

Preserving Assets and Stretching Dollars—Divorce in Difficult Times

The headlines are everywhere—businesses closing, jobs lost, stock market plummeting, mortgages foreclosed. If one or more of these has not happened to you, it has happened to someone you know. If you have been considering divorce or you and your spouse are facing the end of your marriage, you may be wondering how you can disengage from each other and move on with your lives in these economic times.

While going to Court and letting the Judge decide the issues was the traditional divorce method in the 20th century, current times offer options.

In *mediation*, the parties chose a neutral facilitator to help them determine the outcome of the divorce. They consult attorneys throughout the process who guide them in the law and possible options to suggest or consider. The parties conduct the negotiations with the help of the mediator and the result meets the needs of the individual family as it will be reconstituted.

Another process, growing in popularity, is *Collaborative Practice (CP)*. In CP, all aspects of the negotiations are resolved in team meetings utilizing the expertise of various collaboratively trained professionals including attorneys, mental health professionals and financial professionals. By maximizing the contributions of the various professions, parties minimize time and expense and utilize the expertise that each profession brings to the process.

Both of these methods focus on the individuals and their family. They help the parties forge an outcome that meets their unique needs and interests rather than getting bogged down in completely opposing positional stances. By maintaining that focus, costs are kept from ballooning out of control, resources are maximized and decisions are made based on needs rather than positions. Interest-based negotiation, tax analysis, income and asset projections, sharing of family expenses and professional resources are the tools that will stretch the dollars and preserve the assets.

Which process is right for you and your family? Lynda J. Robbins, an attorney trained in mediation and Collaborative Practice who has 30 years experience as a Massachusetts attorney and mediator can assist you in choosing a process that will maximize your ability to allocate your incomes while preserving assets.