

Center for Out-of-Court Divorce Takes Holistic Approach

After completing its pilot phase, the center helps families through divorce and separation

BY TONY FLESOR
LAW WEEK COLORADO

For families using the Center for Out-of-Court Divorce, the process of splitting up a family might leave the participants feeling like they're part of a collaborative process rather than a competitive one.

The Center for Out-of-Court Divorce, officially opened in September, seeks to offer families a more amenable method to reach a divorce with collaborative parenting plans and emotional, mental health and financial services to ease the process. The center launched out of a two-year pilot program through the Institute for the Advancement of the American Legal System but is now functioning as its own nonprofit organization.

STARTING THE PROJECT

Executive director Melinda Taylor said the center is intended to offer a holistic approach to divorce with kids in the forefront. She said the center focuses on ensuring the well-being of the kids and making the parents into partners in the "business of raising kids," despite splitting up as familial partners.

The center started in September 2013 as the Resource Center for Separating and Divorcing Families at the University of Denver as part of IAALS' Honoring Families Initiative. IAALS describes its out-of-court model as part of an international trend, led by Australia and Ireland, of making separation and divorce processes less adversarial. The services it offers now are based off the two-year pilot project where families could use the resource center for coparent coaching sessions to help parents develop business plans and parenting plans and for discernment therapy. Taylor said the preliminary results showed the process worked.

The program is now off the ground with an established model and is working to scale with an office at Yale Avenue and Colorado Boulevard that is designed specifically with the work in mind.

The center uses attorneys, retired judge Robert Hyatt and staff that provide mediation, financial consultation and counseling services to help families in all areas of the divorce process.

In the first year of its operation, 39 families have made it through the process to their final orders hearings with Hyatt since the model was started in 2013.

A HOLISTIC ALTERNATIVE

Hyatt has been involved with the center since the idea phase when IAALS executive director and former Colorado Supreme Court Justice Rebecca Love Kourlis asked him about forming a center specifically for separating and divorcing families.

"My initial response was, 'this was about time,'" Hyatt said.

After the program was put in place, Hyatt volunteered to be the judge who performed the permanent orders hearings. He has been doing that for the center for the past two years, putting his previous 30 years of experience as trial judge to use.

In Hyatt's time as a judge, he spent a "good chunk" of time in family law courts handling similar cases. He said it occurred to him that the courts are not the best venue for resolving issues involving people's children, though.

"The adversary system is a wonderful system. It works great for civil cases, money disputes, it works in criminal cases, but it works very poorly in cases involving parenting plans and dealing with the future of children," Hyatt said. "It encourages people to be more acrimonious than ever and engage in litigation battle. Once it's joined, it

escalates."

The court system can be intimidating and even excruciating for the families, he said. The experience at the center is intended to be different, though. It strives to provide a collaborative and holistic approach to developing parenting plans and provide services from mediation, legal assistance, mental health and financial help as needed.

The primary difference is the way in which parenting plans are put in place, though. Hyatt said that as judge, he often found himself in the position of setting parenting plans for the parents and telling them what to do with their children. "If they leave it to me decide, it will probably devolve to the point they won't follow what I tell them," Hyatt said. "There's no emotional investment in the outcome, only battle."

He said families using the center's services are expected to come up with their own parenting plans, though, and described

the process as therapeutic, even. Rather than receiving a parenting plan the night before an orders hearing, Hyatt said he can spend as long as he needs on a parenting plan, and he has the center's staff as resources who can answer questions about it or the family. And once he sees the family at the hearing, they can have a conversation about it together to make sure it's in the best interests of the children in the family.

POSITIVE RESULTS

"I would refer anybody going through that if they don't have the money to retain a lawyer," Leotis Compton said. "It's not just a divorce, they look at the whole family and make sure that everybody — the development of the family — is healthy after the process."

Compton used the center for his divorce, which resolved in February 2014. For

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Laurie Rust provides employment advice and counsel on a wide range of issues such as accommodating disability, terminations, wage and hour compliance issues and hiring. She has extensive experience representing employers in matters involving alleged violations of the ADA, Title VII of the Civil Rights Act, ADEA, FMLA, FEHA, and the California Labor Code. In addition, Rust has worked with employers to draft employment agreements employee manuals, severance agreements, and other employment related documents.

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NATIVE ADS

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subheading — probably isn't necessary.

The need for disclosure also appears to hinge upon whether the content promotes specific products the advertiser offers. An advertiser can pay to have content published on a site and with the advertiser's brand displayed in a "sponsored by" message, but if the content itself doesn't contain messages promoting the advertiser's products, it doesn't need to be identifiable as an ad, according to another example the FTC provided.

The FTC did not accompany the guidance with any announcement of new enforcement action over deceptive native advertising practices. Prochnow said he wouldn't be surprised, however, if the commission decided in the near future to try make an example of certain companies along those lines.

In addition to the FTC, companies might want to be on the lookout for action in the native advertising space taken by state attorney general offices, which might seek to enforce consumer protection laws. Class-action lawsuits over false or misleading advertising are also a possibility, especially in California, Prochnow said. He added that the National Advertising Division has dealt with the issue, but it is unlikely to initiate its own action against a company for deceptive native advertising except in an egregious instance. •

—Doug Chartier, DChartier@circuitmedia.com

OUT-OF-COURT DIVORCE

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him, the divorce involved more than just filing the proper paperwork to end a marriage. He, his now-ex wife and their three children

helped him work through communication problems he had with his daughter through the divorce.

"My daughter and I are still working on that relationship, but I think they (the center) started the groundwork to allow

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Leotis Compton, former client

took advantage of the center's counseling and group services.

He participated in a men's group that involved meeting with other men going through the process, some just starting, some dealing with anger issues — Compton said he was able to see where he was in the process and saw improvements in others in the group as well.

Similarly, the center's counseling helped him have conversations with his teenage daughter, then 17, about how they both felt about the divorce. The process was easy overall, and he said Hyatt made the final hearing go smoothly as well.

Two years following his divorce, he said he's satisfied with the result he got from using the center's services, and he believes it

us to do that," Compton said. "My son did not participate in the counseling, we're still working on the relationship with him. It allowed me to at least have some tools to work with."

Hyatt said that he's seen the process reach positive results for many of the families that have used the center's services.

"The response from parents that I've dealt with has just been overwhelmingly positive," Hyatt said. "I know that IAALS and the center and everybody involved is devoted to making this the kind of product that really does serve the children and making changes in it and making sure the research tells us things we can do better. That's always been the goal." •

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American Legal System, which provides research and guidance on reform in the judiciary and the profession around the country.

Gessler, who preceded Williams in the office, echoed Buescher's sentiment: he should have nominated Moye as well, he said.

"Secretaries come and go, but John Moye is eternal," Gessler said.

In the 16 years since Moye started offering his help to the office, the Colorado Secretary of State has become a national model. Williams said when he took office, he knew how things worked in Colorado but hadn't realized how much further along the state's office is than others around the country.

"We were indeed leading the nation and continue to do that because of John's work," Williams said.

Davidson has decades of experience in elections, including serving as a commissioner on the U.S. Election Assistance Commission and executive director of the Colorado County Clerks Association. Most recently, she served on the Pilot Election Review Committee, which advised Secretary Williams on selecting a voting-equipment vendor.

The NASS Medallion is another notch on a long list of honors for Moye. In 2005, he received an Award of Merit, the Colorado Bar Association's highest honor. In the 1980s, both the Colorado and Denver bar associations named him the Outstanding Young Lawyer of the Year. •

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