughters, then 12 and 10, from the fallout.

"They were very much our main concern; we wanted to go through the whole divorce process in a way that would be the least damaging for them," says Lori Tricarico, 40, talking by phone from her home in the Atlanta area.

The Tricaricos say they found the solution for their dissolution in a collaborative divorce. At the heart of the procedure is the belief that the old-school adversarial legal split leaves both spouses at a loss, in pocketbook and in spirit.

It works on the idea that though it takes two to tangle, it takes a team to split up. The team is built around one attorney for each client, and the divorce settlement is reached through four-way sessions. Typically, each spouse also has a divorce coach (a mental-health professional) and the couple may share a financial specialist and child specialist.

"What we're finding is when clients hear about the collaborative process, they tend to choose it," says Hal Bartholomew, an attorney who co-founded the Sacramento Collaborative Practice Group in 1998. "I think in five to 10 years people will see collaborative divorce as the No. 1 way to go."

The divorce is then negotiated by the couple, with assistance from the team.

"What I like about collaborative is that it's the clients' process. In the legal system, it's not their process; it's the court and legal process,"

Bartholomew says. "When you settle on the courthouse steps, it's under pressure; in collaborative, you have time to think about it."

The collaborative approach requires a commitment to staying out of court until an agreement is negotiated, whether it's divorce or some other dispute. Attorneys and other team members promise to not represent either spouse should the effort fail and the couple moves on to a litigated divorce.

Leaving battle plans behind

Three years after the Tricaricos initiated their divorce, they are still glad they went the collaborative route.

"I had heard so many horror stories about divorce," says Bob Tricarico, 40, speaking from his home in the Atlanta area.

"We were looking for a way where we could end up not hating each other," he says. "If Lori and I had gone through a traditional divorce, it would have gotten ugly. Now there's not that anger."

Lori Tricarico agrees.

"You hardly want to use the word 'wonderful' in the context of divorce, but it really was as smooth as it could have been," she says. "It was therapeutic as far as everyone got their concerns aired, and everybody left feeling like they didn't get taken to the cleaners."

They both say they felt supported by all members of the divorce team.

"I felt like I had an advocate with my lawyer and with her lawyer," Bob Tricarico says. His attorney would go so far as to remind him to consider what his wife was feeling.

The entire process took perhaps a half-dozen meetings, cost less than \$10,000 and was completed within four months.

The Tricaricos recommend the process not just for the divorce but for a longer-term reward: learning how to forge a healthy ongoing relationship as co-parents.

"I think the process being amiable set the stage for us to move forward in a positive direction," Lori Tricarico says. "He and I don't bash each other."

Less conflict, happier kids

Among the supporters of collaborative divorce is Constance Ahron, a psychologist and sociology professor who wrote the oft-cited books "The Good Divorce" and "We're Still Family."

"I'm very much in support of the entire concept; it works toward parents moving away from being adversarial," Ahron says in a telephone interview from her home office in San Diego.

Ahron says the children of divorce suffer the most when they are exposed to the most parental conflict. Traditional divorce often deepens such conflict.

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