



## **PROFESSIONALS GUIDE TO THE ROADMAP**

**STAGE 1:** This will be an anxious time for clients, as they face an unknown future without much knowledge of divorce law. Clients may want to know “what alimony and child support are going to be,” during their initial meetings with their lawyer. Attorneys need to help clients remain open-minded about financial settlement outcomes. Advise the client that both parties will need to be okay financially for the ultimate agreement to be mutually acceptable. Ask the Clients to be realistic about their expectations and not to underestimate or overestimate current and future expenses. If income is at all complex or irregular, advise the Financial Professional and discuss same with him/her and the other attorney, so the team will be on the same page. Help clients to prioritize what budget items are essential to well-being versus what are non-essential. Remind clients that, beyond taxes, “essential” as well as other “authentic” needs are often subjective and that the other party’s buy-in will be important to achieving a lasting settlement.

**STAGE 2:** Note that this work precedes the work on financial values which is designed to harmonize the clients’ views of what is fair and reasonable and advisable for the client, the other spouse and their children. In the Stage Two phase, the emphasis is on developing an accurate picture of assets and liabilities and either actual expenses of separate residences or projected expenses of separate residences, if the Clients still reside together. The values work is the next step in the evolution and is designed to assist the parties in arriving at what they believe is a durable and fair and reasonable division of assets and debts and incomes, as it relates to child support and, potentially, alimony.

**STAGE 3:** Attorneys should assure their clients that, although the focus is now on the future and what that might look like, no settlement decisions will be made until later. Clients need not fear engaging in open explorations about financial and child related visions and values with the Coach and their spouse at this stage in the process. The use of “curious [and neutral] questions” is recommended, without the presumption of solutions, in order to ensure that clients clearly experience the neutrality of the Coach. This is only an information-gathering stage, and solutions will evolve during the process set forth in the Roadmap, especially in stage four. Questions may concern the clients’ individual and shared visions and goals about where to live; the type of housing; retirement prospects and concerns; health insurance; hobbies; recreational activities and the like which are considered important to the Clients’ quality of life; and jobs or training they may want to pursue. If rehabilitation is feasible, the Coach should encourage the party to research possibilities for training and education, including the duration and cost thereof. This is important work, because the answers to these questions will inform the Clients’ potential for consensus on each other’s projected budgets at the negotiation stage of the process. The Coach can be particularly helpful in assisting the clients to move through the emotions often associated with difficult financial and parenting conflicts. These emotional impasses can cause the settlement to stall unless they are managed with the professional expertise provided by the Coach. When preparing budgets, sometimes the notion of discretionary versus non-discretionary expenses is confusing. Lawyers often have different definitions of these two terms.

For clarity we recommend that non-discretionary expenses be named “essential” expenses, as defined by the parties – both for themselves and for the other [and for the children]. If agreement can be reached on what is “essential,” the next inquiry regards how much is “required” to be allocated to that expense. In some cases, the parties will need to prioritize their needs if they lack the income to cover the essential expenses now or in the near future. In other cases, they may just be looking at each other’s authentic, but otherwise non-essential expenses, if there is enough money to fund both households, but decisions need to be made regarding creating a lifestyle balance. Especially where alimony and child support are concerned, the Clients must reach consensus on each other’s projected budgets in order to have a productive meeting to brainstorm settlement options. The discussions over projected budgets need to remain non-adversarial and can occur via client meetings with just the neutral(s) or with their lawyers, depending on the dynamics between the parties. In any event, the numbers need to be finalized before alimony and property division negotiations can begin in earnest. In order to encourage free discussion and to save money in the process, this work should be done behind the scenes, in small meetings with appropriate team members, rather than in a six-way meeting. In a six way where there are definable disputed items, the tendency is for the session to degenerate into adversarial posturing.

The financial neutral’s process works best if the financial data is accurate and complete, and if current and future budgets are complete: all the assets and liabilities have been accounted for, valuation dates have been chosen, incomes and expenses are correct and nothing else needs to be added.

When the Clients’ goals and values are sufficiently aligned and their projected incomes and budgets realistic, so as to make reaching agreement appear likely,, a six way meeting is scheduled.

**STAGE 4:** The pre-brief for the second six-way meeting is critical because the team needs to be coordinated regarding the agenda, the applicable law, the issues, hot buttons, areas of continued conflict, the collaborative process, and dynamics of both the clients and the team. For both the pre-brief and the six-way meeting, the Coach will act as facilitator and will provide the agenda to all participants sufficiently before the meeting. The facilitator should, with the collaboration of all, write the goals (established at the first 6-way meeting), interests, options and agreements already made on the white board. The six-way meeting is not the time to be arguing about values or about projected incomes or expenses. There needs to have been a foundation of substantial alignment in values, as established by the prior stages in this process, for a six-way meeting to be productive. In fact, unless the parties have reached a substantial alignment, a six-way meeting is unlikely to be productive or a prudent use of resources.

The Financial Professional should facilitate the discussion on financial issues. Before the six-way meeting is held, financial data should be correct, valuation dates and amounts certain, projected budgets approved by the parties and they should have worked through their emotions enough to be able to create reasonable and mutually-acceptable solutions. The parties’ shared financial visions should be memorialized either in the minutes or in a separate document for everyone to see and keep in front of them and which can be used in any needed subsequent meetings. The discussions should include the terms and conditions of retirement division documents. If additional meetings are needed, it is useful to start the meetings by reviewing and

reaffirming the shared visions. The goal of the six way meeting is to reach agreement on all issues. If there is a substantial hang up, the Team discusses how to best proceed- Client meetings with a neutral, his/ her attorney or another 6 way meeting.

**STAGE 5** By this stage of the process, there should be a draft QDRO or COAP conforming to the Plan Administrator's approved template. Negotiations should be finalized on issues such as survivor benefits and the actual terms of the QDRO or COAP (whether, for example, the Hodgins formula will be used and the percentages or dollar amounts of the respective awards of defined contribution plans). If not already finalized, the retirement plan division documents should be completed to reflect the parties' agreement. The Guide to Best Practices should be consulted regarding drafting of the Final Decree, Parenting Plan, Uniform Support Order and other documents to be filed and regarding termination of the process.