

Lifestyle

Working together

Collaborative divorce law opens lines of communication

By Wendy Foster
Correspondent

Divorce by nature is painful and life-altering. It need not, however, be hideous and destructive any longer.

Since the early 2000s, collaborative divorce law has been available in Illinois.

This emerging practice is based on a commitment by both spouses to dissolve the marriage without causing further destruction to the relationship.

Theresa Beran Kulat, a collaborative divorce attorney in Downers Grove, said that collaborative law is a holistic approach toward dissolution of marriage which takes into consideration more than just the legal aspects of divorce.

"It also looks at the lives involved, how the divorce will affect relationships, especially with kids," she said.

Anne Chestney Mudd, a collaborative divorce attorney who lives and works in Western Springs, noted that this holistic approach "keeps people whole as opposed to tearing people apart. This is especially true in relationships where there needs to be an ongoing connection. It makes more sense to keep the communication open."

Point of view shift

Before the existence of collaborative law, divorce proceedings were usually litigated, which by design, Kulat said, was adversarial. Attorneys were hired by both parties to fight.

"The lawyer would see the job as winning, getting the best deal for their client without consideration for the spouse. That's the old model. To fight for you," she said. "When you recognize that as a family, especially if there are children when a couple divorces, it's important that both parties have their basic needs met. In collaborative law, parties hire lawyers but the role is different. The role is to educate the client and inform them of the law, but to do so in order to help them negotiate their own solution.

"With a litigated divorce, you can basically kiss the relationship goodbye. The lawyers' job is to pull the parties further apart. If you think there's a chance, collaborative divorce is the way to go," Kulat said.

Mudd agrees.

"I believe that people can do divorces peacefully, and I truly believe that it's not a divorce that hurts children. It's the bad communication and bitterness that surrounds them that's much more destructive," Mudd said. "Having two homes rather than one is not the main destructive factor. It's when parents are ugly to one another and the children are exposed to bad communication between

parents, where parents are putting their children in the middle of disagreements and fights. Those are the bad things and that's what happens with litigation."

A particularly unique characteristic of collaborative divorce proceedings is that the predominance of the work is done during four-way meetings. Although basic information gathering can be done privately between the individual attorney and client, "ultimately the two parties have to make their own decisions," Kulat said.

Consequently, collaborative law greatly diminishes the influence of the court system. The spouses and their attorneys work out the settlement agreements and then bring papers to the court, thus avoiding hearings and not having to rely on the timeline of the court.

"One of the most wonderful things with collaborative divorce is that people follow the decisions that are reached because they've made them themselves instead of having them imposed on them by a judge. So they're invested in the agreement because it's theirs," Mudd said.

There is likely to always be a need for some litigated divorce cases. Litigation is appropriate when the parties involved are truly "in opposite corners," Kulat said. For instance, she said that litigation could be preferable "if we don't have two adults with integrity. When one spouse is an alcoholic or abusive and the responsible spouse wants to protect the children from that, they may need the procedures and protection of the court system."

But when a couple has grown irreparably apart, and the mutual objection is to get on with your post-divorce life without hurting one another, a collaborative approach is typically preferable.

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Theresa Beran Kulat
collaborative divorce attorney

Call in the coach

Most often, the collaborative divorce procedure includes specially trained team members to streamline and facilitate the process. Linda Lucatoro of Burr Ridge is a professional coach and trained divorce/family mediator.

"Think of a divorce coach in these terms. You have a goal and you use a coach to help plan your strategy one small step at a time," Lucatoro said.

Lucatoro said that when she meets with clients prior to the beginning of divorce proceedings, her role is to help educate them about their options.

"My coaching role is based on an educational model to help people learn, to educate them about their options," Lucatoro said. "One of my goals is to help my clients be as knowledgeable and prepared as possible when they enter the legal part of the divorce, so that it goes smoothly, they work well and have realistic expectations.

"Divorce causes a lot of stress and anxiety just due to the nature of what it is, and if the client has unrealistic expectations, it creates more anxiety," she said.

Lucatoro sometimes meets with clients just once, and in other instances, provides services through the course of the divorce proceedings.

"I help the clients to understand that there are challenges, to understand their motivation and needs so they can understand what their personal obstacles might be. Once they get through and understand the emotional piece, it makes it easier to get through the legal and financial part," Lucatoro said.

Unlike collaborative divorce attorneys, as a coach, Lucatoro will also support clients who are going through a litigated proceeding.

Happily ever after

The best component of a collaborative divorce proceeding is the aftermath.

"I get clients who are satisfied and happy with their lives after it's all done. One client told me she was proud of the way she'd conducted herself and she took responsibility and now her life is good. She can talk with her ex-husband and he'll come over and help her if she needs. To me that's really, really important," said Kulat.

She is her own best testimony to the fact that relationships can be preserved in the aftermath of collaborative divorce. Kulat and her former husband live and work in close proximity to each other, and remain respectful friends after their own collaborative divorce. Kulat said people are constantly amazed at their continuing friendship.

"One of my favorite sayings is 'the best thing is a good marriage. But a good divorce is better than a bad marriage.' That's my personal opinion. I work to get people good divorces and heal those bad things that were holding them back," Kulat concluded.

Reference guide

For more information about collaborative divorce law, visit:

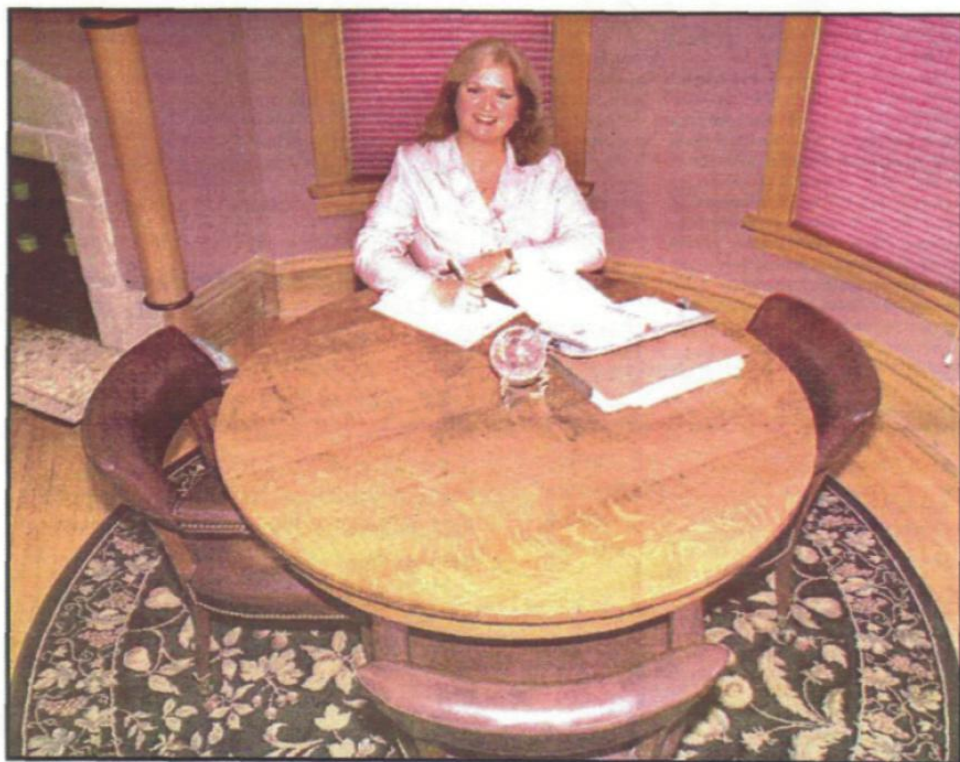
- www.collablowl.org;
- Theresa Beran Kulat's Web site at www.integralfamilylaw.com; or
- Anne Chestney Mudd's Web site at www.annemudd.com.

For more information about divorce coaching, visit:

- Linda Lucatoro's Web site at www.divorcenet.com.

For more information about divorce services, visit:

- www.illinoisdivorceresources.com.



www.libertysuburban.com/snapshots/194357

Staff photo by Ron Koopmann

Theresa Beran Kulat practices collaborative law, a holistic approach toward dissolution of marriage that takes into consideration more than just the legal aspects of divorce. Even her office in Downers Grove has a round table with a round rug on the floor, which demonstrates the very essence of this type of law: There are literally and figuratively "no sides of the table" for divorcing couples.