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The Roles of the Mental Health Professional in the Collaborative Divorce Process: Divorce Coach and Child Specialist

Mental health professionals may be brought in to be members of the collaborative divorce team in two different roles; a Divorce Coach and a Child Specialist. Both roles attempt to reduce harm and ensure the well-being of the adults and children in their new post-divorce lives. The goal is to support the reorganization of the family as it moves first towards the legal agreement and then on to what has been termed the emotional divorce.

Divorce is typically an emotionally charged time for the partners involved and consequently any children. Emotions such as shock, anger, fear, mistrust, love, guilt, jealousy, sadness and feeling overwhelmed can often form blocks to progressing through the divorce process. Divorcing clients can be helped to keep emotions from making the process more lengthy and difficult and thus more costly through a consultative service called divorce coaching. The aim of divorce coaching is to help clients construct a satisfactory settlement in an efficient manner. A Child Specialist may be brought in as well to develop a more optimal parenting plan, instill better co-parenting and assist with further complexities being imposed on children such as the relocation or remarriage of a parent for example.

Why the Collaborative Divorce Option from a Psychological Stance?

Couples who choose the collaborative divorce route over the traditional adversarial legal process are most likely promoting healing. Research findings on the traditional divorce route are concerning and thus the collaborative process has evolved. Specifically, researchers in the field have found such effects of divorce as lower levels of psychological well being, less happiness, lower self-esteem, increased distress, more illness, increased depression and anxiety, economic decline, and continued conflict and difficulties in parent-child relationships. It is not certain if the effects are temporary or lasting. It is likely that an adversarial legal process contributes to these factors but to what extent we do not know. Through the collaborative divorce process and bolstered with a divorce coach the potential for a more optimal resolution exists.

Training

Divorce Coach and Child Specialist are terms used to describe a licensed mental health professional, such as a psychologist or social worker, who has a minimum of 16 hours of

additional training in the collaborative divorce model. Additionally, they are to have 30 hours of mediation training, although most programs such as ICLE offer 40 hours. The Child Specialist especially needs additional training in child development and family systems. Both roles will draw upon the professionals experience with therapy clients as well as on their experience working on multidisciplinary teams. It is generally accepted that practicing in this arena is more advanced work and that the professional will need to be well seasoned.

Divorce Coach Function

What does a Divorce Coach do? Initially a Divorce Coach, along with the other team members, enlists the client into a collaborative problem solving mode. If children are a focus the clients are primed to think about co-parenting in a manner that is most beneficial for the well-being of their children. This is a stance that may be difficult for a client to take and maintain, so continued guidance may be necessary. Clients are further encouraged to be goal directed and focused, keeping emotional intensity down. Education about the psychological effects of divorce, on adults and children, and models of cooperative parenting are provided. Training in communication, conflict resolution and negotiation are also conducted.

A divorce coach performs the following 7 functions:

(as listed on the www.newjerseycollaborativelawgroup.com)

1. Identifies and prioritizes the interests and concerns
2. Provides emotional support
3. Identifies and offers assistance in dealing with and managing strong emotions that might interfere with the collaborative process
4. Uses training to promote good communication throughout the process
5. Helps to develop and implement an effective parenting plan
6. Helps to learn and maintain skills for co-parenting
7. Assists the team professionals to manage any roadblocks to the resolution

Specific Interventions

A Divorce Coach may utilize many different techniques. Listed here are a few specific examples.

- Relaxation techniques to use in meetings
- Pacing strategies like taking breaks to avoid explosive situations
- Role playing prior to meetings to increase communication skills and confidence
- Communication training: “I feel” or “can do/not do” statements
- Imagery to for ex: work on improving presenting the ideal self
- Assertiveness training to express wants/needs
- Perspective taking/long term thinking ex: envision yourself at your kids wedding several years in the future

Divorce Coach Models

A Divorce Coach may work for the team, acting as a neutral party, or each client may have one individually; the single-coach model and the two-coach model respectively. In

the single-coach model the coach functions as a process facilitator for the team. They are typically present at all meetings, depending upon the team's protocol. In the two-coach model, each client meets with their individual coach separately in the coach's office. Communication back to the team then most likely happens via phone.

Introduction of a Divorce Coach to the Process

The time of initial involvement of a Divorce Coach can be before, during or after the first joint session between lawyers and clients. Mental health professionals are most effective when they are part of the team early on versus being called upon only when an impasse results, according to several experienced professionals and protocols used in Texas where the collaborative divorce process has been under way for several years.

The role of a Divorce Coach may be presented by an attorney to their client as being an integral part of the team. It is prudent to have a Divorce Coach in place, expecting that bumps in the road will happen. Potential motivations for the client are summarized in the following.

Research on traditional divorce has revealed that most conversations between an attorney and their client are about the client's emotional/psychological state versus legal issues, with estimates being as high as 80% for the former. Emotions, the main domain of mental health professionals, are obviously taking center stage for those divorcing. When emotions are managed and the client is able to stay goal focused, the potential for a better post divorce agreement exists.

Additionally, the negative psychological impacts of divorce are great risks to all children and adults involved. Keep in mind that the most disruptive time for all family members follows the official legal divorce, reaching a peak at the end of the first year and lessening thereafter, with a potential to last up to five years. This makes sense when we think of all of the changes that most likely need to occur in the new living situation.

Child Specialist Function

A mental health professional may also function as a Child Specialist if needed in the collaborative divorce process. A Child Specialist may assess the emotional, social, academic and parenting needs of the children, as well as risks and concerns. This will assist in the development of a more optimal parenting plan. A Child Specialist is encouraged when for example a child or parent has an illness or disability, when a parental relocation or remarriage is anticipated, or a complex parenting plan needs to be negotiated.

Child Specialist primary responsibilities:

(as listed on www.newjerseycollaborativelawgroup.com)

1. To be the representative of the child's (ren's) feelings, needs, and interests
2. To be the child's (ren's) "voice"
3. To provide parents with information and guidance to help their children throughout the process

4. To provide information to the team that will assist in developing an effective co-parenting plan that prioritizes the needs of the children

Impact of divorce on children

Stressing the potential negative impact of divorce on children may be an opportunity to empower parents to better present themselves during this process. The impact of divorce on children has been studied extensively by Wallerstein then later Heatherington and Kelly, with conflicting results. Both short-term and long term impacts have been noted.

In summary, we know that divorce is almost always stressful for children. Divorce increases the risk that children will suffer from psychological and behavioral problems and more so if they have pre-existing conditions. Academics can also suffer. Most kids do not develop serious problems and are resilient, especially when the parents manage the stress of divorce. However, as adults, children of divorce typically report ongoing worries. Higher levels of divorce and trust issues have also been noted in adults from divorced homes.

Sanford Portnoy, a Psychologist and Divorce Coach, has compiled a summary of these findings for which the references are below. Of note is that he has written extensively in the area of Collaborative Divorce and lectures on this topic as well. Many of the points in this article have been fostered by his ideas.

Robert Emery of the University of Virginia has looked at levels of distress versus the presence of a more severe disorder, the traditional outcome measure in the previous research. The findings indicate that kids of divorce have more subtle difficulties. Most importantly, it is clear that children do better with less conflict, more financial stability, when they have a voice to access parents and when they see both parents.

References for the psychological effects of divorce on adults and children:

Portnoy, S. (2008). The psychology of divorce: A lawyer's primer, Part 2 – The effects of divorce on children. *The American Journal of Family Law*, 12(4), 126-134.

Portnoy, S. (2006). The psychology of divorce: A lawyer's primer, Part 1 – The effects of divorce on adults. *The American Journal of Family Law*, 20, 73-79.

Difference from Therapy

Divorce coaching is a consultative service and is different than therapy. Some of the same interventions are used but the goals are different. Divorce coaching has a focus on a client during the legal process of divorce. A brief history of the marriage and its demise may be obtained but not other details of a client's life. Therapy explores the past and present in great depth typically. The goal is to treat symptoms like anxiety or depression for example. While, symptoms may be noted during the divorce coaching process, the focus would be on how the team could best help the client proceed towards the end goal of the agreement with a sensitivity to these issues.

Ethics and Law: Confidentiality and Multiple Roles

Confidentiality protections are the hallmark of therapy. In the divorce coaching process confidentiality will not be between the mental health professional and the client exclusively. This point needs to be stressed to the client in a written and oral informed consent process. The client will be further asked to authorize in writing that the Divorce Coach will share information with the team members. Included in this process needs to be the communication that secrets can not be held from the other team members, such as information about an ongoing affair. In other words, transparency among the members will exist.

All of the confidentiality exceptions still apply in the coaching role; mandated reporting of suspected child or vulnerable adult abuse and when a client presents a threat to themselves or an identifiable individual. Other exceptions regarding a client's involvement in the legal system still apply as well.

Mental health professionals may not take on multiple roles that are exploitative or contraindicated. The crucial feature is whether the multiple relationships would impair the objectivity of the professional. The focus of the relationship needs to be on the welfare of the client.

More specifically, a therapist may not switch roles and change into a divorce coaching mode. Nor can a Divorce Coach upon completion of a case become the therapist. When and if problems arise in the future for the divorced couple, typically surrounding child issues, the Divorce Coach can be utilized again in order to reduce disputes and potential legal problems in the post-divorce life.

Payment

In divorce coaching, no formal diagnosis is made, which is necessary for insurance reimbursement. Medical insurance reimburses for therapy, while, divorce coaching is an out of pocket expense. Due to the extensive training and experience required, a higher fee as compared to therapy will most likely be charged. A retainer will most likely be expected. Saving money is often on the minds of those divorcing and use of a divorce coach is a potential way to divorce more efficiently and amicably.

Dr. Tamsen Thorpe is a licensed psychologist and Director of a group practice located in Morristown, NJ counseling adults and couples in transition. As a therapist she works with couples to help them rekindle their relationship. She also provides parent coordination for post-divorce couples and divorce coaching services to those who have decided to move on and embrace the collaborative divorce process. Dr Thorpe is pro marriage but not anti-divorce, especially when the couple works collaboratively. Please contact her for more information.