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Law may ease divorce proceedings

A bill in the Legislature, backed by Brandon Sen. Tom Lee, seeks to promote "collaborative divorce," smoothing out the process when a couple splits up.

BY MARY MASHKE
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BRANDON — Collaborative divorce may seem like an oxymoron. But the trend of simplifying the process, avoiding long court battles with teams of lawyers, accountants and counselors, appears on the rise in Florida and across the nation.

State Sen. Tom Lee, R-Brandon, backs a bill that would create the Collaborative Law Act and facilitate out-of-court settlement of dissolution of marriage and paternity cases.

Lee champions the bill in part because divorce proceedings have created a backlog of cases that is consuming judicial resources. But he also

worries about the toll that protracted battles can have on families.

"These cases have significant societal costs, as family law cases are often acrimonial," Lee wrote in an email. "It is often impossible to shelter the litigants and their dependent children from the dramatic psychological and economic consequences

of protracted litigation."

Lawyers and family professionals across the United States are embracing the alternative approach by forming groups such as Next Generation Divorce, a team that recently partnered in Brandon to resolve marriage dissolutions without litigation. They say they hope to help families avoid courtrooms and return respect, dignity, and privacy to the divorce process.

Lawyer Ingrid Hooglander, one of the Next Generation Divorce mem-

bers, describes collaborative divorce as a "breath of fresh air."

"When we first started hearing about it, I was like, 'Oh, doesn't that sound nice?' Then I went to two trainings and actually really liked the idea," Hooglander said. "I had a chance to do some (collaborative divorce cases) and it's actually been very refreshing."

Although each case is customized, here's how collaborative divorce works: once spouses have agreed to a
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There are "societal costs," said Sen. Tom Lee, R-Brandon.

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collaborative divorce, they choose the other team members from a list of collaboratively trained professionals.

The team consists of the spouses, two attorneys (one representing each spouse), a licensed mental health counselor who serves as a neutral facilitator and a neutral financial expert.

The spouses then meet with the facilitator.

"The facilitator, in my estimation, is the most significant team member," said lawyer and Next Generation team member Tanya

P. O'Connor. "They are in a unique position of connecting on a very personal level with the clients.

"They report to the rest of the team and identify issues that need to be handled."

From there, the team engages in meetings to negotiate various terms such as the distribution of property and child support.

"A central tenet to the collaborative process is that collaborative attorneys cannot represent their clients in any subsequent litigation," Lee wrote. "This provides the parties and lawyers with an incentive to amicably settle without resorting to traditional litigation."

Collaborative profession-

als suggest the process whenever possible, especially in cases involving children.

"I suggest it in just about every case," Brandon family law attorney Mark Moon said. "The only reason I don't recommend it, is either when the case is very simple with not a lot of issues, or when there are extreme issues ... things like domestic violence, hiding money or lying.

"The collaborative process is based on everybody playing by the rules."

When compared with divorce litigation, collaborative divorce is more economical, but the biggest benefit may be emotional.

Rachel Moskowitz, a licensed

mental health counselor, decided to become a collaborative divorce facilitator when she found out about Next Generation Divorce through another therapist.

"When I heard about it, I was absolutely on board," Moskowitz said. "I know how bad it is dealing with all the issues involved in divorce before, during, and after, and just how bad typical courtroom litigation is on people.

"If divorce is the option, collaborative is the best thing, in my opinion, for people. You're working out issues in a healthy way."

Although collaborative divorce is already practiced by some family law lawyers in the state, Lee's bill (SB462) would

make Florida the 12th state to establish a specific law regulating the practice. The Senate Judiciary and Senate Rules committees have approved the bill, and its house counterpart, sponsored by Rep. Ross Spano, R-Dover, has passed the House Civil Justice Committee and the Judiciary Committee.

O'Connor is hopeful. "I'm very passionate about the



Ingrid Hooglander, from left, Tanya P. O'Connor and Rachel Moskowitz are part of Next Generation Divorce, a team that recently partnered in Brandon to resolve marriage dissolutions without litigation.

process," O'Connor said. "I see it as a promising future for our families."

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