

# Collaborative Practice

An information guide for parties considering a collaborative family law process



**FAMILY FIRST**

MEDIATION AND DISPUTE RESOLUTION

0423 912 404

[info@familyfirstmediation.com.au](mailto:info@familyfirstmediation.com.au)

ABN: 80 343 279 502

## Welcome

This booklet is provided by **Family First Mediation and Dispute Resolution** to help you understand **Collaborative Family Law within a mediation-aligned framework**.

At Family First, collaborative practice is viewed as an extension of mediation – combining structured negotiation, legal advice, and therapeutic support to help families reach durable, child-focused agreements **without court**.

This guide explains what collaborative family law is, how it works alongside mediation, who is involved, and how to decide whether it may be the right pathway for you.

### 1. What Is Collaborative Family Law?

Collaborative Family Law is a **voluntary, structured dispute resolution process** where separating couples work together, with the support of trained professionals, to reach a negotiated agreement without going to court.

Key features of the collaborative process include: - A shared commitment to resolve issues **without litigation** - Open, honest, and transparent exchange of information - A focus on problem-solving rather than blame - A multidisciplinary team approach where appropriate

If either party chooses to start court proceedings, the collaborative process ends and **both collaborative lawyers must withdraw**. This is a core safeguard that keeps everyone genuinely focused on settlement.

### 2. Who Is Involved in the Collaborative Process?

[Family First Mediation and Dispute Resolution](#)

Family First plays a central coordinating role in collaborative matters by: - Assessing suitability and safety at intake - Supporting balanced participation and informed decision-making - Assisting with communication dynamics and emotional regulation - Ensuring the process remains child-focused and future-oriented

Family First practitioners work alongside collaborative lawyers and other professionals to support fair, structured resolution.

### You and the Other Party

You and your former partner remain central decision-makers throughout the process. Agreements are not imposed – they are **developed by you**, with professional guidance.

### Collaborative Lawyers

Each person has their own **independently acting, specially trained collaborative lawyer**. Your lawyer: - Provides legal advice tailored to your situation - Advocates for your interests respectfully - Helps you understand options and consequences - Supports negotiations rather than preparing for court

Collaborative lawyers do not act as adversaries. Their role is to help reach a fair and workable agreement.

### Other Collaborative Professionals (When needed)

Depending on the issues involved, the team may also include:

**Family Dispute Resolution Practitioners (FDRPs)** – to assist with communication, parenting discussions, and power imbalance

**Neutral financial specialists** – to help with property division, valuations, tax implications, and superannuation

**Child specialists** – to bring the child's voice into the process in a safe and developmentally appropriate way

**Coaches or therapists** – to support emotional regulation and effective communication

Not every matter requires all professionals. The team is tailored to your needs.

## 3. How Does the Collaborative Process Work?

### Step 1: Initial Advice and Suitability Assessment

Each party meets privately with their collaborative lawyer to: - Understand the collaborative process - Receive advice about rights and obligations - Assess whether the process is appropriate and safe and refer to other collaborative professionals for support.

## Step 2: Building Your Collaborative Team

The parties will be referred to other collaborative professionals to help support them in their negotiations. The team may include financial advisors, a child expert and a collaborative coach (the glue that holds the team together).

## Step 3: Participation Agreement

All participants sign a **Collaborative Participation Agreement**, confirming: - Commitment to resolve matters without court - Respectful communication - Full and honest disclosure - Withdrawal of lawyers if litigation begins

## Step 4: Information Gathering and Disclosure

The parties exchange relevant information, which may include: - Financial documents - Property valuations - Superannuation details - Parenting information

This occurs cooperatively, reducing delays, suspicion, and cost.

## Step 5: Joint Meetings

A series of structured meetings are held with both parties and their lawyers (and other professionals if involved). These meetings: - Identify the issues to be resolved - Explore interests, concerns, and priorities - Develop and test settlement options - Work progressively toward agreement.

Meetings are agenda-driven, time-limited, and focused on solutions.

## Step 6: Reaching Agreement

Once agreement is reached: - Lawyers draft binding documents (e.g. Consent Orders or Binding Financial Agreements) - Independent advice is confirmed - Agreements are formalised and implemented.

# 4. Why Consider Collaborative Family Law?

## A Mediation-Aligned, Supported Pathway

Collaborative Family Law builds on the principles of mediation while adding legal and professional structure. It is particularly useful where mediation alone may not provide enough support, but litigation feels disproportionate or harmful.

## Greater Control and Flexibility

You retain control over outcomes rather than handing decisions to a judge. Solutions can be **creative, flexible, and tailored** to your family.

## Reduced Conflict

The collaborative process is designed to minimise hostility and escalation. This is particularly valuable where: - Children are involved - Ongoing co-parenting is required - Long relationships are ending

### Child-Focused Outcomes

Collaborative practice encourages parents to consider: - Children's emotional and developmental needs - Future co-parenting relationships - Stability and consistency for children

### Privacy and Confidentiality

Discussions occur privately rather than in open court. This protects: - Personal information - Financial details - Family relationships

### Cost and Time Efficiency

While professional support is involved, collaborative law often: - Resolves matters faster than litigation - Reduces court-related costs - Avoids delays associated with overburdened court systems

### Preservation of Dignity and Relationships

Even where relationships are strained, the process aims to preserve respect and reduce long-term emotional harm.

## **5. What Matters Is Collaborative Family Law Suitable For?**

Collaborative Family Law may be suitable for:

### Parenting Matters

- Parenting arrangements and schedules
- Decision-making responsibilities
- Communication protocols
- Relocation discussions

### Property and Financial Matters

- Division of assets and liabilities
- Superannuation splitting (including defined-benefit schemes)
- Family businesses and trusts
- Investment properties

## Spousal Maintenance

- Short-term or ongoing financial support
- Structuring payments in a sustainable way

## Matters Involving Long Relationships

- Long marriages or de facto relationships
- Situations involving financial or information imbalance
- Where respectful negotiation is preferable to adversarial processes

## 6. Is Collaborative Family Law Right for You?

The following questions are designed to help you reflect on whether a collaborative, mediation-aligned process may suit your circumstances.

**You may be well-suited to this pathway if you can answer “yes” to most of the following:**

- Are you willing to negotiate in good faith and listen to the other party’s perspective?
- Do you want to avoid court if possible?
- Are you prepared to provide full and honest financial disclosure?
- Is maintaining a workable long-term co-parenting relationship important to you?
- Would you benefit from legal advice during negotiations rather than after decisions are made?
- Are you open to professional support to manage communication or emotional stress?

## 7. When Might Collaborative Law Not Be Appropriate?

Collaborative Family Law may not be suitable where:

- There is ongoing family violence or coercive control
- One party refuses to provide full disclosure
- One party is determined to litigate
- Urgent court intervention is required (e.g. child safety risks)

**Suitability is always assessed carefully at the outset and continues to be assessed throughout.**

## 8. Collaborative Law Compared to Other Options

Option	Key Features
Negotiation	Informal, lawyer-led discussions
Mediation	Neutral mediator assists negotiations
Collaborative Law	Structured team-based negotiation with lawyer withdrawal if court starts
Litigation	Judge makes decisions in court

Collaborative Law sits between mediation and litigation, offering **structure, support, and accountability**.

## 9. The Role of Family First in Your Collaborative Process

Family First Mediation and Dispute Resolution provides:

- Intake and suitability screening
- FDR-informed facilitation within the collaborative framework
- Support for power and information imbalance
- A child-focused lens across parenting and financial discussions
- Coordination with lawyers and other professionals where required

Our role is to help families move through separation with **clarity, dignity, and structure**, while minimising harm to children and reducing long-term conflict.

## 10. Final Thoughts

Collaborative Family Law offers a respectful, future-focused pathway through separation. It recognises that while relationships may end, **families continue**, particularly where children are involved.

If you are seeking a process that prioritises fairness, dignity, and long-term wellbeing, collaborative family law may be worth serious consideration.

*This booklet is general information only and does not constitute legal advice. Independent legal advice should always be obtained.*



# Is Collaborative Family Law Right for Me? A Self-Assessment Tool

Collaborative Family Law is a structured, team-based process where both parties commit to resolving their matter without going to Court.

It works best when there is willingness, transparency and a shared intention to reach durable outcomes.

Take a moment to reflect on the following statements.

## Part 1 – My Intentions

- I want to resolve matters respectfully and privately.
- I would prefer not to go to Court.
- I am willing to commit to a structured negotiation process.
- I value having legal advice throughout negotiations.
- I want solutions tailored to our family – not imposed by a judge.

## Part 2 – My Willingness to Participate

- I am prepared to be open and transparent about finances and information.
- I understand that full disclosure is required.
- I am willing to listen to the other party's perspective.
- I am open to problem-solving rather than positional arguing.
- I understand compromise is part of resolution.

## Part 3 – Safety and Suitability

- I feel safe participating in structured meetings.
- There is no current risk of harm that would prevent open discussion.
- Power imbalances can be managed with professional support.
- I am willing to use neutral professionals (financial specialists, child consultants, coaches) if needed.

If you have concerns about safety, emotional wellbeing, or coercion, these should be discussed confidentially with your lawyer before committing to the collaborative process.

## Part 4 – Financial and Practical Considerations

- I understand that if the process breaks down, both collaborative lawyers must withdraw, and new lawyers would be required for Court.

- I am prepared to invest time in joint meetings.
- I want a durable, legally binding outcome.
- I prefer a team approach rather than adversarial correspondence.

## Reflective Questions

- What would be different for my family if this were resolved without litigation?
- What impact would prolonged Court proceedings have on me financially and emotionally?
- Am I seeking resolution – or vindication?
- Do I want professionals helping us move forward rather than escalating conflict?

## How to Interpret Your Responses

If you answered “yes” to most of the statements above, Collaborative Family Law may be a suitable and constructive pathway for you.

If you feel uncertain about safety, transparency, or readiness to commit to a no-Court agreement, it may be helpful to discuss alternative pathways such as mediation or lawyer-assisted negotiation.

Collaborative practice works best when both parties:

- Commit to respectful communication
- Provide full and frank disclosure
- Remain future-focused
- Are genuinely motivated to reach agreement