

Benefits of Cooperative Divorce

Communication

Cooperative Divorce is characterized by open and honest communication of relevant information. Couples exchange information, share concerns, listen and respond to each other. A cooperative approach to divorce improves the prospect of continued cooperation and positive communication between parents.

Competitive Divorce is characterized by a lack of information or providing misleading or minimal information to the other. Information is exchanged formally through deposition, interrogatories and other forms of discovery. The parties speak through their attorneys rather than to each other about parenting issues and other areas of concern to the family.

Perception

Cooperative Divorce focuses on areas of mutual interest while to promote understanding and consensus to bridge differences. The cooperative process enhances shared values and perspectives. Differences in perspective are treated with respect.

Competitive Divorce tends to increase sensitivity to differences while minimizing awareness of similarities. The competitive process stimulates the sense of complete oppositeness: "I am good, you must be bad." Parents tend to view each other as adversaries.

Attitudes toward one another

Cooperative Divorce leads to a trusting, friendly attitude and increases a willingness to respond to the other's needs. Cooperative divorce facilitates the recognition of the legitimacy of each other's views and interests. The process emphasizes mutual respect and dignity.

Competitive Divorce leads to a suspicious and hostile attitude increasing the tendency to exploit the other's needs and respond negatively to the other's requests.

Needs of children

Cooperative Divorce provides a constructive environment in which parents can discuss issues and make decisions about parenting that meet the individual needs of the child. Children feel safer when they know that the decisions about parenting will be made jointly by parents with the child's best interests in mind. A cooperative approach to divorce increases the chances for continued cooperation and communication between parents and improves their ability to resolve child-related issues cooperatively and outside the legal system once the divorce has concluded.

Competitive Divorce heightens bitterness and conflict between parents. Court rendered decisions often do not account for the individual needs and desires of the child. The increased level of conflict impairs the child's adjustment to the divorce.

Divorce process

Cooperative Divorce enables the couple to approach the divorce process in a manner that utilizes resources jointly, so that duplication of efforts and expense are reduced. The parties each benefit from the resources available, minimizing imbalances of power. The promotion of mutual gain becomes the objective. A cooperative approach tends to narrow rather than expand the scope of conflicting interests. A collaborative process results in solutions that are responsive to the needs of all.

Competitive Divorce supports the view that the solution of a conflict can only be one that is imposed by one side on the other. The parties seek to enhance their own power by minimizing the legitimacy of the other side's interests and needs. The competitive process escalates the level of conflict so that conflict becomes a matter of general principle and no longer confined to a specific issue. The competitive process expands the scope of issues in conflict. Costs are increased as parties each hire attorneys, appraisers and expert witnesses. As the level of conflict is heightened, opportunities for settlement are reduced and parties become emotionally vested in obtaining a win-lose outcome. Decisions are made by the Court, instead of the parties, and may not conform to the individual needs or interests of the family.