

# The negotiations cycle

Reaching agreements after divorce or separation isn't always easy. Parents who are separating are often dealing with difficult emotions and these can get in the way of successful negotiations. It can be difficult to know where to start or even be sure whether it will be possible to reach an agreement. It's likely that there will be a number of issues that you want to sort out and it can easily begin to feel very complicated. However, if you are able to approach your negotiations in a structured way, you will be in a good position to make your discussions positive and successful.

The Negotiations Cycle breaks your negotiations down into four stages to help you prepare, discuss, propose and reach agreement. It will get you thinking about what you want to agree, what your negotiations might feel like and how you will propose and record your agreements. It will also help you to think about what you will do if your agreements breaks down. Try to stay positive and focussed on what will work best for your children. Try to focus on future solutions rather than past problems, have realistic goals. Making notes as you work through the Cycle will help you to focus.

## Preparation

Before you begin your negotiations, it's important to make sure that you are fully prepared. There are lots of things to consider, such as what issues you want to reach agreements about, what your priorities are and what your ideal outcomes would be. You may want to consider which of these are the most urgent and which ones may be the easiest to discuss. You may want to think about whether you are prepared to make any compromises in your discussions and what you consider to be your 'bottom line'. It's also vital that you have all the information you need before you start your negotiations.

- **What issues do you want to reach agreement about?**  
Make a list of all the different things that you want or need to make agreements about.
- **Which issues might be the most difficult to agree about?**  
Looking at your list, mark those items that might be the most difficult to agree on.
- **Which issues might be the easiest to agree about?**  
Looking at your list, mark those items that might be the easiest to agree on.
- **Do you think it will be better to reach agreement on everything at the same time?**  
Some people prefer to sort everything out at the same time. Others prefer to deal with issues separately. Which feels best for you?
- **What are your priorities?**  
Looking at your list, are there any issues that you think are more important to sort out than others?
- **What would be your ideal outcome?**  
For each item on your list, write down how things would be if you could have them exactly how you'd like them to be.
- **What do you think is a realistic outcome?**  
Thinking about your ideal outcomes, how likely is it that your child's other parent will agree to them?
- **Are you willing to make any compromises?**  
If there are any issues that you think your child's other parent will be unwilling to agree to, what compromises might you be prepared to make?
- **What would be your 'bottom line'?**

What are the things that you feel are too important to compromise on?

- **Do you have all the information that you need?**  
Before you think about negotiating, do you have all information that you need? Do you know what all your options are?

## Discussion

Once you feel that you are properly prepared, it's time to start thinking about how you will discuss the issues you want to reach agreement on. Many parents who separate find it very difficult to talk to each other, particularly in the early weeks and months after a separation. Both of you may be feeling hurt or angry and the thought of sitting down and trying to discuss important issues might not be easy. There are a number of things that you will need to think about such as how and where you will communicate, whether you will do this alone or with someone who might be able to help you and what might make any discussions difficult. You might want to consider your current situation. Is there any communication? What is like? When does it work best?

- **Are you communicating with your child's other parent at the moment?**  
Is there any communication at the moment, either face-to-face, via letter or email, by text or through a family member or friend?
- **If there is some communication, how would you rate it?**  
Thinking about recent communications, would you say that they were generally very good, good, fair, difficult or extremely difficult?
- **If you are not communicating at the moment, might it be possible in the future?**  
Do you feel that it might be possible to find a way of communicating about the issues you want to reach agreement on in the future?
- **If you are not communicating at the moment, what would you need to do to make it possible in the future?**  
Think about the things that get in the way of communication at the moment and think about how it may be possible to change things in the future.
- **When you discussed things in the past, what worked best?**  
Thinking about any things you've agreed on in the past, what worked well and what worked less well?
- **How would you prefer to communicate with your child's parent?**  
Do you think it would be best to meet face-to-face or would some other method such as letter, email, telephone or a third party (a mediator or mutual friend, for instance) be more helpful?
- **How do you think that they'd prefer to communicate with you?**  
Do you think that your child's other parent might prefer to communicate with you differently to your preferred method?
- **Have you and your child's other parent agreed about something recently?**  
Maybe it was just something small like a change to the time your child was dropped off or an agreement to share the cost of a school trip. How did you agree that?
- **If you think it might be helpful and possible to talk face-to-face, where do you think it would be best to meet?**  
Do you think it would be best to meet in your own house or the other parents house? Would it be better to meet somewhere neutral or in a public place?
- **Do you think it might be useful to have someone else at the meeting?**

Some people find it helpful to have someone with them while they are discussing things, for example a mediator or friend. Might this be something that would help you and your child's other parent?

- **If you don't feel that you will be able to meet face-to-face, is there another way that you think you could communicate?**

Meeting face-to-face isn't the only way to discuss issues. Many parents find it easier to write down what they want to say or simply use the telephone.

- **What might make your discussion difficult?**

Think about the kinds of things that might make your discussions difficult. Are you both still angry with each other? Do either of you find it difficult to say what you want to say?

- **Are there any behaviours that have caused arguments between you in the past?**

Do either of you lose your temper easily? Are there words that cause arguments? Do you find yourselves discussing old problems instead of dealing with the issues at hand?

- **If so, what would you need to do to avoid them?**

Thinking about the things that might make your discussions difficult, what might you be able to do to avoid them?

## Proposal

Now that you have done your preparation and thought about how your discussions will work best, it's time to start thinking about the proposals that you want to make. If you want to reach agreement on a number of issues, you will need to decide whether you will include all of these in one big proposal or whether it will be better to make one proposal for each item. You will also need to think about how you will make your proposals. For example, will you write them down or make them verbally? Make sure that your proposals are clear so that you can both be sure what you will be agreeing to. It's important to think about how realistic your proposals are. Don't forget that your child's other parent may have their own proposals.

- **What will your proposals be?**

Looking at your list, what will you propose for each item? Try to write down the wording you would use.

- **Are your proposals realistic?**

Looking at your proposals, how achievable do you think they are?

- **How will you make your proposals?**

Will you present your proposals verbally or in writing? Will you offer all your proposals together or individually? Will you propose alternatives?

- **How do you think your child's other parent will respond to your proposals?**

Looking at your proposals, do you think your child's other parent will find them reasonable and acceptable?

- **What proposals do you think your child's other parent will make?**

Your child's other parent will have views about what kind of agreement they would like to make. What do you think they may be?

- **How close do you think their proposals will be to yours?**

Looking at the proposals that you have written down and thinking about the proposals that your child's other parent is likely to make, how closely do they match?

- **Which proposals do you think will be the most difficult to reach agreement on?**

Are there any issues that will be more difficult to reach agreement on?

- **How much room for compromise do you think there might be?**

Do you think that either of you will be able to discuss the possibility of compromises?

- **Which proposals might you be prepared to compromise about and which are you not?**  
Mark the proposals that you may be prepared to compromise on and those which you feel you can not.

## Agreement

Now that you have done your preparation, thought about how your discussions will work best and thought about the kinds of proposals that you will both make, you can move on to the last stage of the process; agreement. You will need to think about how you will know when you have reached agreement and how you will know what it is that you have both agreed to. You will also need to think about whether you will record your agreement and how you would do that. You may even want to make your agreement legally binding. It will also be important for you both to know whether your agreements are working properly and what to do if they are not. Many parents find that it is useful to review how well things are working at an agreed point in the future. Don't forget that circumstances change, so any agreements that you make may only work well for a certain length of time. You may decide to review things or negotiate new arrangements after a certain date.

- **How will you know when you have reached agreement?**  
Will it be obvious to you both that agreement has been reached?
- **How will you know what you have agreed?**  
You will both need to know what you have agreed to. How will you be sure?
- **Do you think that it is important for you to record what you've agreed?**  
Many parents find it useful to formally record agreements so that you can both refer back to them. Do you think that would be helpful for all or some of your agreements?
- **If you decide to record your agreements, how will you do that?**  
Will you write your agreements down or ask a third person to witness your agreement? Will you each hold a copy of any written agreements or will you pass it to someone to look after? Are there any other ways you might record your agreements?
- **Do you want your agreements to be legally binding?**  
It is possible to present your agreements to a court and have them made legally binding. Do you think that would be helpful?
- **If you do want to make your agreement legally binding, do you know how to do that?**  
Do you know where to go for information about this process?
- **How long will your agreements last for?**  
Because situations and needs change, most agreements are only useful for a limited period of time. Do you think it would be useful to agree review dates?
- **What do you feel about setting a date to review your agreements?**  
Some parents feel that a set review date can be helpful, especially where one of you may be unsure about how well an agreement will work.
- **How will you know if your agreements are working?**  
Write down the key points that will help you decide whether your agreement is working.
- **How will you know if your agreements are *not* working?**  
Write down the things that will indicate that your agreement has broken down.
- **What will you do if your agreements break down?**  
If any of your agreements breaks down, how will you deal with it? Is there anything that you could agree now that would make it easier to discuss any problems in the future?

- **Circumstances change over time. How will each of you propose any changes that you want to make?**

Your children's needs and your own needs will change over time. Do you feel it is a good idea to agree how will you go about changing your agreements?