



Divorce: You Have Choices

Know Your Options Before You Start



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Know Your Options

Pick the method of divorce that best suits your situation, your family, and your budget.

Litigation is often the most understood or standard type of divorce, simply because the couple who is divorcing doesn't know they have options outside of engaging a lawyer, taking sides, and going to court.

You Have Choices!

There are four main styles of divorce:

- Collaborative Divorce
- Mediation
 - Evaluative Mediation
 - Transformative Mediation
 - Facilitative Mediation
- Divorce Litigation
- Pro se/DIY

One of these options might be better suited to your family and situation than the others.

Knowing what kind of divorce you'd like to pursue is the first step, and it will drive your subsequent decisions, such as what professionals you need on your team.



Collaborative Divorce

What Is a Collaborative Divorce?

A collaborative divorce is a legal process using Alternative Dispute Resolution (ADR). The Collaborative Process allows couples to negotiate all the terms of a divorce based on goals they establish at the beginning of their process without needing to go to court. You and your spouse use a combination of assisted mediation and negotiation to agree on the essential terms of the divorce, like property and debt division, child custody and child support, and spousal support (also known as alimony or maintenance).

What Does Collaborative Divorce Look Like?

The Collaborative Divorce Process **begins with a conversation** between spouses to understand the process and agree that both are willing to negotiate and work together in a collaborative approach. The Collaborative Process won't work if either party is unwilling to participate.

The next step is for each spouse to hire their own team, consisting of professionals trained in the collaborative practice. Your team includes an attorney for each party, a financial neutral, and one or two divorce coaches. Depending on your needs, other professionals, like child specialists, may become involved.

Benefits of the Collaborative Divorce Process

Experienced Collaborative Divorce professionals are well-versed in supporting a goals-based, win-win settlement for both parties. A considerable difference between Collaborative Process and Mediation is the involvement of individual attorneys during the meetings. In this process, lawyers represent each party's interests. That means if you aren't comfortable with or sure about the terms of your divorce, your attorney is there to clarify and advocate for you.

Another benefit of the Collaborative Process is that conversations are held in real-time with all present, so the likelihood of things being "lost in translation" is much less. You also have specialists working with you and your spouse in their area of expertise. Having a financial specialist supporting the financial decisions and a mental health professional supporting family decisions can significantly diminish the chance of mistakes and the agreement's durability. Meaning? You're less likely to end up in court down the road.

In Collaborative Divorce, you manage the process and the schedule. At the beginning of the process, you sign a Participation Agreement stating your intent is to use the process and stay out of court. This agreement holds each party accountable and is a strong incentive for the spouses to negotiate, even when the conversation gets complicated.

You each voluntarily provide any information necessary to continue negotiations, such as tax returns, employment and salary information, and all other information regarding assets and debts. There is no divorce discovery in Collaborative Divorce; you rely on your spouse's word that they have provided you with all relevant information. If you are concerned that your spouse will hide information from you, collaborative divorce may not be your best option.



Is Collaborative Divorce Right for Us?



Each of you needs to be willing to be goals-based and negotiate to accomplish Collaborative; you also have to be open to working together and meeting face to face. If you and your spouse have a history of abuse or a power imbalance, the likelihood of the process working for you isn't strong.

If you are willing to set aside your differences and talk rationally, you may save time, money, and reduce hostility using the Collaborative Process.

Mediation

What Is Mediation?

This process supports the couple meeting with a trained neutral professional who assists them in resolving their differences. The mediator may be an attorney or a financial or mental health professional. It's important to realize that they are not to advise or direct you on what to decide. They are there to help you come to your own decisions.

What Does Mediation Look Like?

All mediators work to help parties settle a dispute; mediators employ different styles and approaches. Just as physicians or therapists use various techniques to achieve desired results, mediators also use other methods. The three main kinds of mediation are evaluative, facilitative, and transformative.

Evaluative Mediation:



This can be a no-nonsense style based on negotiation; it's typically a business-oriented style. Evaluative mediators function quickly and efficiently to get to the point and document a solution. They are more likely to give opinions and make recommendations based on their experience. Evaluative mediators are especially useful; there are time pressures, and the problem is relatively factual.

Transformative Mediation:



A transformative approach provides time and space for the parties to listen and understand one another. Transformative mediators are likely to create room for emotions to be communicated through the process and to allow emotional healing with the solution. Transformative mediators are especially useful when conflicts are more intensely personal and when parties desire empowerment and recognition.

Facilitative Mediation:

In between these two styles of mediation are facilitative mediators. This style of mediation could be the most familiar. Facilitative mediators tend to adapt to the parties' dynamic needs. They may use approaches from both evaluative and transformative practices. Using a facilitative style, a mediator asks questions, normalizes viewpoints, and validates each person's points of view.



Divorce Litigation

What Is Divorce Litigation?

Litigation is based on the court system, even if the divorcing couple doesn't go to court. When parties choose this method, they rely on attorneys and the legal system to negotiate their agreement, usually based on what the law in their jurisdiction will allow. They ultimately depend on the court to decide the things they can't agree on.

One major drawback of litigation is that participants are choosing to participate in an out-of-date and backlogged court system. The courts base their decisions on legal parameters versus your family's best interests. The litigation process can be mentally and emotionally exhausting, and budgets can be difficult to control. Since litigation is by nature adversarial and public, it also affects other family members, namely your children.

The cost of divorce litigation, on average, is \$12,900. A divorce that goes to court averages \$23,300. Some jurisdictions can cost significantly more, even into hundreds of thousands of dollars or more, when disputes over child support, child custody, and alimony occur. The average length of time to litigate a divorce is 12 to 18 months. (Source: Survey conducted by legal website Nolo)

If you go to court, a judge makes decisions for you even though they understand little about your family and background. In litigation, you are potentially turning over the decisions about your children, your property, your money, and how you live your life to a third party. Another consideration, the records of your case are available to the public.

Pro Se/DIY

Can I Represent Myself?

Pro se is the legal phrase for a person self-representing. The individual waives the right to an attorney with the expectation that they have the same knowledge standard as a lawyer. They are expected to follow the court procedures and know the law.

The benefits of representing yourself probably do not outweigh the risks. The advantage is that there are no attorney fees. The risks or disadvantages are considerable.

Even though a person may think their divorce will be "simple," a divorce case is rarely straightforward. When representing yourself, you're also responsible for calculating child support and maintenance (AKA alimony or spousal support), understanding how assets distribute, dividing retirement accounts (which may not be divisible), and understanding the divorce tax consequences.

Kitchen Sink or DIY is another form of self-representation. This is when the couple determines their settlement and files their forms. While not recommended for a long-term marriage, or couples with children or joint assets, this might be very appropriate for those with a short-term marriage and no children or shared assets.

What's Next?

Divorce can feel chaotic and overwhelming. Both of you will likely move through some intense emotions as your relationship changes. It's rare for either person to walk away with everything they hoped for, but when you stay open-minded and focused on the future, you're far more likely to choose a process that fits your needs and reach an outcome that supports the new way you'll relate to each other moving forward.

CONTACT US



Throughout the confusing and often high-stakes divorce process, Bridging Divorce Solutions answers your questions, provides options and guidance, and helps you avoid costly mistakes.

Our goal is to help you have a more compassionate, more considerate, and less expensive divorce outside of the courtroom.

We're pleased to support clients throughout the US via video conference.

To book a complimentary Clarity Call, visit:
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