THE LAW OFFICE OF
ERIN M. WILSON LLC
A FAMILY LAW PRACTICE

KOGUT & WILSON
CELEBRATING 10 YEARS

Family Law and Therapy

What are the different approaches to family law?

Litigation:

Litigation refers to the formal court process for resolving disputes, including those related to financial & parenting issues for a divorce, parentage or post decree matter. Litigation does not mean you will be going to trial right away, but it does avail you to the court system which may involve attending Court for status, pretrial, hearings, or a trial. The majority of family law cases do not go to trial; though contested hearings or pretrial conferences may be part of the process.

Uncontested Divorce:

An uncontested divorce occurs when both parties agree on a majority, if not all of the issues presented in a family law case. Sometimes this comes about because the parties already went to mediation and are retaining attorney(s) to prepare or review the paperwork, or because the parties discussed and agreed to this before seeking counsel. This process tends to be faster and less costly for the parties, but also less common. One or both parties may retain counsel, but neither is required to do so. It is important to note that an attorney may only represent one party, not both.

Mediation:

Mediation is an alternative form of dispute resolution in which a neutral third party assists in resolving contested family law issues. Mediation allows parties more control over the outcome, creativity in settlements and transparent and direct communication. Mediation is also a confidential process. Mediation may not be right for situations involving domestic violence or other unhealthy power & control dynamics. A mediator may work with two parties directly, or while they are represented by counsel, who may or may not come to the mediation sessions. It is important to note that some attorneys are also mediators but when an attorney is acting as a mediator, the attorney may not provide legal advice.

Collaborative Law:

The collaborative process emphasizes a team approach to reaching an agreement tailored to your family's specific needs. This process is a voluntary way of resolving family law disputes without litigation and outside of the courtroom. It is also a confidential process. Both parties and their respective attorneys work together in a cooperative team-like setting to reach a mutually agreeable settlement, all before even filing a divorce case. Typically, this is accomplished through a series of meetings among the parties, their attorneys, and potential specialists, such as a financial neutral. coach or parenting specialist, to identify goals,

negotiate based on the identified goals, and resolve all aspects of family law disputes. This process is based on transparency.

The children's best interest & how that is accomplished

What is a Guardian Ad Litem (GAL) and Child Representative (CR)?

Similarities

The Court can appoint an attorney qualified to serve as a GAL and CR, who will investigate issues, meet with the parents, child, and third parties such as therapists, doctors, and teachers. The GAL or CR will attempt to work towards an amicable solution for family issues to serve the best interests of the child or advocate in court if no resolution is reached.

Differences

These two roles differ as a CR has confidentiality with the child, whereas the GAL does not. A GAL is the court's witness and prepares a report for the court containing recommendations, whereas a CR takes positions and acts as an attorney at a hearing, as opposed to a witness.

What is a Parenting Coordinator (PC)?

A Parenting Coordinator is appointed by court order, typically on a post-decree basis, to attempt to keep high-conflict parents out of court. The PC is focused on interpreting and enforcing the Allocation Judgment between the parties and will give parents recommendations that are binding, until and unless a court rules otherwise. The PC will also educate parties, recommend outside resources, and monitor parental behaviors. The goal in appointing a parenting coordinator is to facilitate communication and decision-making between the parties, while focusing on the child's best interests and keeping the parties out of court.

How does a GAL/CR/PC work together with a therapist?

Guardian Ad Litem (GAL) & Child Representative (CR)

GAL/CR work with therapists in two ways typically – either the therapist was already working with the family and this is a collateral person to interview, one that has some of the most insightful information for the family. The second way is to refer children & families to a therapist.

It is essential to note that the parties and/or child must sign an authorization for the GAL/CR to speak with the therapist. It is not common to review records, and it is more common to have a conversation.

Parenting Coordinator (PC)

A PC will often work with a therapist to focus on resolving co-parenting disputes, either withthe therapist who is already working with the family as the current therapist is a good resource to assist the PC in making recommendations, or to refer the family for treatment when no therapist is in place.

How does family law and therapy work together?

In Illinois, 750 ILCS 5/607.6, authorizes a court to order "individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties."

Individual Therapy

This form of therapy focuses on a single individual, where a therapist helps address any issues a person may be experiencing due to the breakdown of the relationship and/or the stress of the divorce process. Attorneys often will refer a therapist to clients to support them emotionally during the divorce case, and to gain insight into their clients' strengths and weaknesses through their therapists, enabling them to represent and advocate for them effectively. The therapist also helps clients in determining what is the best decision to make for the client themselves in their given circumstances.

Family Therapy

Family therapy may come about between the parents and children or based on individual family dynamics, perhaps to address concerns children may have with a parent, sibling dynamics or blended families.

Co-parenting/Communication Therapy

This form of therapy is often explicitly tailored towards co-parents working to improve their communication skills for the well-being of their children. Co-parenting therapy is highly beneficial for high-conflict relationships, but it can also be beneficial for ensuring good communication between all parents who are no longer in a relationship. Therapists can provide a safe space for the parties to discuss disagreements regarding decisions being made for the children.

Reunification Therapy

This form of therapy focuses on rebuilding a child-parent relationship that has broken down due to a variety of reasons, perhaps because of estrangement, alienating behaviors, parenting techniques, children’s perceptions, or a lack of time and distance in a relationship between parent and child. This type of therapy may include developing healthy communication skills, discussing past or present issues, and focusing on the goal of repairing a relationship and what is required of the parties to move forward. Reunification therapy utilizes a team approach, with therapists serving as coaches to guide you along the way.