

DIVORCE ALTERNATIVES™ FAQ'S

(Frequently asked Questions)

What is Divorce Alternatives™?

Divorce Alternatives, Inc., is an affiliation of professionals who offer “Pre-Divorce” and “Anti-Divorce” services who agree to work with families to avoid divorce, where appropriate. The lawyers who participate in Divorce Alternatives™ have committed to broaden their practice to offer services and counsel that will help preserve the marriage, as opposed to being involved only in the marriage dissolution side of family law. Affiliated professionals are those professionals who work with lawyers who offer Divorce Alternatives™ services (such as therapists, counselors, coaches, CPAs, financial planners, etc).

Divorce Alternatives™ was formed with the input of family law lawyers, psychologists, counselors, mediators, pastors, social workers, and other professionals who work with families and couples, all of whom want to help couples avoid divorce and who want to give those couples the resources they need to create a healthier marriage.

From a societal perspective, Divorce Alternatives™ is a paradigm shift in the legal and mental health fields and provides resources that have not been in place before now. Our goal is to help parties create an environment and structure where parties can better work toward preserving marriages. Without Divorce Alternatives™, couples in crisis often choose one of two options: (1) hire a divorce attorney, which usually leads to divorce, or (2) stay in an unhealthy marriage that seems stuck in a ditch. A third option is counseling and marriage therapy. However, many couples find themselves needing legal remedies before counseling can be pursued. When couples are separated, or need to be separated, this is where a lawyer offering Divorce Alternatives™ services can help.

When and how did Divorce Alternatives™ begin?

In January, 2005, during a week-long fast, Steve Campos was inspired with a concept during a Family Law section meeting about Collaborative Law. Steve, a family law lawyer (then with Campos & Cunningham, LLP, and now with The Fowler Law Firm) immediately asked Craig Hansen, a mediator and social worker, to meet with him to discuss this concept. Significant ideas were birthed in that meeting and, by the end of that same afternoon, Steve wrote down some ideas that evolved into Divorce Alternatives™. Within weeks, a series of conversations and meetings with lawyers, counselors, pastors, mediators and social workers helped to form what has become Divorce Alternatives™, which was incorporated in February of 2005. Patty Cofty, a family law lawyer and mediator, joined Steve in late 2005 to help carry forward the concept. She successfully trademarked Divorce Alternatives and Marriage CPR with the U.S. Patent and Trademark Office. Patty, Jack Cunningham, and Steve, have filed numerous Divorce Alternatives™ pleadings in the last six years in many counties in Texas.

What does a Divorce Alternatives™ attorney offer that a traditional divorce attorney does

not offer?

Lawyers who offer Divorce Alternatives™ services can provide couples various legal services and other resources that can facilitate addressing marital issues. Temporary Orders, separation agreements, and Reconciliation Plans are a few of the services that can be initiated to address immediate needs of the parties, until the parties are able to work things out either between themselves or with the help of a marriage counselor or other professional. A typical divorce attorney generally will not have the incentive to guide their client to, or provide, resources to resolve marriage issues. The old way of thinking is “I am a divorce lawyer, therefore anybody who comes to my office will be encouraged to get a divorce. How else do I earn a living?” Also, there is a significant psychological difference in hiring a divorce lawyer versus hiring a lawyer who offers Divorce Alternatives™ services.

The traditional legal system is not generally equipped to preserve marriages. The primary purpose of a large portion of the Family Code and divorce laws (ironically euphemistically referred to as “Family Law”) is to help parties terminate the marriage unit, not preserve it. In fact, the traditional divorce system often fuels the fires between marital partners rather than extinguishing them. When served with divorce paperwork, one of the first things the recipient reads in the citation is, “YOU HAVE BEEN SUED.” Also, typical divorce pleadings demand that the recipient spouse pay attorney’s fees and child support, and are often accusatory and demanding. All of this does not help foster an amicable environment to foster reconciliation.

Furthermore, there are occasionally attorneys who are primarily interested in making large fees off complex and/or acrimonious divorces. Such attorneys generally feed off of, and sometimes fuel, their clients’ hostility towards the other party. A person who is willing to cut off their nose to spite their face, and is willing to spend tens of thousands of dollars to make the other side “pay,” generally is not a good candidate for Divorce Alternatives™.

Why can’t the traditional legal system do what Divorce Alternatives™ is doing?

The paradigm of the traditional legal system works against the idea of reconciling spouses. For one thing, marriage preservation tends to work against the economic interest of the attorneys. Lawyers might think that sending a client to a marriage counselor could result in lost fees. However, each legislative session, there are efforts to modify the legal system to address the high divorce rate. Until such legislation is passed, lawyers offering Divorce Alternatives™ services remain one of the few resources in the legal field to use the court system to help preserve marriages.

Why hasn’t something like Divorce Alternatives™ been tried before?

Until recent innovations in the legal system, the legal profession has not been well-prepared to develop the concept of Divorce Alternatives™. With the recent advent of “collaborative law,” the culture of the legal profession has changed significantly. Even a few years ago, when collaborative law was introduced, the concept of Divorce Alternatives™ would have met much more resistance because the new paradigm was untested. Now that family law lawyers have a

few years experience with the new paradigm of collaborative law, and with the development of collaborative practice groups and participation agreements, the legal community is better prepared to embrace the concept of Divorce Alternatives™ . In short, Collaborative Law pioneers laid critical foundations for the development of Divorce Alternatives™. That's not to say similar kinds of efforts have not been made by individual lawyers throughout the years. However, this effort may be the first of its kind on a large scale basis.

How are Divorce Alternatives™ legal services different from marriage counseling?

Divorce Alternatives™ is not counseling. It is primarily offering couples going through marital difficulties a path through the family law system that isn't bent toward divorce. Although some lawyers can offer counsel that might help preserve a marriage, counseling is more cost-effectively done through marriage therapists and counselors and the clergy. Lawyers who offer Divorce Alternatives™ services can help by establishing agreements or orders similar to temporary orders in a divorce proceeding, but with the goal of working toward reconciliation. This has always been possible with a divorce pleading, but a Pre-Divorce pleading or an Anti-Divorce pleading is worded differently from a Divorce pleading. The Pre-Divorce / Anti-Divorce pleadings clear intentions can help the parties stay focused on reconciliation efforts without the emotional baggage that comes with a divorce petition.

We've been through counseling and it hasn't succeeded. What can Divorce Alternatives™ do?

Divorce Alternatives™ has solutions and leverage that counselors, clergy, and family members don't have. Sometimes marriage counselors and clergy run up against a brick wall, especially when one of the spouses is in denial, recalcitrant, or unrepentant. Until now, the only two viable next steps were to (1) continue to endure an unhealthy marriage, or (2) go to a divorce attorney. Some people separate informally, and that can work sometimes, but it's really a variation of option (1). If the "wrongdoing" spouse (assuming there is only or primarily one - usually it is both) is not adequately motivated to make changes, then that spouse may be content to remain in a state of denial. Depending on the issues, the Divorce Alternatives™ attorney may be able to force or motivate a solution that the counselors or clergy haven't had the leverage to do.

I'm willing to go to counseling, but my spouse has not been willing. What can Divorce Alternatives™ do?

Again, Divorce Alternatives™ has solutions and leverage that counselors and pastors don't have. The Pre-Divorce Petition is one example of what Divorce Alternatives™ can offer. Such remedy is something that a marriage counselor cannot provide and it demands a response from the unwilling spouse. Furthermore, the court can order limited marriage counseling with the Pre-Divorce Petition. Where abuse or children are involved, the court has even broader powers to involve mental health professionals, social workers and classes, such as for anger management or healthy parenting.

During the temporary orders phase after a Pre-Divorce or Anti-Divorce Petition is filed, many petitioners determine that their spouse is unwilling to do what is necessary to preserve the marriage. In such cases, the Pre-Divorce proceeding becomes a Divorce proceeding. Sometimes the respondent files a Counter-Petition for divorce. Sometimes the petitioner decides to simply proceed with the divorce.

What if my marriage is not in crisis, but sometimes feels unbearable, will it help go to a Divorce Alternatives™ lawyer?

It depends. You need to address the issue before it is too late and you get to the point where your marriage is truly unbearable, and divorce is the only option left or your spouse ends up looking for comfort in the arms of another. Also, if you have children, the continued unhealthy patterns in your own marriage may influence their development of unhealthy patterns in their own relationships. In many cases, the family dynamics are unhealthy for the children. If you and your spouse have been unable to address these issues in counseling, then Divorce Alternatives™ lawyers may provide you with some solutions.

What if my spouse or my spouse's attorney isn't interested in cooperating with the agenda of the spouse who hires a Divorce Alternatives™ lawyer?

Until Divorce Alternatives™ type services are universally accepted, like “collaborative divorces” are becoming, then there is very little that can force the other to work to reconcile. In such cases, the petitioner or the respondent proceed to divorce.

What are temporary orders?

Court orders that are designed to address immediate financial, property, and children issues until the marriage can function in a healthy manner and the temporary orders dismissed or, if marriage preservation is unsuccessful, until the final decree of divorce is obtained.

If I am a professional, how can I become involved with Divorce Alternatives™?

You can sign up and pay an annual membership fee. Annual membership fees vary for attorneys and mental health professionals and other allied professionals, such as financial planners and mediators. Contact the Divorce Alternatives'™ main office for further information.

As an attorney why should I participate?

Instead of terminating marriages, lawyers who offer Divorce Alternatives™ services can work to preserve marriages. Many lawyers have discovered the personal benefits and satisfactions of a collaborative law practice. They find they don't have to be one person at work and another person in their personal lives. For many lawyers, Divorce Alternatives™ would be the next logical step. Of course, helping clients to preserve marriage may eliminate the possibility of a fifty thousand dollar fee from that client. Such lawyers whose practice consists of making the most of a few complex and/or acrimonious cases each year, would not likely be the kind of

lawyer who offers Divorce Alternatives™ services.

On the other hand, lawyers might find it more satisfying drafting temporary orders, agreements, and counseling clients for the purpose of preserving the marriage rather than working on such documents to terminate the marriage. Lawyers might find these kinds of services more satisfying, and less adversarial than facing the vagaries of opposing counsel and court schedules and/or trying to collect fees from clients who run out of money in an expensive divorce.

Lawyers benefit from the advertising and promotional efforts made by Divorce Alternatives, Inc., the costs of which come from the annual membership fees. Also, membership in Divorce Alternatives™ entitles the professionals to various benefits, such as promotional materials, forms, and special training.

Aren't the goals of Divorce Alternatives™ contrary to a successful divorce practice?

Although our primary goal is to diminish divorces, given human nature, we expect that there will be plenty of divorce cases available for those attorneys that want to continue practicing litigation divorce and collaborative law divorce. Actually, Divorce Alternatives™ should expand the market for attorneys. We are attracting unserved couples who would not otherwise seek the services of a divorce attorney but who have been willing to endure an unhealthy marriage. We thus are broadening the scope of our profession to include marriage intervention and preservation.

Who Do I Contact For Divorce Alternatives™ services?

At this time, the corporate headquarters of Divorce Alternatives™, Inc., is located at the address below. Contact either Steve Campos or Patricia Cofty for further questions.

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