



COLLABORATIVE PRACTICE

resolving disputes respectfully

### message from the presidents

The Website is here! On December 9, 2009, MCPC launched its new and improved website at [www.marylandcollaborativepractice.com](http://www.marylandcollaborativepractice.com). It looks fantastic, and was well worth the wait. On behalf of the Board of Directors, we give heartfelt thanks to Ron Bergman and Elizabeth Stup for all their hard work in getting us to the launch. Thanks also to everyone who provided content and comments as we were compiling the information to post on the site.

The website is but one step in our mission to provide cohesion among collaborative professionals in Maryland by providing a common platform for listing of those individuals who are collaboratively trained, by announcing upcoming collaborative events throughout the state, and by providing information concerning collaborative practice to the public at large.

In the coming year, we will also be working with the various practice groups in the state to create minimum standards of competency for collaborative practitioners, to support passage of the Uniform Collaborative Practice Act and promote cohesion among the many practice groups in Maryland.

This is going to be an exciting year, and we urge you to become more involved in furthering Collaborative Practice as an accepted method of dispute resolution in Maryland.



Karen Robbins

Co-President



Jolie Weinberg

Co-President

### role of the financial neutral

By Debora E. May, CPA,CFP, CDFA; Cynthia Zagorski, CPA, CFP, CDFA; Jane Ochsmann, CPA, CDFA

As we all know, divorce is an emotional process. For many couples dealing with their personal finances at this stressful time is also difficult. Finances can also be an area of mystery, complexity and fear for many couples, as they are considering their financial future and financial security. It's extremely important that the couple have all of the financial information compiled so that they have full disclosure, understand their financial picture and understand the potential outcome of the financial options they want to consider. The Financial Neutral on a Collaborative Divorce team works very closely with the divorcing couple and the team members to bring clarity and understanding to the family's finances with the goal of helping the couple achieve a mutually agreeable settlement that works for the family.

The Financial Neutral's role is threefold: 1) to gather the documents and compile the information for review and presentation 2) to assist the clients/team in the development and evaluation of options related to financial matters and 3) to guide and assist in the resolution of the financial issues. Throughout the process, the Financial Neutral maintains neutrality and transparency with the clients and team professionals. In addition, the Financial Neutral is bound to confidentiality outside the process, serves as resource to the team and clients, and must limit services to the collaborative process only.

To gather financial information the Financial Neutral (FN) generally holds a joint phone call with the clients to discuss the working relationship and their role in the process and the client's specific *(continued on page 7)*

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### editors note

The Collaborative Process provides families with support and opportunities to improve the way they function during and after separation and divorce, especially in dealing with their children. In similar ways, Collaborative Practice groups allow collaborative professionals to share information and improve the way they assist and support families who have chosen to utilize the Collaborative Process in re-defining their family. This month we are pleased to be able to offer two views on the subject of developing parenting plans. We hope that the information contained in the articles "Preparing the Parent Agreement in the Collaborative Process" by Risa Garon, LCSW-C, BCD, CFLE on page 3 and "The Use of Coaches in Developing Parenting Plans and the Interplay with Attorneys and Child Specialist" by Karen P. Freed, LCSW-C, BCD, and Andrea Leiman, Ph.D. on page 4, will be helpful and instructive to you as you enter this new year with a renewed sense of purpose and a collaborative spirit.

## 2010 calendar of events

feb  
2010

February 5-6, 2010  
**2-Day Multidisciplinary Introduction to Collaborative Practice**  
*Hosted by Collaborative Training Solutions,*  
**Location:** Towson, Maryland  
**Contact:** (410) 321-7400

February 26, 2010  
**I've Taken The Intro Training, Now What?**  
*Hosted by Collaborative Training Solutions*  
**Location:** Towson, MD  
**Contact:** (410) 321-7400

mar  
2010

March 1-5, 2010  
**40-Hour Basic Mediation Training**  
*Hosted by Alternative Resolutions*  
**Location:** Silver Spring, MD  
**Contact:** Ellen at (301) 588-5390

March 4-6, 2010  
**Collaborative Practice Team Training**  
*Hosted by CDRP*  
**Location:** Potomac, MD  
**Contact:** [renee.cdrp@gmail.com](mailto:renee.cdrp@gmail.com)

March 19-20, 2010  
**20-Hour Custody/Visitation Mediation**  
*Hosted by Cecilia Paizs and Elizabeth Stup*  
**Location:** Hagerstown, MD  
**Contact:** Elizabeth Stup, (301) 663-7893

March 26-27, 2010  
**20-Hour Property/Financial Mediation**  
*Hosted by Cecilia Paizs and Elizabeth Stup*  
**Location:** Hagerstown, MD  
**Contact:** Elizabeth Stup, (301) 663-7893

apr  
2010

April 17-19, 2010  
**Powerful, Non-Defensive Communication**  
*Hosted by Collaborative Training Solutions*  
**Location:** Massanutten, VA  
**Contact:** (410) 321-5851

April 23, 2010  
**The Collaborative End-Game**  
*Hosted by Collaborative Dispute Association*  
**Location:** Bethesda, MD  
**Contact:** [sskok@houlonberman.com](mailto:sskok@houlonberman.com)

April 27, 2010  
**Ethical Dilemmas in the Collaborative Process**  
*Hosted by MD State Bar Association ADR Section*

oct  
2010

October 28-31, 2010  
**IACP Forum**  
**Location:** Washington, DC  
**Contact:** [suzyeckstein@aol.com](mailto:suzyeckstein@aol.com)

## mcpc 2010 board members

### Full Board Members

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## preparing the parent agreement in the collaborative process

By Risa Garon

Whether a coach or child specialist works with parents to create a parent agreement, the parent agreement is both a product and process, crucial to the ongoing co-parent relationship and most important in meeting the best interests of the children in the family. The product is a written agreement between two parents about when and how they will spend time with their children, make decisions about their children and communicate as co-parents in a consistent and constructive manner. The process is a healthier and more child focused way to communicate that will help the parents currently and post collaborative agreement.

Regardless of which legal process parents choose, there are common denominators that a professional who works with parents to write a parent agreement needs to consider: where each parent is in the grief process, what knowledge does each parent have about their children's development, what kind of relationship has each parent had with each child and what is the level of conflict and communication between the parents. There are significant advantages in parents completing a parent plan using the collaborative law process. There is a circle of support among all the professionals on the team who support the healthiest co-parenting possible. Divorce coaches help parents learn skills in order to focus on their children and treat each other with respect. The lawyers advocate for the well being of the entire family.

When I meet with parents for the first time, I communicate my respect for them in choosing a process that emphasizes the best interests of the family. I focus on the above factors which will then serve as a guide in determining the starting point and the pace at which we can work. For example, if a grief stricken parent may not be ready to work on a written agreement that should be considered and discussed with the rest of the team. As a professional working with the parent, I empathize with the parent and help educate the parent that there is a very important role for each parent to play in the children's lives because many parents fear losing their children to the other parent or are angry and want "ownership" by demanding a certain percentage of time. Focusing on the children from the very beginning helps to defuse anger and fear. Parents begin to lighten up when I ask them to take out pictures of their children and tell me about them.

During the first meeting with parents I get a brief history including the reasons for the separation, what the children know about the separation, what the parents would like to know in explaining family transitions, the parent's relationship with each other and with each child. I then discuss the process of working out decisions about the children and how those decisions get crafted into a parent agreement. We discuss rules for the meetings and I state that this is setting the tone for how they would want their children to see them communicating outside the office. I answer any questions parents may have and culminate the meeting with a list of goals the parents have stated they wish to accomplish and how they might meet their goals.

Parents who develop parent agreements at National Family Resiliency Center ("NFRC") are asked to consider utilizing the FamilyConnex© program, an on line program designed to assist parents to focus on the developmental needs and personality/temperament of each child in their family and the co-parent relationship. The three tools available on FamilyConnex include: a needs assessment for each child in the family, a guide to writing a parent plan and a manual to assist parents in keeping the focus on their children. Family Connex is a program based on NFRC's Child and Family Focused Decision Making Model®. This model or paradigm considers the critical dimensions of child development in four generic areas as well as the possible impact of family transition on development, parenting considerations and the degree of conflict in co-parent relationships. While not dictating what a decision about a child should be, the model directs the parent and professionals to focus on psychosocial development, particularly in these four critical areas:

- **Self Concept:** self-esteem, self –worth, competency and gender identity
- **Intellectual Functioning:** acquiring knowledge, mastering language and the ability to label and express emotions, developing higher order thinking skills, formulating and exercising moral judgment, and making and evaluating decisions
- **Interpersonal Functioning:** ability to trust others, make and keep friends, ability to empathize and get close to others, development of gender identity and validation, and overall socialization skills, including communication, problem solving and anger management
- **Safety and Security:** feelings of being protected from external and internal threats, inner control, predictability and consistency in care giving and guidance, awareness of safety rules, medical concerns and awareness of rules and consequences.

If from the initial and subsequent discussions about the children, I find that parents lack developmental information about their children, I use this time as a way to help educate them. For example, a parent blamed the co-parent for not including this parent in school conferences, home work and other school related activities. I encouraged this parent, with the co-parent's support, to initiate a school conference with the co-parent, teachers and counselor and be the lead facilitator at the meeting. This became a turning point for the parents in working together and involving the co-parent in a way that this parent hadn't in the past.

I explain to the parents that the on line program is not intended to be stressful, graded or competitive. I give parents at least two weeks to complete FamilyConnex and then use this as the basis for discussion and as a vehicle to assist parents in assessing each child's needs and making decisions that are then stated in the parent agreement.

During this process of meeting with children, the child specialist can assess the overall functioning of the children, including the

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## the use of coaches in developing parenting plans and the interplay with attorneys and child specialist

By Karen P. Freed, LCSW-C, BCD and Andrea Leiman, Ph.D.

In the Collaborative Divorce Process, coaches are routinely used to work with clients to develop a Parenting Plan including both interim agreements about the children and longer term plans for how the clients will co-parent their children. In this process, coaches meet in 4-way meetings with the clients to identify the needs of the children, develop a mission statement of their goals as co-parents and develop a plan that will specify the access the children will have to each parent as well as the process parents will use to make decisions about their children. Coaches may also meet one on one with their respective client to help deal with any emotional roadblocks that might arise during this process which might stand in the way of their ability to be open to developing options and reaching decisions about co-parenting. A major goal is to help parents keep the focus on their children's needs and to avoid being positional based on their own needs. The use of a child specialist is critical in helping keep this focus and in providing direct information about the children.

Attorneys are not present during these meetings but are kept informed via meeting minutes and/or team conference calls, of the status of the parenting plan, agreements made and emotional roadblocks of clients. The attorneys incorporate the Parenting Plan developed with the coaches into the final settlement agreement. The role of the child specialist (described in detail below) is explained to the parents both during an initial individual meeting with the coach as well as in the first 4-way meeting with the parents together. Coaches generally designate a particular child specialist, in consultation with the attorneys, based on their knowledge of the personalities of the clients, issues involved, geographic accessibility, and expertise of the child specialist.

In developing the Parenting Plan coaches help clients craft a plan that is unique to their family and the particular temperament, personality, age and stage of development of their children. The Parenting Plan is child focused and includes but is not limited to such items as regular access the children have to each parent; how holidays and vacations are to be shared; when transitions from one parent to the other are to occur and who does the transporting; who is to care for children on snow days and other days off from school including when a child is sick; how parents are to communicate about the children and when; how decisions are to be made and what decisions must be joint and what may be unilaterally made. Parents often establish protocols for dating and the introduction of significant others to their children and these may be incorporated into the Parenting Plan.

Coaches generally work with clients to make deep and durable Parenting Plans and include as much detail as necessary to avoid future conflict and need for negotiation. Often included in Parenting Plans is a protocol for dealing with impasse since no Parenting Plan is able to anticipate all circumstances with which parents may need to deal. In addition, parents and coaches typically build in reviews so that the changing developmental needs of the children are considered as they grow.

The number of meetings involved in this process is determined by the complexity of issues and the ease with which the parents are able to reach agreements. The frequency of meetings and the number of meetings is also influenced by pressing parenting issues which may occur during the collaborative process and which need to be addressed in a timely fashion with the coaches. Coaches work closely with each other to debrief after each 4-way and to plan for the next 4-way to be able to deal with emotional issues that might side track the ability of parents to reach decisions. Long term access plans are not put into place prior to feedback from the child specialist.

### Role of the Child Specialist in Developing a Parenting Plan in a Collaborative Divorce

The best practice model in collaborative cases involving the development of a Parenting Plan is to utilize the services of a child specialist. While the parents know their children better than anyone, their knowledge is also colored by their own perceptions, experiences and relationships. The child specialist is an expert in child development and the emotional age-appropriate needs of children whose parents are separating. Thus, it can be extremely useful to have a mental health professional involved in the process.

The role of the child specialist is both specific and time limited. The child specialist will meet with parents initially and will obtain each parent's perspectives and concerns regarding all children in the family. It is preferable to have an initial joint meeting with both parents in order to reinforce the cooperative nature of their co-parenting. Then both parents may be seen individually so they can relate their particular concerns and viewpoints without having the other parent feel the need to respond to this input.

The child specialist will then meet with the children individually. There may be one or more meetings with each child depending on how forthcoming the child is and the extent of the information obtained at the session. Children are told that the information they share is NOT confidential. They understand that parents may be told anything they share with the child specialist. possible need for intervention. Part of the child specialist role is to aid in determining if there are special needs to be addressed, including but not limited to, the recommendation of psychotherapy. Additionally, providing a forum for children to have adults listen to them voice their feelings, thoughts and concerns in a non-judgmental manner can be cathartic and empowering for children.

The child specialist then works with the coaches in delivering the information about the children to parents. Generally, the child specialist discusses his/her findings with the coaches first and they discuss how best to present the material to the parents. Attorneys are generally not involved directly in this process but the team keeps them informed via meeting notes and/or conference calls. The coaches and child specialist then meet with the parents in a 5-way discussion. Since the child specialist is recognized as a

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## Association of Collaborative Professionals

The Association of Collaborative Professionals ("ACP") recently hosted a 3-part educational series on Jumpstarting Your Collaborative Practice presented by Karen Robbins. In February ACP will have a presentation from Darcy Shoop, a collaborative attorney who is developing an exclusively ADR practice. ACP plans to present additional educational programs for our members in 2010. ACP meets on the second Tuesday of each month in Frederick at 214 West Patrick Street, at 8:30 a.m. ACP is open to all collaboratively trained professionals practicing in Frederick, Washington and neighboring counties. Coffee and refreshments are always available for all early morning gatherings.

## Collaborative Divorce Association, Inc.

CDA has welcomed many new members in 2009, all of whom will be listed in its new brochures and website, which will be launched in 2010. The focus for this upcoming year is public outreach, and in that vein members are conducting local presentations on Collaborative Divorce for the DC Bar, the Divorce Roundtable, the National Association for Social Workers, Georgetown Law Center and George Washington University Law School. The monthly membership meetings this year are geared towards improving Collaborative skills. CDA is hosting a wonderful all-day program on April 23, 2010 at the Bethesda North Marriott Conference Center with Jack Himmelstein and Katherine Miller, who are nationally recognized collaborative trainers with the Center for Understanding Conflict. The topic is "The Collaborative End Game - What to Do When the Going Gets Tough," and anyone can register prior to April 10, 2010. CDA looks forward to working with all the other local groups in 2010 towards the further promotion of the Collaborative movement in the DC Metropolitan Area!

## Collaborative Dispute Resolution Professionals

CDRP has gotten off to a fantastic start for 2009-2010. It started the year off with a Board Retreat to create a Strategic Plan for the year. This allowed them to create a road map for the upcoming year as well as for the Board to get to know each other. CDRP's monthly dinner meetings have been very successful - there are usually over 50 people in attendance for dinner and an educational presentation. CDRP is looking forward to its January 25th meeting where the DC Metro Best Practices Protocols will be introduced. The Legacy Hotel has provided a great atmosphere for food, refreshments and learning together. CDRP will present two opportunities for collaborative training this spring. March 4, 5, and 6 they will sponsor an Interdisciplinary Team Training in Rockville. Even if you have already taken a 3-day training, you may want to join the training. Its impossible to learn it all the first time and there are always new people to meet! CDRP also plans on sponsoring a seminar, "Jump Starting your Collaborative Prac-

tice," in April or May. Other plans for the spring include revamping our website, beginning a Pro-Bono program, and starting a mentoring program for new practitioners. Finally, they hope everyone can join them for their annual meeting/party on May 24th. If you would like information about CDRP or any of its programs, please contact Margie ([margie@rmcenter.com](mailto:margie@rmcenter.com)) or Renee ([Renee.CDRP@gmail.com](mailto:Renee.CDRP@gmail.com)).

## Collaborative Roundtable at Baltimore

This has been a fun and stimulating year for Collaborative Roundtable at Baltimore (CRAB). As one of the new kids on the block, the number of members actively involved in the group continues to grow. In its monthly meetings they have had colleagues present on multiple topics of interest, including "Self Care for Collaborative Professionals," "Assembling Your Interdisciplinary Team," "How to Manage Impasse," and "Ending a Case." They also spent the summer with "Hal and Elaine," in their brown bag lunch series. Each week CRAB watched a couple of vignettes and had spirited discussions about their "case." They are proud of the fact that so many CRAB members attended the IACP Forum in Minneapolis. David Ebaugh, Scott Holtzman, Meg Oliver, Jac Knust and Mary Stengel all enjoyed spending time with many of the Howard County, D.C. area and Northern Virginia "family." They were also honored that their own Ali Doyle was given a special award by the IACP for all the hard work she has done to foster the Collaborative movement. Go Ali! For information on future CRAB activities, feel free to view the CRAB link on Collaborative Training Solutions website at <http://collaborativetrainingsolutions.com/crab.html>

## MD State Bar Association Collaborative Practice Committee

The ADR Section of the Maryland State Bar Association has recently formed a Collaborative Practice Committee. The committee is seeking interested members to help generate ideas and work on the committee, a focus of which will be passage of the UCLA. Interested attorneys can contact Suzy Eckstein at [suzyeckstein@aol.com](mailto:suzyeckstein@aol.com) for more information. In other news, the MSBA is holding their Spring Pizza and Professionalism event on April 27, 2010 where Robin Taub, Esq., and Sue Soler, L.C.S.W.-C will present the program "Ethical Dilemmas in the Collaborative Process". Mary Pence, Esq., will also be available to answer any questions regarding the UCLA. The program will be interactive with plenty of time for questions. Registration flyer to be distributed closer to the event. Attorneys and other professionals (mental health and financial) who are not members of the section are welcome.

*(preparing the parent agreement continued from page 3)*

Each meeting provides an opportunity for parents to discuss one child at a time, address challenges and follow the Child and Family Focused Model but in a non jargon, "daily life" kind of way. When parents are in agreement, this is highlighted, if parents cannot make a decision during the meeting, they are asked to think about the issue and come back with options to discuss.

The final parent plan includes a "preamble" or statement about parent's commitment to the best interests of each child and a constructive co-parent relationship, Access Plan including legal and physical custody, Co-parent Communication, Psychological well-being, Discipline, Education, Religion, Social Development and Co-parent relationship. Included in the parent agreement is a statement about yearly renegotiation as a natural evolution of children's changing needs and parents' possible life changes.

What are the Benefits of Preparing a Parent Agreement with Parents in the Collaborative Process?

One of the most significant benefits is being able to assist parents in addressing the developmental needs of each child in the family in a customized way that will benefit the children and parents' relationship with their children and with each other for the rest of their lives. Parents have total support from the team, unlike other processes, to comprehensively address the needs of their children. The nature of the process allows parents to evolve their relationship as co-parents over time. The support of the team encourages parents to learn, to research options, further assess children's needs and over time, heal the adult relationship so that they can come together to co-parent. One parent commented, "I wish we could have learned to communicate this way during our marriage, maybe we wouldn't be getting a divorce." The use of objective tools guides parents to focus on their children rather than their own needs. Being able to focus on the children at each meeting gives parents the framework to carry out the parent agreement and modify it as needed when the agreement is finished.

Another benefit is that customized, rather than boiler plate custody agreements, truly take in to account where each child is developmentally. A significant benefit of having a team to work with is that both professionals and parents involved can obtain needed support.

In working with more than 24,000 individuals for more than 25 years, we have attended funerals of children of divorce who died in car accidents with their estranged parents sitting at opposite pews in church, children punished for not attaching to a significant other fast enough and children growing up with the belief that they can't count on their warring parents. The collaborative process gives children and parents a sense of hope; yes, this transition hurts and there are many changes but most of them are being worked out and everyone in the family has a healthier path to walk down. The concept of family and what it means lives on.

*(the use of coaches continued from page 4)*

neutral third party, parents are more likely to hear what is being said about the needs/wants of their children as well as any areas of concern. Parents having access to the "voice of the child" may contribute information which would not otherwise be available.

As an advocate for children, the child specialist keeps the needs of children in the forefront of the Parenting Plan discussion. The theme of hearing the voice of their children can then help parents directly in planning discussions. The child specialist does not make any specific recommendations regarding access or other specific co-parenting decisions. Rather, the child specialist reinforces the value of keeping the needs of their children in the forefront of their decision-making. The coaches then take the information and incorporate it into their work with the parents to develop a Parenting Plan.

The input from a child specialist may also help move the process forward when parents are stuck on deciding an access plan. Neutral input about the developmentally appropriate needs/wants of children may allow parents to move on and accept an allocation of time which had previously made them uncomfortable. If parents hear "directly" from their children that they are alright with a plan, then parents may be able to proceed in the formulation of an enduring agreement.

After the feedback session, the child specialist's role usually concludes. However, the parents have the option to consult with the child specialist at a future date if they mutually agree this would be helpful to have an "update" from their children regarding their social and emotional adjustment. The decision to obtain an update can be formalized as part of the Parenting Plan or can be decided in the future on an as needed basis. If the child specialist is asked to do an update, the information gained is shared with the coaches who then work with the parents to make any agreed upon changes to the Parenting Plan. The coaches, attorneys and child specialist are available to the parents through the collaborative process "in perpetuity".

*(role of the financial neutral continued from front cover)*

financial information and concerns. The FN obtains a general overview of the assets, liabilities, income and expenses and provides guidance to the clients as to what documents and information they will need to provide. The FN also provides an engagement letter consistent with the collaborative participation agreement, checklists, budget forms and other data gathering forms to assist the clients. The FN will schedule 3-way meetings with the clients in order to review the financial data, add, update and clarify information, and identify issues and questions to consider. The FN becomes the keeper of documents for the team and will maintain a file and provide copies to the team as needed of all statements and documents provided by the clients in order to maintain full transparency. The FN will assign homework as needed and keep the team informed of status.

*(role of the financial neutral continued from front cover)*

The FN will then prepare financial reports for the team and clients to present the current financial information, comprised of a) a schedule of assets and liabilities, inclusive of amounts, title, and restrictions b) family income and expenses, inclusive of any recent or anticipated material changes and c) any other data pertinent to the financial decision making process (insurance issues, children's assets, etc.). This information should be presented neutrally, generally by title.

To facilitate development and evaluation of financial matters, a full team meeting, generally conducted by the FN, is held. The FN reviews, explains and clarifies the financial data, including assumptions made and information missing or incomplete in the reports. The FN identifies the possible need for other specialized professionals (business valuations, mortgage lenders, etc.) and states issues raised by the clients and other team members. The FN also assists with the development of options for the financial decisions. They may offer additional suggestions after the clients have exhausted their own option generating, particularly where it is obvious the clients were not aware an option is available or where they need assistance with the development. Later in the process, the FN will assist with global options, that package various aspects of the financial issues. The FN will offer information as needed as to tax consequences and projections.

Crucial to the collaborative decision making process is the assistance from the FN as to the projected outcomes of the alternate options selected by the clients. Typically the FN prepares projections of hypotheticals that reflect and compare outcomes of these options, including division of assets, cash flow, tax and retirement projections, pension analyses and other reports as needed. Scenarios may be revised many times to address issues and the clients' concerns. In this manner, the FN assists the clients with gaining clarity and a sense of control over their financial matters in the difficult decision making process surrounding their finances.

In order to reach a financial resolution the team will return to the evaluation of options as needed until all issues are resolved. When financial resolution is attained, the final scenarios and reports prepared by the FN become working documents for the attorneys in drafting the Settlement Agreement. Once the Settlement Agreement is drafted, the FN will assist in reviewing the draft agreement to ensure all financial and tax issues are addressed. The FN should remain available to the clients in perpetuity as part of the collaborative team and should maintain records for a minimum of 5 years.



# Save the Date!

for the

11<sup>th</sup> Annual IACP Networking & Educational Forum

for Collaborative Professionals

in Washington, DC

October 28-31, 2010

at the Grand Hyatt Hotel

# MCPC

*Maryland Collaborative Practice Council*

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