

# Collaborative Divorce

Collaborative divorce is a peaceful way to handle a divorce. It focuses on working together, talking things through, and showing respect. This process helps couples solve their problems in a friendly way without having to go to court (with minimal visits to court, if any).

## Key Features of Collaborative Divorce

- **Team Approach:** Both spouses hire collaboratively trained private attorneys to represent them. Other professionals such as financial advisors, child specialists, and mental health professionals may be involved to provide their professional opinions and support.
- **Participation Agreement:** All spouses sign a participation agreement that outlines the rules of the process, including a commitment to resolve issues without going to court. If the process fails and the case goes to court, the collaborative attorneys must withdraw, and the spouses must hire new legal representation.
- **Focus on Settlement:** The main goal is to come to a fair and friendly agreement on everything, like dividing property, spousal support, child custody, and child support.
- **Confidential and Private:** Discussions and negotiations are kept private, promoting open communication and honesty.
- **Control and Flexibility:** The spouses have more control over the process and the outcome, with the flexibility to make solutions to their specific needs.

## The Collaborative Divorce Process in Wisconsin

### 1. Initial Meeting:

- Each spouse talks with their own collaborative attorney to learn about the process and decide if it's the right choice for their situation.

- The spouses and their attorneys sign the participation agreement.
- 2. Building the Team:**
  - Depending on the needs of the case, the team may include neutral financial specialists, child specialists, and mental health professionals.
  - All team members work together to support the spouses in reaching a comprehensive agreement.
- 3. Four-Way Meetings:**
  - Regular meetings are held with both spouses and their attorneys. These meetings focus on open discussion and negotiation of the divorce issues.
  - Additional professionals may go to meetings as needed to provide information and assistance.
- 4. Gathering Information:**
  - Both spouses share all relevant information transparently, including financial documents, assets, debts, and any other pertinent details.
  - Neutral financial specialists can help determine the value of assets and financial planning.
- 5. Negotiating Agreement:**
  - The spouses negotiate all aspects of the divorce, including property division, spousal maintenance, child custody, and support.
  - The goal is to reach a mutually acceptable agreement that meets the needs and interests of both spouses and any children involved.
- 6. Drafting the Settlement:**
  - Once an agreement is reached, the attorneys draft a detailed settlement agreement.
  - The agreement is reviewed and refined as necessary to ensure all parties are satisfied with the terms.
- 7. Court Approval:**
  - The final settlement agreement is submitted to the court for approval.
  - If the court decides the agreement is fair and follows Wisconsin law, it will include the agreement in the final divorce decision.

## **Benefits of Collaborative Divorce**

- **Less Adversarial:** The process helps lower conflict and encourages a friendlier relationship between both sides, which is especially helpful when children are involved.

- **Cost-Effective:** Collaborative divorce can be less expensive than traditional litigation because it focuses on settlement rather than long court battles.
- **Faster Resolution:** The process can be quicker than going through the courts, allowing spouses to move forward quickly.
- **Customized Solutions:** Spouses can create solutions that work best for their unique situation, rather than having a judge make decisions for them.
- **Preserves Privacy:** The process is private, keeping sensitive family matters out of the public record.

## Other Considerations

- **Commitment to the Process:** Both spouses must be fully committed to the collaborative process. If one spouse is not willing to cooperate or be transparent, the process may not be successful.
- **Withdrawal of Attorneys:** If the collaborative process fails and the case goes to court, the collaborative attorneys must withdraw. Both spouses will need to hire new attorneys, which can add to the time and expense.

## Frequently Asked Questions

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How can I be sure my spouse will not hide money?

No process can fully guarantee that someone will be honest or won't try to hide money or other things. But in a collaborative divorce, both spouses agree in writing to share all their financial information, like income, property, and debts. Each person must also sign a financial disclosure form under oath, promising that they've shared everything. This helps avoid expensive legal steps like subpoenas or depositions.

Will my collaborative lawyer "fight" for me?

Yes, your collaborative lawyer is still your advocate, but their role looks different than in a traditional courtroom battle. Instead of using aggressive tactics, your lawyer works to negotiate solutions that support your goals in a respectful, cooperative way.

In both private meetings with you and joint meetings with your spouse and their attorney, your lawyer will educate, advise, and guide you through the legal issues and help you explore settlement options. Their focus is on protecting your interests and helping you reach a resolution that's fair, practical, and supports the well-being of you and your family.

What happens if we can't reach a settlement?

If you and your partner are unable to reach a full agreement, you can consider other resolution methods—such as mediation—which may allow you to stay within a cooperative, out-of-court approach.

However, if either of you chooses to move forward with court, the collaborative process ends. In that case, both collaborative attorneys—and any other professionals involved—must withdraw, and each of you would need to hire a new attorney to represent you in court.

Your collaborative lawyer can still help with the transition by sharing information gathered during the process and assisting your new lawyer in getting up to speed.

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