

COLLABORATIVE TEAM CASEWORK

A Powerful ADR Approach

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QUESTIONS TO CONSIDER

- Why is Team Collaboration powerful?
- How does it differ from mediation?
- What are the most important elements to consider?
- What is needed to do this work well?

WHY IS TEAM COLLABORATION POWERFUL?

- Integrates skills of more than one discipline
- Family law, psychology & child development, finance all involved
- Legal input is throughout
- Can address the dispute at a deep level
- Can incorporate opportunities for emotional growth & behavior change
- Matters need not be restricted to separation & divorce

HOW DOES IT DIFFER FROM MEDIATION?

- Legal advice is 'in the room'
- Decision making & settlement can be faster as no 'going out' for legal advice
- Empowers spouse with less financial knowledge as lawyer is present
- Lawyers stay in role- are not neutrals
- Financial information delivered by the Financial neutral has great power to assist reality testing & settlement options
- Child specialist role essential to express children's voice
- Family Consultant neutral allows for deeper understanding of emotional & communication dynamics
- With both parties having legal advocate easier mgmt. of 1 sided delay, resistance or withholding of information
- Fam Cons can 'bracket out' parts of the work eg Parenting Plan
- A difficult client with complex personality and/or mental health issues can get more individual time.
- Single mediators can find high stress in remaining neutral in high conflict cases

CASE EXAMPLE – THE SMITHS

- Husband – Dan 58
- Wife – Hannah 52
- Daughter – Karen 24
- Married 28 yrs – separated 4 years
- Family business- bottle shop/wine store
- Wife works part time – nurse

Psycho/social issues

- Dan's depression
- Hannah cancer survivor
- Father-daughter relationship distant, unexpressed rage/disappointment

IMPLICATIONS OF EMOTIONAL ISSUES FOR LEGAL SETTLEMENT

- Dan avoidant – tax arrears, failing business
- Hannah hurt & angry, needs closure. Frustrated there has been no progress
- Karen's distance from dad feeds his depression

CASE EXAMPLE – THE JONES

- Wife – Julie 55
- Husband – Alex 56
- Adult Children – Ann 25, Lee, 22, Susan 18
- Married 30 years –separated 4 years
- Family business- modelling agency
- Julie – was working in business/not at present

Psycho-social issues

- Julie - Bipolar disorder
- Alex rel/ship with Carol – on+off 3 yrs
- Cut off between Julie + extended family
- High stress/tension of 3 years of litigation, 3 different lawyers
- Conflicted couple communication

IMPLICATIONS OF EMOTIONAL ISSUES FOR LEGAL SETTLEMENT

- Alex high anxiety + pressure to have closure – resultant style is forcing decisions + excluding Julie from process
- Conflictual/hysterical communication style between couple
- Julie's diagnosis reinforces negative perception of her as incompetent within family

WHAT ARE THE MOST IMPORTANT ELEMENTS TO CONSIDER?

- The initial approach to the engagement of the case – who starts, what is the protocol
- Is there team equality?
- Is there leadership?
- Is there case management?
- Transparency
- Client care

WHAT IS NEEDED TO DO THIS WORK WELL?

READINESS

- Individual
 - client
 - practitioner
- Team
- Business

Requires adequate training, ongoing mentorship/supervision & professional development

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