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The members of the North Shore Collaborative Family Law Group include Cathie Hurlburt (front, from left), Deb Lynn Zutter and Kerry Somerville; Pat Bond (second row, from left), Bea Fogelberg and Shamim Shivji; Nikita Crook (third row, from left) and Cheryl Bell-Gadsby; Debra Walsh (back, from left), Claire Sutton, Alyson Jones and Shellagh Sparks.

Collaborative divorce can ease trauma, costs

HOUSEHOLDS | Agreeing to stay out of court opens door to solutions that respect all parties

BY MICHAEL KANE
VANCOUVER SUN

Breaking up is never easy and ending a marriage is often costly, but divorce doesn't have to descend into long, crippling expensive and emotionally draining legal warfare.

There is a kinder, gentler way that shuns the court system, say Cathie Hurlburt, Erica Reznik, Kerry Lynn Somerville, Debra Walsh, Deb Zutter, and their fellow professionals in the North Shore Collaborative Family Law Group.

Collaborative divorce sounds like an oxymoron, but agreeing to stay out of the courts opens the door to positive solutions that respect all parties, including the children.

It may even save money, although Hurlburt, one of two registered financial planners in the group, doesn't think so.

"I don't think it costs a whole lot more but I think you spend money on different things and end up with better value because you get emotional and financial support."

The emotional backing comes from lawyers, separation and divorce coaches, and child specialists who have all

undergone mediation training to help clients overcome anger, denial and other barriers to potential win-win solutions to such issues as child custody and division of assets.

The money savvy comes from financial divorce specialists like Hurlburt who introduce a longer-term perspective to help both parties understand the implications of what they are accepting or offering.

While a mom's priority might be to keep the house, for example, a financial adviser can determine if her earnings, spousal support and child support will be enough to pay the ensuing bills.

"What happens in a divorce is that people tend to compartmentalize decisions instead of looking at the big picture," said Hurlburt, of Vancouver's Integrated Planning Group. "Should you trade off the house for pension assets, or is that a good deal?"

Tax efficiency in the division of assets and the smart use of government programs are also issues that tend to get overlooked in the traditional adversarial divorce where the focus is on grabbing the biggest share of the available pie without looking at the long-term cost.

For example, Hurlburt

determined that one divorcing mom would be entitled to \$900 monthly in Child Tax Benefits while raising the children. "That was \$900 less required in spousal support and all of a sudden the pie they had to divide got bigger."

Similarly, it can make sense for the lowest-income parent to declare registered education savings plan contributions on his or her tax return to qualify for the supercharged Canada Education Savings Grant.

Coming to terms on such issues requires a willingness to negotiate and communication skills which may have been lacking in a failing marriage. That's where the lawyers — each party still requires their own — and divorce coaches like Erica Reznik come in.

The coaches work with the clients and the lawyers to de-escalate conflict and prevent additional wounds that are sometimes inflicted in traditional adversarial matrimonial law, said Reznik, a registered clinical psychologist.

"We work very collaboratively to help everyone move towards a mutual goal. In the process, the clients are learning new skills for their co-parenting down the road."

Child specialists like Debra

Walsh, a registered clinical counsellor, are brought in to give the children a voice.

"Having worked with children of divorce for many years, I have to say the collaborative approach is a good way to go when the parents are really concerned about minimizing trauma for the kids," Walsh said.

Specially trained lawyers like Kerry Lynn Somerville and Deb Zutter say they still look out for their client's interest but that is best served by finding solutions that benefit the whole family.

"I think the big difference for clients is that they are not faced with a judge in a courtroom making decisions for them," Somerville said. "They make their own decisions."

Zutter, who is writing a book about preparing for mediation, says litigation can be much more expensive than collaborative divorce when both parties are trying to convince a judge that they are right and the other party is wrong. Collaborative divorce costs are minimized when the atmosphere is non-adversarial.

Zutter maintains a website at www.debzutter.com and the Legal Services Society of B.C. offers more information at www.familylaw.lss.bc.ca

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