

## **Unbundling the Myths: The Role of Myths in Assessing Readiness for Collaboration**

Often the “elephant or the herd of elephants” in the room are the unspoken myths that exist regarding what the Collaborative Divorce Process is or is not. These myths lead to unrealistic expectations that, if not addressed, can eventually implode the Collaborative process. In this month’s TIPS we are going to unearth and unbundle some of those myths for you.

**Myth #1: Because there is no Judge in the room to hold the client’s accountable, there is a myth that one client can take advantage of the other.**

**Truth:** Despite not having a Judge, there are multiple professionals in the room and the primary focus of all of them is accountability. Each party has their own team, including their own attorney and coach. In addition, there is a financial neutral and, if children are involved, a neutral child specialist on the team. All members of the team are responsible to identify and neutralize any power imbalances holding each other and the clients accountable throughout the process. Moreover, team members are expected to NOT posture and create power imbalances to begin with. If this occurs, the team is responsible to call it out and end it. The team’s mission is to make sure both clients have the financial and other information specific to their case, as well as an understanding of their rights under the law, so that they can make informed decisions.

**Myth #2: Fault has a better playing field in Collaborative Practice than it does in the courtroom.**

**Truth:** Clients may think they can get compensation for the bad behavior of the other party in Collaborative Practice when they already know it may not be relevant in the courtroom. However, even if the bad behavior is irrelevant in the courtroom, fault still has a powerful, if covert, impact on the party’s ability to hear and process information and then make decisions in the courtroom. In the courtroom, even if fault is irrelevant, it is still often the most important thing on a party’s mind. In collaborative, the fault, guilt, anger, shame, and betrayal can be addressed with coaches so that parties can then move on to hearing each other, processing information and making better, practical decisions. While the legal outcomes may not be significantly different, using the Collaborative Process to reach those outcomes is much more emotionally constructive and positive for both clients.

**Myth #3: There is an absence of Power.**

**Truth:** The power is in the process and the decision-making power belongs solely to the clients. The team empowers the clients by supporting them, informing them, guiding them and calling out power imbalances throughout the process. The clients and all members of the team are responsible for moving the case forward. The team is there to support the clients in making their own decisions. The team assumes that the clients have the strength and ability to make the best decisions for their own family. The mutual expectation of transparency on all issues provides a positive, forward looking sense of power, rather than a fear driven, blame placing sense of power, from which the clients make their decisions. If, power is measured, at least in part, by compliance with the agreement, then research shows compliance after the fact is much higher when the parties reach their own agreements rather than being told what they have to do by a Judge.

**Myth #4: Wishful Thinking: “I can get what I want.”**

**Truth:** One or both clients may have unrealistic expectations of what they can get in a Collaborative setting. They may have consulted with attorneys and been told what they will get when they go to court. Instead, they opt out of court to try to have the children more, get more money, get more control, etc. They are focused on their own wants and desires. They may see Collaborative as a free for all where they can get what they want. However, Collaborative is not wish fulfillment for one. Coaches can work with the clients to help them manage their expectations and understand they may not get all of their “wants”. Importantly, Collaborative provides a unique opportunity to help clients let go of their personal wants and to help them find acceptable solutions for the family. The process teaches clients how to collaborate, listen to the needs and interests of others, and be creative in their problem solving. The team can help the clients see creative solutions that are more realistic, better for the children, and take the needs and interests of the whole family into account.

#### **Myth #5: I’m Done with my Ex.**

**Truth:** Divorce is not the death of a relationship, it is the end of one type of relationship, a marriage, and the transition to a new relationship as co-parents. Parents will need to see each other at children’s events. Even when the children are grown there are graduations, marriages, the birth of grandchildren, and more. So, the question becomes, “How do we move forward in a way that allows these interactions to be positive?” In Collaborative, we keep that idea at the forefront. We teach communication skills, emotional self-management and help clients focus on what is important to the children as they move forward as a parenting team. Litigation generally perpetuates the idea of being adversaries going forward. Collaborative is uniquely suited to helping parents find a way forward as separate members of a very important parenting team.

#### **Myth #6: Collaborative Divorce is a Substitute for Marriage Therapy**

**Truth:** The Collaborative Divorce Process is not marriage therapy. While coaches can help a client process why their marriage ended, the main focus of divorce coaching is not to fix the relationship or the other person. The professional team helps the client learn skills to manage their emotions, communicate effectively, listen to the other party, and identify their own priorities, needs and interests. The process helps the couple build abilities to face decisions by teaching them to first gather information transparently and then generate ideas without judgment, prior to evaluating possible solutions and reaching agreement. The process encourages creative solutions and gives the parties the opportunity to be their best selves while dissolving the marriage.

#### **Myth #7: The Clients Don’t Need Coaches**

**Truth:** Coaches are the myth busters of the Collaborative Process. Unaddressed myths lead to unrealistic expectations and can implode the entire process. While some clients may already have their own therapist and some attorneys may think this is going to be an easy case, the assumption that coaches are not needed is a dangerous one. In the first instance, the individual therapist has been dealing with one party’s concerns about the marriage. They likely do not know the other party and only have one side of the story. In Collaborative, the Coaches are aware of both sides, and focus instead on assisting the clients in navigating the divorce process. An individual therapist aligns with their client and can cause an unconscious posturing that causes difficulty in a collaborative setting. Whereas, Collaborative Coaches are specifically trained to work as a team, helping the clients to

work to maximize their abilities to navigate the divorce process and keep the focus on the entire family.

In the instance of the easy case, it often turns out to be more complicated in more than one way. As you move through the process many issues and emotions rise to the surface. Coaches have the skills to meet with the clients and help them make sense of their experience and gain perspective on what is best for the family and then to identify solutions they can live with. So, bring in the Myth Busters!

#### **Myth #8: We Don't Need a Financial Neutral**

**Truth:** Clients sometimes feel they have a good handle on their finances. In high end cases, they may have their own financial professionals already and be hesitant to bring in someone new. However, there are rules and laws unique to divorce that many financial professionals are not familiar with. The financial neutral is specifically trained and uniquely knowledgeable to deal with the finances in the manner required in family law. Not including the neutral financial early in the case can create more problems later on which are more complicated to sort out the further into the case you get. The value of a good neutral financial professional is often overlooked. They can move the case forward by providing critical information and options that no one else may see.

#### **Myth #9: We Don't Need Help with the Children**

**Truth:** The voices of the children are often left out in the divorce process. Even the most well-meaning and involved parents may not be aware of exactly what is going on with their children. Children often tell parents only what the children think their parents want to hear. They may want to protect the parents from hurt feelings, or feel responsible for keeping a parent happy. The neutral child specialist gives the children a safe and neutral place to express their concerns, fears, wants and needs. The child specialist can help the parents identify the strengths and needs of each child. A child specialist gives the children a voice as they have a unique opportunity to gather this information and share it with the parents. The parents can then use the child specialist as a resource to develop a child centered parenting plan that meets the needs of the children in the most effective and positive way possible. Additionally, the parents receive this information from a neutral party in a non-threatening manner which assists them in understanding where their children are emotionally in terms of the divorce. Importantly, the child specialist can help the parents developing a common language to address parenting issues and concerns moving forward. This language helps limit blame and instead focuses on the needs of the children and positive solutions.