



**W**hen I got the call, I was stunned. My clients, who had been married for forty years, were getting divorced. While I had worked with them for many years to plan for death and possible incapacity, quite frankly, divorce was not something I anticipated in their case.

The estate planning structure we put in place years ago included an irrevocable life insurance trust to serve as owner and beneficiary of life insurance on the husband’s life. He was the breadwinner. The trust was designed to shelter the death benefits from estate tax, providing for the wife for the rest of her life and then passing on for the benefit of their adult children and grandchildren.

Fortunately, each of my clients hired top notch attorneys to help them through the divorce process. I came to understand that these attorneys were trained and experienced in collaborative law and that the clients had agreed to participate in a collaborative divorce. Though I certainly had heard the term before, I wasn’t exactly sure what a “collaborative divorce” was and how it worked — but I was about to find out. Their attorneys asked me if I would

serve as an “independent” in the process.

The other neutrals on the team would include a mental health professional and a financial advisor. My role would be to counsel the clients and the collaborative team on estate planning issues, and, in particular, what to do with the irrevocable life insurance trust. I would not advocate for either side, but rather help navigate the clients and their team through the estate planning issues, advising of tax considerations and trust law and bringing my background knowledge of the estate plan to the collaborative table.

The trust agreement included a boilerplate provision that eliminated the spouse as beneficiary in the event of divorce. During the collaborative process, the clients actually concluded that this was not the result they wanted. We were able to petition the court for a judicial modification under the Florida Trust Code to keep the plan intact as part of the marital settlement agreement. The trust turned out to be a valuable tool in helping resolve some of the



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financial issues in the case.

After seventeen years of marriage, I found myself facing my own divorce. Understanding how the collaborative divorce worked, there was no doubt in my mind that the process would help my family. While divorce is never easy, I found that the collaborative approach helped us tackle tough issues in a constructive manner. The

mental health professional helped us craft a parenting plan for our children and gave us great advice that we still use today. As a result, my ex-husband and I sit next to each other at volleyball tournaments and cheer our daughter on together! I am grateful to our attorneys and all of you who are dedicated to the collaborative movement. You

are making a difference in the lives of families every day.



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