

The ties that Unbind, How to Plan the Perfect Divorce!!!

The dollars and sense of divorce really require a big picture approach. In Canada like the United States there are three distinct paths to unbind and plan the perfect divorce.

We are all aware of the conventional pick your lawyer and go to battle approach that can ultimately end up in a court of law. This is the most common approach but also the most expensive and usually the one that produces the least satisfactory results. Lawyers are trained to be adversarial and to go for the guts. For the most part they are not financial people and are only equipped with the tools to recognize the financial situation as it sits at the time of the matrimonial split. In today's environment individuals are realizing that it is just as important or even more important to realize what the future value of what is being agreed on today will be down the road. A Certified Financial Divorce Analyst can help in these matters. By analyzing this one aspect of the entire process, a well-trained Financial Divorce Analyst realizes what the assets represent both emotionally and financially and helps to facilitate a quicker easier road to settlement. Debbie Hartzman, CFP, CFDA has just returned from a conference of Financial Divorce Analysts, in New Orleans's. She says, "This is a fascinating practice that is long past due. Since my certification in 2003, I have helped settle cases that had been waffling for 3 or more years. My perspective is to help the couple live a comfortable life after divorce".

Mediation is another path to unbind. Realizing that most mediators are either lawyers or health professionals, Debbie has embarked on the formal training process to become a certified mediator from a financial perspective. Unless there are issues regarding children the major issue in divorce is the separation of assets. It only makes sense that a financial mediator has the tools and skills to help in this area. It is a natural path for a Certified Financial Divorce Analyst to pursue. "Being cross trained in the Mediation and Collaborative Divorce" enables me to work with lawyers in a team approach". With mediation each client still needs to retain a lawyer but most of the conflict issues are resolved by the time the parties meet, and it is then an issue of a legal document being drawn to secure the agreement. This reduces the cost, time and emotional energy required to come to an equitable settlement. Unlike the traditional method, people who opt for this process own their decisions and are usually much happier with the outcome of their settlements. Statistically speaking it has been proven that over time these agreements are challenged less than settlements that have gone through the court system.

A new and emerging process for couples going through the divorce process is called Collaborative Family Law; this is yet another way for people to resolve family disputes. This type of resolution was started in the United States and has moved its way east across Canada. The difference between it and Mediation is that once a couple decides that they are going the route of Collaborative, they must agree that they will not challenge any part of the settlement in a court of law. A team of professionals are assembled, including lawyers, financial analyst, social worker, or other mental health professional (if children are involved) and their goal is to work in the best interest of both parties to come up with a fair and equitable resolution to the issues surrounding the divorce. Although you may be paying for the time of more than one professional, the entire process is less expensive than a traditional approach because the time it takes to come to an agreement is much less than the process of going to court. The downfall of this process is that if the couples hit a snag and find they have to go to court to resolve an issue, then the entire team must be released and new lawyers hired.

In keeping with the spirit of a team approach, Debbie Hartzman.CFP. CFDA. will host a seminar with Tina Fasano a local lawyer who practices Collaborative Family Law, and several other related professionals on April 20th, 2004. This will allow individuals to come and explore the issues, and understand the options in regards to divorce.