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## LAW OFFICES of Robert J. Merlin, P.A.



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### What's New?

There were significant changes made to the Florida Statutes effective October 1, 2008. The most significant change is that the concept of "custody" has been eliminated from Florida law. Parents now must agree to a "parenting plan" which includes a timesharing schedule, guidelines regarding communications between the parties and with the children and how to decide issues involving the children, such as school, religion, special needs, etc. This creates more equality between the parents and is consistent with the non-adversarial collaborative law process. The trend in the law certainly is a move away from litigation and more toward alternative dispute resolution methods. Collaborative law is a very

### Collaborative Divorce—A New Approach

Divorce and the restructuring of a family is a difficult event. While the process is usually stressful for the adults involved, it is especially traumatic when children are involved.

Collaborative family law is designed to help divorcing parties resolve their differences in a mutually respectful, non-adversarial way. Seen as the future in family law, this new approach is hailed by professionals because it is founded on mutual respect and cooperation and without court intervention.

### Making a Difference

Wondering how collaborative law works? The following illustrates some of the differences in cases that have been resolved by the Law Offices of Robert J. Merlin, P.A. ([www.merlinlaw.com](http://www.merlinlaw.com)) using collaborative law as opposed to traditional litigation.

**Cost.** The parties can save a significant amount of money if there is a need for experts because in collaborative law, only neutral experts, such as forensic accountants, are used. In litigation, the parties usually retain their own experts, thereby potentially doubling the cost of the experts.

**Control.** The parties have complete control over their divorce. There is no judge telling them what to do and when to do it and they have more freedom to be creative in negotiating a settlement of their case.

**Speed.** The collaborative process can work as quickly as the parties want it to work. There is no waiting for a hearing in court. The parties voluntarily exchange documents, so there are no hearings to compel discovery.

**Confidentiality.** Collaborative divorce is often used when the parties involved want their personal lives to remain private and out of the public eye. Once the parties enter into a settlement agreement, a simple petition is filed (without assigning blame to either party) which is followed by an uncontested final hearing. The parties' disagreements are addressed privately, instead of through the public records.

**Emotions.** A mental health professional trained in collaborative

effective means of resolving all of the issues involved in a dissolution of marriage action in a private manner and without the parties destroying each other.

### Pre- and Post-Nuptial Agreements

Preserving assets in today's uncertain economy is on everyone's mind. To protect future generations, parents should remind their adult children who are getting married to prepare a pre-nuptial or post-nuptial agreement. And for those who have assets to protect who are marrying for the first time, or for the second time, pre-nuptial or post-nuptial agreements are an effective way to provide financial security and to avoid future disputes. We are available to consult with you or your clients about the preparation of these agreements.

law is used from the inception of the collaborative process. This enables the parties and the attorneys to address all of the issues involved in the matter and to minimize the stress that often accompanies litigation.

**Respect.** Collaborative law requires the parties and the attorneys to treat each other with respect. The ultimate goal is to resolve the matter, not to destroy the other side. In fact, this can even apply when one of the parties has had an extra-marital affair.



### Who We Are

Founded in 1990, the Law Offices of Robert J. Merlin, P.A. offer a variety of dispute resolution options in family law, including collaborative law, mediation and litigation, when appropriate.

Robert J. Merlin, Managing Partner, is Florida Bar Board Certified in Marital and Family Law. He is also the Secretary of the Collaborative Family Law Institute (serving Miami-Dade families since 2000) and Chair of its Marketing Committee. Active in the community, Merlin is currently on the Board of Directors of the Greater Miami Jewish Federation and Chair of its Human Resources committee. He is also on the Board of Jewish Community Services and served as the organization's Chairman from 2004 until 2006.

For more information, visit [www.merlinlaw.com](http://www.merlinlaw.com)

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