



THE NEW HAMPSHIRE COLLABORATIVE DIVORCE PROCESS ROADMAP

Careful preparation and good communication will facilitate and shorten the process, save professional fees, and help both parties achieve a satisfactory outcome. We have developed this Roadmap to assist you, the parties to a divorce, to achieve your goals efficiently and effectively, and to let you know where you are in the process at any given time.

The precise course of your particular case will vary depending upon several factors, including your individual needs, the complexity of your financial situation, whether you have children, and if so, the needs of your children. This Roadmap emphasizes the financial aspect of your divorce, but includes general references to creating a Parenting Plan.

Key Points of the Roadmap:

- Following this Roadmap will enhance the efficiency and effectiveness of the Collaborative process.
- Using the Coach and the Financial Professional throughout the process will result in earlier, more lasting settlements.

STATEMENT OF PRINCIPLES FOR DEVELOPMENT OF A FINANCIAL PLAN

We agree in good faith to create a fair and equitable Financial Plan. We pledge to keep an open mind, avoid preconceptions, be creative and flexible, and focus on interests instead of taking positions. In order to advance each party's [and the children's] interests we will:

1. Take personal responsibility for maximizing our financial potentials, and work to the extent that we reasonably can.
2. Acknowledge each spouse's contributions to the marriage [and to raising the children].
3. Respect each other's [as well as our children's] authentic needs and dignity, considering our lifestyle during the marriage, and with regard for the financial realities associated with operating two households.
4. Disclose fully and promptly financial records as required under the circumstances of the case, using Family Division Rule 1.25-A as a guide.

Below is a checklist, organized into stages, to help you follow this Roadmap.

Please note that there is a Professionals' Guide to the Roadmap, available on CLANH's website. The Guide provides tips and explanations about the Roadmaps steps.

Stage One: Signing on to the Process and Assembling the Team

- _____ 1.0 Clients meet and hire attorneys. Attorneys prepare and review the Collaborative Participation Agreement and share it with clients. Attorneys provide clients with an overview of the collaborative process, discuss the risks and benefits, and contrast this process with other dispute resolution processes. Attorneys review Rule 1.25-A with clients and ask them to gather the documents; attorneys give clients Financial Affidavit forms to work on and discuss the requirement of full disclosure of financial documents and information. Attorneys manage expectations by discussing with their respective clients the role of the law and policies behind the law. Attorneys share New Hampshire alimony statute factors, child support factors, and property division factors with clients to open up possibilities for consideration.
- _____ 1.1 Attorneys confer in a teleconference regarding assembling the team and create an understanding between them regarding the Roadmap and statement of principles, role of the law, laws that will applied, prospects for rehabilitation, retirement and lifestyle issues. Attorneys select Coach and Financial Professional “Neutrals” and agree upon who will contact each neutral to discuss their joining the team.
- _____ 1.2 Once the Coach and Financial Professional agree to join the team, they are retained by the Clients with agreements which include ensuring that confidentiality of communications is preserved from disclosure outside the collaborative process and providing that the neutrals may not be called as witnesses or participate in any future litigation between the Clients.
- _____ 1.3 When the team has a teleconference, the Roadmap is discussed. Steps 2.0 - 2.2 of the Roadmap are discussed to ensure the team follows those steps ahead of the next team teleconference in Step 2.3.

Stage Two: Information Gathering

- _____ 2.0 Clients have a three-way meeting with the Coach for two hours to determine the couple’s dynamics and communication style. Coach explains that all relevant information will be shared with the team and that no secrets will be kept. Coach explains the role as a neutral facilitator and Coach. Coach assesses each party’s style for coping with conflict, their capacity for doing so, and the way each party best processes information. Coach assesses each party’s emotional state and at what pace they can reasonably be expected to proceed. Coach emphasizes the role’s neutrality, that the Coach does not express his/her own values and opinions and gives no legal advice.
- _____ 2.1 Clients meet separately with the Coach for one hour each to determine hot button issues and how best to deal with them.

- _____ 2.2 Coach debriefs Attorneys and Financial Professional on couple's dynamics and areas of concern. The team schedules a meeting of the team ahead of the first six-way meeting.

- _____ 2.3 All professionals have a team meeting (without Clients) by phone or in person to do the following:
 - a. Attorneys provide further case background to the other professionals.
 - b. Attorneys further discuss the Roadmap, Statement of Principles, Role of Law, Presumptions, Range of Outcomes, and the statutory factors relating to Alimony, Property Division, and Child Support.
 - c. Team defines the roles of team members and the importance of neutrality for the Coach and the Financial Professional.
 - d. Team establishes feedback expectations and methods of communication regarding pre-briefs and de-briefs before and after meetings.
 - e. Team discusses payment of their fees.
 - f. Team discusses the need for a child specialist, separate from the coach.

- _____ 2.4 Clients, Attorneys and the Neutrals have their first group meeting to review the Statement of Principles and assign homework to the clients. The following is normally accomplished at this meeting:
 - a. Review the Roadmap Statement of Principles.
 - b. Discuss the Roadmap and reasons why the Roadmap is constructed as it is, including why foundational work with the neutrals and the attorneys forms the basis of an understanding which will be addressed and refined at a six-way meeting (Step 4.1).
 - c. Review and sign the Participation Agreement.
 - d. Discuss relevant legal concepts such as the "marital estate," and "valuation date" and other legal principles relevant to the case.
 - e. Discuss the cost of the collaborative process and how the professionals will be paid, including the possibility that one party's fees, particularly attorney's fees, may be higher than the other's.
 - f. Address any urgent needs.
 - g. Discuss and agree upon whether a child specialist will be retained.
 - h. Assign homework, which often asks the Clients to:

1. Consider how the Statement of Principles relates to their family circumstances.
2. Reflect on how they and their spouse contributed to the marriage over time, to include both financial and other contributions.
3. Consider their and their spouse's personal values and beliefs surrounding their future financial lives as they imagine their own and their spouse's financial futures.
4. Continue to gather debt information, asset values and documentation of same. [Attorneys determine if formal appraisals are needed and costs of same.]
5. Consider how to maximize their financial potentials.
6. Work on their respective budgets, including child-related expenses.
7. Consider family dynamics, co-parenting concerns, and emotional "hot buttons."
8. Consider productive communication strategies.

_____ 2.5 Clients meet with the Financial Professional and accomplish the following work:

- a. Financial Professional describes his/her role how he/she functions as a neutral.
- b. Review the financial affidavit form, including any work they have done on it, answer questions about the form, and guide the Clients to work on their affidavits as homework.
- c. Review the asset and debt list and assign Clients homework of completing it. If the Clients are still residing in the same home, then attempt to determine who plans to establish a separate residence and direct that person to investigate and state on his/her financial affidavit estimated Year 1 costs of the new residence as part of his/her expense profile.
- d. Determine what financial information remains to be obtained.
- e. Review Rule 1.25-A with the Clients and assign as homework the assembly of the documents required by the Rule, if not already done.

_____ 2.6 The Financial Professional debriefs the team members by telephone regarding his/her meeting with the clients and reviews the homework assigned and the expected timeline of completion of the homework. If still questions, discuss

whether appraisals or valuations of any assets will be needed and discuss making arrangements to obtain same. If the Financial Professional observed substantial disagreements or disputes on finances or it appears one or both Clients may be unrealistic or not forthcoming about his/her expenses, income, assets or their valuation, discuss same with the team.

2.7 Financial Professional meets with Clients to review the results of their homework, their asset and debt lists, their draft financial affidavits including a Year One budget for a separate residence of the Client who expects to establish it, and Rule 1.25-A documents. Financial Professional reviews asset and debt lists and revises these documents where indicated. If it appears that further homework is needed on the financial affidavits, or the Rule 125-A documents are incomplete, then assign appropriate homework and arrange to meet again in a fairly short time, such as ten days.

_____ 2.8 Once the Financial Professional is comfortable with the draft financial affidavits, including projected budgets for a second residence if the parties are still residing together, list of assets and debts and Clients' incomes and has obtained all available 1.25-A documents, then he/she provides same to the team.

_____ 2.9. The Attorneys review the financial affidavits for reasonableness of expenses and any issues with income.

_____ 2.10 The team meets to discuss the documents provided by the Financial Professional and to decide whether Step 2.11 is needed. If not already established, a valuation date shall be agreed on by the team.

_____ 2.11 If the Attorneys believe they need to meet with their clients separately to discuss concerns about information on the financial affidavit or other financial information or documents which the Attorneys believe merit further discussion with the Clients, they do so. The Attorneys continue discussions with the team members until it appears that the team is comfortable with the Clients' level of financial records disclosures, the accuracy of the financial affidavits, reasonableness of projected budgets for two residences if the parties are still living together, and the assets and debts list.

Stage Three: Identifying Interests and Concerns for the Future

Both of you want an outcome that meets your most important concerns; in this stage, we take the time to further explore your values, your concerns, your goals, and your priorities for the future, so that we will be better able to find a mutually acceptable resolution to your divorce.

_____ 3.0 Attorneys review Clients' homework assigned in step 2.4 and confer separately with their clients to prepare them for a three-way meeting with Coach (without the attorneys) to explore their values, concerns and priorities. Attorneys also explain the law and the underlying policies in an effort to re-orient clients so they may engage more productively in their three-way meeting.

- _____ 3.1 Clients meet with the Coach together to discuss their homework from the stage 2.4 meeting and work on identifying:
 - a. Shared values and principles concerning finances [and parenting].
 - b. Their individual and their spouse's authentic needs, goals and concerns.
 - c. How they can maximize their financial potentials.
 - d. If there are minor children, parenting issues and arrangements, including the answers to parenting questionnaires provided by the coach.

- _____ 3.2 Coach debriefs and informs the professional team regarding areas of the Clients' common understandings and areas of discord. This can be done via a brief, factual, and informative email to the rest of the team or, if substantial discord, by teleconference.

- _____ 3.3 Clients meet with their attorneys to re-group on financial and, if applicable, parenting issues.

- _____ 3.4 Professional team teleconferences to discuss:
 - a. The parties' progress towards reaching consensus on financial values and philosophies.
 - b. If applicable, the parties' progress towards reaching consensus on parenting issues.
 - c. If the parties are in alignment regarding big-picture values and are ready to work on projected future long term budgets and incomes (they have already worked on a year 1 budget for the party who expects to leave the marital residence and establish his/her own), then proceed to Step 3.5.
 - d. If the parties have substantial differences in their values/beliefs regarding their future financial lives and/or parenting, then discuss how best to encourage parties' evolution towards consensus, including further meetings with either or both neutrals and/or the attorneys.

- _____ 3.5 Clients meet with their attorneys to review what shared financial values have developed during the process and to review the Clients' work with Financial Professional on their realistic projected future budgets. The attorneys work with their clients to ensure the projected expenses are reasonable to meet their expected essential and authentic needs with consideration of their lifestyle during the marriage, and considering the Clients' shared ideas and visions for their lifestyles

going forward. Attorneys prepare Clients for meeting with Financial Professional in Step 3.6.

- _____ 3.6 Clients meet with the Financial Professional to work on anticipated long-term future incomes (including during and after period of rehabilitation, if applicable) and projected long-term budgets, including for a period of years, if needed and feasible. This process continues until the clients have final numbers.
- _____ 3.7 The Financial Professional provides reports of short and long term projected incomes and expenses to the Attorneys, who share and discuss with clients.
- _____ 3.8 If the Coach and Clients have worked on parenting issues, the Coach provides the information to the attorneys for discussions with their clients to prepare for the six-way meeting.
- _____ 3.9 Attorneys confer to discuss whether the clients are sufficiently aligned and are prepared to brainstorm towards making decisions. If so, a six-way meeting is scheduled. If not, they plan further meetings amongst Clients and one or both Neutrals, or work with their attorneys, as deemed advisable.
- _____ 3.10 When the Clients are sufficiently aligned and are prepared to brainstorm solutions, a six-way meeting is scheduled. Client and Attorney confer to prepare for the six-way meeting. Clients should review their goals and interests for the future in preparation for the negotiation. Attorneys should continue to help their Clients understand the difference between positions and interests, and help them develop interests that are broad enough to generate more than one option in the resolution process.

Stage Four: Six-Way Meeting to Generate Options and Create Financial Plan

Having worked with the Coach and Financial Professional on parenting and financial issues, we are ready to meet to try to finalize discussions on your Financial Plan and Parenting Plan. These plans will be generated through collaborative brainstorming of options to see how these options meet your goals. To do this, we need to have an orderly exchange of ideas and proposals, and continue the conversation until we find a result that both of you will accept, or recognize that more work is to be done before agreements can be reached. .

- _____ 4.0 Professional Team pre-briefs before the six-way meeting and circulates the agenda to the clients.
- _____ 4.1 Six-way meeting:
 - a. Reaffirm and clarify shared visions concerning children and finances.
 - b. [Work on the Parenting Plan].
 - c. Discuss financial reports.

- d. List goals and interests and brainstorm options for the parties' Financial Plan; use the financial software to display the different options for the division of assets and debts and to display cash flow scenarios.
- f. If agreements are reached, decide which attorney will draft the needed documents for filing, negotiate terms and provisions of QDROs, COAPS and IRA division documents not already agreed upon, decide who will draft same and establish and timeline for accomplishing these tasks.

- _____ 4.2 De-brief for professional team immediately following meeting.
- _____ 4.3 After the six-way meeting and any other meetings where there are financial negotiations, the FP checks the financial data being relied upon to ensure that it is accurate.
- _____ 4.4 Optional Meetings: If agreement is not reached at stage 4.1, other meetings should be scheduled in whatever configuration is deemed advisable by the parties and the professional team. This may include small meetings with a neutral or his/her attorney or another six-way meeting.

Stage Five: Finalizing and Implementing the Divorce Agreement

To complete the divorce process, decisions may need to be made about the timing and the implementation of the agreement. In order to complete our work, appropriate documents need to be signed by both parties.

- _____ 5.1 Documents are drawn up by the attorneys and reviewed by all participants before the signing meeting.
- _____ 5.2 Attorneys review the drafts first between the two of them and then review the drafts with the Clients, providing adequate time for review prior to the signing meeting.
- _____ 5.3 Attorneys and Clients meet to revise as needed and sign the Stipulated Final Decree, and, if applicable, Parenting Plan and Uniform Support Order, and discuss any ancillary documents (deeds, titles, QDROs, petition, personal data sheet, child support guidelines worksheet, etc.). All professionals should be paid in full before the signing occurs.
- _____ 5.4 Arrangements are made to prepare and pay for retirement plan/account division document. Either an attorney on the team or a retirement division documents specialist will prepare the division documents.
- _____ 5.5 The divorce agreement (Final Decree), and, if the plan administrator has approved the language of the division documents, the retirement division documents are filed with the Court. If the Plan Administrator requires a decree of divorce before

approval of the retirement division documents, the documents should be filed promptly after issuance of the divorce decree.

- _____ 5.6 After the divorce is approved by the Court, Clients execute any supplemental documents to complete the legal requirements (house deed, titles, QDRO's mailed to Plan Administrator, etc.).
- _____ 5.7 Without charge, the team meets to discuss the case and how the team performance could have been improved.