

**THE ADVERSARIAL SYSTEM AND THE BEST INTERESTS OF THE CHILD IN
DIVORCE LITIGATION: SOME THOUGHTS REGARDING COLLABORATIVE
LAW AS A MEANS TO RESOLVE PARENTAL DISPUTES**

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SUMMARY

In this contribution it is argued that the adversarial system of litigation does not serve the best interests of children upon divorce. After a brief analysis of the system it is concluded that other less aggressive means of litigation should be considered underupon divorce. Collaborative Law is suggested as a means to bear in mind. The fact that current practice of lawyer negotiatons in respect of divorce is not too far removed from Collaborative Law may lead to practitioners readily accepting the concept.

KEYWORDS: best interest of the child; collaborative law; adversarial system ; mediation.

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