

Divorce Support – The importance of getting it right

Legal separation and emotional separation are different but inseparable. Lawyers dealing with the divorce or separation process must guide their client through both processes. A failure to do so would be like meeting a client at the top of the ski slope fitting them with skis and setting off. There is no doubt that the client would get from the top to the bottom but at what cost? All clients need emotional support if they are to cope with their separation process (continuing my skiing analogy - akin to lessons in what protective clothing to wear, how to turn and to stop, the rules of the piste, navigating the obstructions and staying on piste).

FACT:

Divorce and separation are much less likely to traumatise a family unit when both legal/financial and emotional/social issues are addressed alongside each other; The adversarial litigation model is grossly inadequate and inappropriate for most marital and relationship disputes as it fosters competition and confusion with an emphasis on guilt and innocence; Divorce clients manifest intense anxiety and fear which affects their ability to concentrate, absorb information and problem solve. The scale of anxiety differs between clients; Clients have different coping abilities and attitudes to risk and need help and support at different levels.

As a Collaborative Family Lawyer, my aim is to provide you with the best quality legal service in the most emotionally supportive environment. I am unable to fulfil this aim unless I really understand you; your highest priorities and deepest worries. When facing the trauma of family breakdown you need help with different aspects of your separation: financial, emotional social and legal. Experience teaches me that you will cope best with a separation process when you receive sufficient and appropriate support in all of those different areas of your separation. My goal is to empower you to cope with the legal and financial process of separation, to heal emotionally and to begin to rebuild your life.

I invite you to coordinate the legal, financial and emotional separation processes. When working through the emotional aspects of a separation, I may involve a Family Advisor. We will take the time to assess what kind of support will best suit you. I will only recommend this route if I feel that it will add value.

Separation/Divorce Counselling

Divorce counselling will help you to develop an understanding of the causes of marital breakdown. The trauma of separation and divorce can exacerbate an existing emotional

challenge, or in some cases, it can create emotional problems which did not exist previously. There are many basic emotions that are likely to overwhelm almost anyone who has made the decision to separate or to divorce. Some people experience these feelings more intensely than others. Sometimes, a separation crisis can become a psychological crisis. It can be important for some to become aware of their own contribution to a failed relationship since this can help reduce hostility during the separation process and increase the ability to problem solve with your partner.

Here is the example of Jenny, a collaborative client who breaks down in her first meeting. Jenny shares the following thoughts: “Why me? We loved each other for 20 years. I cannot believe that this is happening to me after everything that I have done for him and for our family. I am terrified of living alone, I do not believe that I am going to manage to do it; I’m struggling to see how I will go on.”

I would encourage Jenny to have some divorce counselling alongside our collaborative process. This counselling support will assist Jenny to understand the reasons for the breakdown of her relationship, any role she may have in that breakdown and to cope with the overwhelming emotions which she is facing. Jenny is facing a personal crisis. If she is to work successfully around the collaborative table, she will benefit from the support of a Counsellor.

Separation/Divorce Coaching

Counselling focuses on the past and its impact on the present. Coaching concentrates on the way forward and can help you to adapt to and cope with the emotions and practical aspects of your current situation. Coaching also plays a large role in building communication skills. It can help you to normalise the feelings you are having around the separation and to better manage your current situation. It will teach the clients the skills they need to move through the collaborative process with a view to rebuilding your life.

Imagine if Jenny had presented in this way to me at our first meeting, “I do understand that we have now made the decision to divorce and I accept that this is inevitable. I feel so angry that I am struggling financially. I am worried about how I will manage life on my own. I feel that the decision to divorce is impacting hugely on me but not particularly on my husband. I feel resentful about this and I am worried that the collaborative divorce process is not going to work for me.”

There are practical and emotional wrapped up in Jenny’s worries. The targeted involvement of a Coach working with Jenny and her husband will help Jenny to come to terms with the emotions she is experiencing and to improve her communication with her husband which, in turn, will help both of them to move successfully to a collaborative solution.

I encourage the involvement of a Family Advisor (sometimes a counsellor and sometimes a coach) in the collaborative process. I do this because I believe it will help you to achieve the good divorce/separation and that you will then be in the best position possible to begin your new life.