

Collaborative Law

Collaborative Law is an alternative dispute resolution process and can be beneficial in family law matters such as parenting arrangements, separation and divorce. In this context you and your child's other parent, or your former partner, meet face to face with specially trained solicitors to discuss important matters with the goal of reaching a mutually agreed resolution.

The process of collaborative law

Each party has their own solicitor and the four of you meet and work together to negotiate the details around matters you wish to resolve. The solicitors are specially trained in collaborative law to aid you in reaching an amicable and legally sound resolution.

Both parties agree to be open and honest throughout the discussions and work to resolve matters in the best interests of the children. The presence of the solicitors is to help facilitate both parties in reaching an amicable agreement on matters such as access, shared parenting, separation, divorce, finances and other important family matters.

Collaborative law is an option available to former partners allowing them to be in control of making important family decisions that would otherwise be decided by a judge in court.

Agreements that are made and agreed on by both parties, for example access arrangements, can then be written up and made a Rule of Court.

If the process breaks down then an agreement is made at the start that neither solicitor can represent their client in court proceedings, in which case a new solicitor must be sought.

A Rule of Court

When both parties agree to making the decision reached a rule of court and the court agrees that the agreement is in the best interest of the child they can apply to have it made a rule of court. If the agreement is made a rule of court it then becomes a legally binding agreement. However, it is important to note that **an application must be made to the court** to make the agreement a rule of court simply agreeing terms is NOT legally binding.

The benefits of collaborative law

- It removes the need to go to court before a judge as you will be working with your solicitors to resolve matters amicably
- Costs can also be controlled as the meetings can be arranged on an hourly fee

- It is also possible that the amount of time taken to resolve matters can be significantly reduced by not entering into a court process
- When both parties enter into negotiations with the goal of reaching an amicable resolution this creates less conflict which also benefits the children involved
- Both parties are in control of the process working together to best resolve concerns which takes away the uncertainty of a decision made by a judge

Further information

Legal Aid Board – www.legalaidboard.ie

Association of Collaborative Practitioners – www.acp.ie