

Neutralizing Our Inner Bad Actors: Strategies to Creatively Utilize Neutrals, Such as Coaches and CDFAs, to Improve the Client Experience, Increase Efficiencies, Reduce Conflict, and Keep Families Out of Court

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Divorce in Colorado can be a daunting, expensive and irreparable experience for parties. The Court systems are increasingly overburdened, understaffed and inexperienced when handling arguably the most impactful cases to individuals that may pass through the courthouse doors. Many practitioners believe that the courtroom is not the place to resolve disputes that impact families and their children.

What options do we have to keep these families out of court? Courts require mediation as a critical step prior to hearing a contested case. Mediation works well when both parties are well prepared, understand the issues ahead of time, communicate well with one another, the mediator and their attorney if they have one. When mediation fails, it often fails due to a lack of one of or more of those dynamics.

In addition to the mediation process, parties can opt into a formal Collaborative Divorce process in which the parties have a team of neutrals and attorneys to help them reach resolutions on all issues without court involvement. This team of neutrals can include mental health and financial professionals of various types. This process works well for a lot of people, but when it fails, it can be costly. Failure of the formal collaborative process requires the parties to start over with new attorneys and likely the involvement of new professionals, including experts.

For others a hybrid approach may work best. Parties and their attorneys may decide to retain specific neutrals, to help create and maintain a cooperative process with parties who share similar goals in untangling their relationship amicably without the risks related to the time and expense of Collaborative Divorce.

What types of neutrals are available?

- ❖ Therapists
- ❖ Child Psychologists
- ❖ Divorce Coaches
- ❖ Certified Divorce Financial Analysts
- ❖ Certified Divorce Lending Professionals
- ❖ Certified Divorce Real Estate Experts

Therapists and Child Psychologists

Therapists and child psychologists may help parties collaborate more effectively to create a parenting schedule and may be particularly helpful in cases involving children (or parents) with special needs and may advise parties regarding age-appropriate schedules. This option is often more cost effective than a CFI and PRE, less invasive, and a more cooperative way to resolve differences in opinion on certain aspects of a Parenting Plan.

Divorce Coaches

Divorce coaching is a flexible, goal-oriented process designed to support, motivate, and guide people going through divorce to help them make the best possible decisions for their future, based on their particular interests, needs, and concerns. Divorce coaches can play a crucial role in helping set goals and priorities for a party or parties to a divorce. Divorce coaches may help the client get organized with the paperwork necessary for the process, prepare for and attend mediation, draft the parenting plan, assist with communication and coparenting and take the burden of the emotional overwhelm off the attorney so that he/she/they can stay focused on the legal aspects of the case.

Certified Divorce Financial Analysts (CDFA)

A CDFA helps support individuals, couples, and their attorneys by achieving equitable settlements utilizing tax, investment, retirement and other financial planning concepts and analysis. Clients rely upon this information to understand how the financial agreements made in their divorce will impact their future financial and their 'net' outcome. CDFAs can help clients prepare Sworn Financial Statements and Property Division Worksheets, build future budgets, understand complex financial concepts, provide financial analysis and recommendations, run financial projections based on specific scenarios, help prepare clients and their attorneys for mediation, provide pension valuations and other reports, and more.

Certified Divorce Lending Professionals (CDLP)

A CDLP can help parties and attorneys understand how family law and financial and tax planning affect real property and mortgage planning. CDLPs strategize with clients to help them to qualify for a home loan, whether remaining in the marital home or buying a new one. They also help homeowners structure their home loans and even help to structure the divorce settlement in order to meet required lending requirements. A CDLP is trained to navigate the complex financial issues that can arise during a divorce, such as dividing assets and liabilities, refinancing a mortgage, and qualifying for a new mortgage.

The terms of the separation agreement can have a significant impact on a client's ability to qualify for a loan, and a CDLP has received specialized training in divorce mortgage planning. This can be particularly important for a spouse who was a stay-at-home parent during the marriage and will be responsible for refinancing a mortgage and making the monthly payments going forward.

Certified Divorce Real Estate Experts (CDREE)

CDRE®s have been trained to understand and manage the complexities of real estate and divorce, including how to maximize value, communication with both parties, timing issues and strategic problem solving specific to divorce. Look for realtors with the CDRE® distinction when selecting a neutral for your team.

How does the addition of neutrals add value to cases?

Despite the range of skilled neutrals available and their proven positive impact on cases, there are also many questions and misperceptions that prevent attorneys and individuals from adding them to the team.

The following are some of the most commonly heard objections and possible myths to adding a neutral.

1. It's too expensive to add another team member.

It's certainly seems counterintuitive that adding another team member could actually save parties money. However, this is often the case when neutrals are well-utilized for their expertise. For example: A client relying on their attorney for emotional support is often paying two – three times the hourly rate of a divorce coach who is trained to address these specific issues. A CDFA often works with clients to help them budget and make decisions based on tax implications and can save the client thousands of dollars. And some advance planning with a CDLP can help someone budget appropriately for a home and qualify for a lower rate on a mortgage, resulting in greater long-term stability and satisfaction. These are only a few of the ways neutrals can help clients maximize their dollars and make sure their priorities are being addressed.

2. Neutrals are unnecessary “extras.”

Societal pressures have convinced many people they should be able to handle the maze of divorce regulations and requirements on their own. This is simply untrue and is important to debunk with clients, as uninformed decisions often become costly, both financially and emotionally. Bringing the right neutral to a case can help a client understand the benefits of compromise, make smart financial decisions and get the necessary input to create lasting and appropriate agreements that hold up in court and over time.

3. If my case isn't an official “Collaborative Divorce” can we still use a neutral?

Yes! Adding a neutral to any case can be an effective way to improve communication between all parties, keep the process moving forward, and ultimately reduce costs, as a neutral can answer questions, create the first draft of a parenting plan, address the division of personal items, and much more that might otherwise need to be handled by lawyers. Another key benefit is that adding neutrals can save you time and ease your stress knowing that your clients are receiving professional guidance to help them recover well.

4. How can we add neutrals on a smaller budget?

Neutrals can be added in almost any situation when the parties prioritize their needs and add the right person. Some neutrals will bill hourly or may agree to join a case on a limited basis to address a particular issue.

5. How is confidentiality protected for neutrals?

This is an important issue that needs to be considered. One option is to have the attorney hire the neutral as a consultant. It's also important to have the client give their permission to include the neutral in appropriate communication. Also consider having your client and the neutral sign a common interest agreement to preserve attorney/client privilege.

6. Adding a neutral takes away some of my control over the case – I don't want just anyone working with my clients.

This is an understandable concern that can be addressed by first acknowledging that neutrals can make a range of positive contributions to cases. With that in mind, make the effort to get to know professionals who serve in the categories we've included. Set up informational meetings so you feel comfortable referring and bringing other respected people to the team as needed. Set clear expectations of the relationship and ask clients for feedback you can use in the future.

Resources:

CDFAs: Institute for Divorce Financial Analysts, [website](#)

[Join Colorado's Top Collaborative Divorce Network | Grow Your Practice \(ccdp-law.org\)](#)
[South Denver Collaborative Divorce Professionals southdenvercollaborativedivorce.com](#)

[Foothills Collaborative Divorce Professionals Coloradodivorceprofessionals.org](#)
[Divorce Lending Association https://www.divorcelendingassociation.com/](#)
[CDFA](#)

[Certified Divorce Coach https://certifieddivorcecoach.com/](#)

[Psychologists coloradopsych.org;](#)

[Psychology Today](#)
<https://www.psychologytoday.com/us/therapists/colorado?category=online-counseling>

Blogs: informational to share with clients:

<https://betterthanbeforedivorce.com/blog/> by Andra Davidson, Certified Divorce Coach and mediator

<https://amf-divorce.com/our-blog> by Amy Mahlen Melander, Certified Financial Planner™ and Certified Divorce Financial Analyst™

Divorce is a Sh!t Sandwich: Weekly Newsletter

<https://betterthanbeforedivorce.com/newsletter/> by Andra Davidson, Certified Divorce Coach and mediator