

COLLABORATIVE Practice Tips

July 2021

A monthly bulletin from the CP Cal Practice Excellence Committee

The Practice Excellence Committee is pleased to offer tips to help you increase your Collaborative cases and achieve *practice excellence*.

Please send us your comments and questions! Email us at info@cpcal.com

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DIVERSITY, EQUITY AND INCLUSION: A WORK IN PROGRESS

"Diversity is being invited to the party: inclusion is being asked to dance."
Verna Myers

In our profession, we are now interacting with same gender, opposite gender and couples where one or both parties are transgender. July 's TIPS provide a starter kit to help you consider how to invite your clients to dance.

Below are a few links to glossaries of terms to help us facilitate mindfulness into our collaborative language:

<https://thesafezoneproject.com/resources/vocabulary/>

<https://lgbtq.smcgov.org/lgbtq-glossary>

Read the following articles in the Collaborative Law Review, Spring 2021, Volume 20, Issue 1:

- II (GAY) PRIDE AND PREJUDICE: THE TOP 5 REASONS WHY LGBTQI PEOPLE CHOOSE COLLABORATIVE LAW AND PRACTICE IN DIVORCE By: Roman Kern, JD and Carola Reetz, JD

VII THINKING QUEERLY: A CONVERSATION WITH CHARLES SPIEGEL AND BARBARA FINDLAY By: Charles Spiegel, JD and Barbara Findlay, QC

Below are a few links for training opportunities LGBTQI education and inclusion into our collaborative practice:

<https://rise.lalgbtcenter.org/lgbtq-training-for-professionals/>

<https://bhds.sccgov.org/sites/g/files/exjcpb711/files/Documents/LGBTQ-RISE-Core-Training7-9-2021.pdf>

Consider implementing any of the following TIPS:

Go easy on yourself: People with expertise do not know all the answers; even they have to ask for clarification too.

Terminology is always changing, if you don't know, ask or look it up.

Consider reviewing all of your office forms that request information about parents and their children, especially intake forms, and adapting these forms to include preferred pronouns and identified gender for children (which is requested in the initial Judicial Council Petition and Response forms).

Modify your written templates to “he/she/they” and “him/her/them”.

Consider starting your collaborative sessions with all couples by saying, “I know you are thinking about inviting me into a very personal part of your life and I want to acknowledge that.”

When working with anyone, ask what pronouns they would like you to use.

Expand your vocabulary both verbally and in your written documents:

From “boy” and “girl” to include “non-binary” (not necessarily either) or “X” (to represent the unknown or the indescribable)

“Same gender” in place of “same sex”

“Mixed gender couples” in place of “opposite gender couples”

“Cis gender” to describe the gender assigned at birth

“Intersex” for those born with all or part of both sets of genitals (formerly known as “hermaphrodite”)

In your field as a collaborative professional, remember to first ask in what ways is divorce the same and in what ways is it different now that laws have changed to allow same gender marriage? Follow up on these issues:

When did their official relationship commence?

Consider a Marvin action if agreement for support before marriage or if clients are ending a cohabitation relationship

Are they state registered Domestic Partners? If so, ask for the certificate of registration

What are the start times for community property and/or support?

Remember that if your clients are registered Domestic Partners, but are not legally married, they are not entitled to any federal benefits, such as joint federal returns, QDRO's, veterans benefits and/or social security.

Parentage to any children needs to be established with both spouses.

Although California allows unmarried same gender couples to adopt, parentage is not equal in some states.

Genetics does not take precedence. A birth certificate is not like title to a car because it is only prima facie evidence, but it's not necessarily enough to establish parenting.

With opposite gender couples, best practice is to ask "Are you both legal parents?" Qualify that often we encounter families with children from prior relationships, adoptions and/or from surrogacy that we need to identify in their forms.

Where there has been artificial reproductive technology, ask for a copy of the agreement and determine the intent of the contract.

Reassure families with children from prior relationships, adoption and/or surrogacy contracts that although parentage is not necessarily biology alone, it can be discussed and dealt with.

Where there are adoption or artificial insemination procedures, best practice is to get a parentage agreement up front

For collaborative coaches, be sure to understand when a parent has a left a relationship for a same sex relationship and if so, what is the divorce story the parents can agree on and is the parent and/or the spouse ready to be come out to the rest of the family.

Coaches also need to ask about the attachments that children have with the multiple family members in the restructuring/divorcing process and carefully talk about the child's need for contact in an appropriate way.

When training or using examples in general, use same gender examples, transgender examples, as well as mixed gender examples to create a wider lens as the norm. For example, "If Liz and I were married..." or "If Doug and I were married...."

Encourage role plays using same gender examples; role playing women in the male role; men in the female role - watch the epiphanies fly.

Above all, remember that we help our clients by asking questions and facilitating their family's terms.

From the PEC:

Don't Stop Now!

When we're reaching out to other professionals, we're working on establishing the kind of trust they would need to send someone they care about to us for our services. This trust must be earned. It's not about just letting people know what we do it's about continuing to show up as trustworthy. Predictability is key for this. So

...is, it's about continuing to show up as trustworthy. Reliability is key for email. So, before you set up your system for contacting your referral sources, think hard about what you're going to be able to do on a regular schedule. This could be an e-newsletter to your former clients that goes out once a quarter, or a new blog for referral sources that shows up every Monday. Or...just an announcement about the local Divorce Options class that happens like clockwork once a month.



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1-925-338-9550, cpcal.com