

COLLABORATIVE DIVORCE: Big Opportunities for Therapists By Mary Ann Aronsohn, MA, LMFT

**Part One of a Two-Part Article
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If you have not heard the term “**Collaborative Divorce**,” then you should. This is a very exciting new development in the way that divorces are being handled in the US and elsewhere. It also offers some roles for therapists that are positive for the profession.

“Collaborative Law” began about 13 years ago in the Midwest when an attorney named Stu Webb created a new format for divorce. It began with a contract explicitly stating that the 2 attorneys involved in a collaborative case would remove themselves from the case if it went to court. Then, the attorneys proceeded to work together instead of adversarially. There was no longer any threat of litigation overshadowing the process.

“Collaborative Divorce” is a broader term that means any divorce process that aims toward the mutual satisfaction of the parties and stays out of court. A collaborative divorce can be as simple as a couple agreeing by themselves to how they want to handle the financial and parenting issues, and then writing their agreement up with or without help and getting the proper papers filed. It can be as complex as a couple working with two collaborative attorneys, a case manager, divorce coaches, and other professionals such as CPAs, business valuers, realtors, etc. who are collaboratively trained to operate as a multidisciplinary team.

Teams can evolve, beginning small at first and then can be tailored to the family’s needs. Team members work best when they know one another and can support each others’ strengths, and when protocols have been established to help anticipate and prevent difficulties. Team members strategize with one another as needed for the benefit of the family.

Therapists can fill several roles on such a team. As *Case Managers*, we are trained to do an initial Case Assessment, in which we help delineate the couple’s situation, assess how complex and adversarial the divorce is and what emotional issues are at stake, educate about the different options they have in getting a divorce, and refer in the professionals we think they need. Case managers can also oversee the process when there is a team in place, communicating with all members as needed, keeping the process moving, addressing impasses, and keeping the team collaborative.

As *Divorce Coaches*, we step in when emotional issues threaten the process. In some cases, one coach can work with both people; but more often they need their own coaches. One therapist can, sometimes, act as coach *and* case manager.

“Parenting coordinators” (also called **“Child Specialists”**) can be referred in to work with children and parents, or to help the parents with their co-parenting skills.

Of course, we can also provide **therapy** when needed, in which case we usually report less (if at all) to other team members, but try to help individuals with their issues that may get in the way of the process. Coaching is more goal-oriented, and involves a different point of view. Trained collaborative therapists keep a view as to what is best for the family, especially the children, and have to watch our tendency to advocate too much for our client.

Therapists with training in **divorce mediation** can also fill that role in a collaborative process.

All of us know of divorces that have become horror stories, with assets eaten up by court costs, children devastated, and continued hostility between parties. Contributing to a different kind of process, a better way, is immensely satisfying. For information about the different collaborative groups operating in LA County, look up www.nocourtdivorce.com, www.abetterdivorce.org, and www.lacfla.com. I have been meeting with a group of professionals in the SGV for over a year, and you could join us or call me at (626) 441-5131.

**COLLABORATIVE DIVORCE:
Big Opportunities for Therapists--Part Two: Actual Cases
By Mary Ann Aronsohn, MA, LMFT
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This is part two of a series on Collaborative Divorce, the most exciting concept aimed at improving the minefield of divorce since no-fault divorce (over 30 years ago in California) and mandatory mediation (in 1981). To recap, Collaborative Divorce sets up a cooperative framework for doing divorce that has no fallback position (as in "agree to this or I'll see you in court!"). This leaves couples with more hard emotional work to do, but with a much greater chance of coming through divorce intact, and with healthier children.

I was asked to write this second installment to give our therapists a flavor of how the teams can work, with specific examples of how therapists can invest in this healthier work.

I have been involved in ten collaborative cases so far. Each has turned out differently, with the one great benefit in common that none has gone to court.

So far the direction the cases take seems to have a lot to do with where and how they begin. Those cases in which the clients begin with a referral from a therapist, or who initiate their own process with a collaborative divorce therapist, a non-attorney mediator or a Legal Document Assistant (LDA), tend not to use attorneys. Clients who begin their process by seeing a collaborative attorney first are more likely to need attorneys as a part of their collaborative process.

Five cases began with a Collaborative Divorce Assessment in my office. Each of these couples had the chance to share their story in a brief way, giving me the chance to assess the complexity and the degree of conflict in their situation. They also received information about various options for accomplishing their divorces, and recommendations as to how to proceed. Of these cases, two went on to an LDA to file paperwork and complete their divorces. Four were referred to mediation, and used LDAs and perhaps a financial expert. Another was referred to me from their non-attorney mediator to coach them through the animosity that threatens their ability to come to agreements that will withstand the test of months and years. They will, probably, need only their mediator, myself, and an LDA.

Of the remaining three cases, all originated with attorneys. In one, a multi-cultural, very fiery couple, attorneys have been consulted but not yet retained. The attorneys recommended coaching, because they are still in Phase 1 (decision-making), and are working through a "structured separation" to help them decide whether they want to divorce. They will need other professionals, including probably two collaborative attorneys, if they divorce. Their 4-way coaching involves a defusing, modeling, and teaching of communication skills as they work to see what's left of their marriage. I feel a great deal of benefit when I work with my co-coach. If I were working alone with this couple, I would probably feel reduced to little more than a traffic cop. With 4-way coaching, each coach gets to be an advocate for her/his client with a perspective on the

whole, rather than just a neutral person attempting to keep the balance between tattling children. (Folk tend to be at their worst when going through a separation/divorce!)

In a second case, the most complicated team of which I have yet been a part, we can see how much a team can evolve as we uncover the needs of the family. First, the husband went to a collaborative attorney. She began by representing him. When the wife said she was comfortable going to the same attorney, the attorney's role changed to atty/mediator for the two. Shortly thereafter, the lawyer called me and said "Would you please see the two children and tell me why they are saying they don't want to spend time with Dad?" I became the "Parenting Coordinator", taking several sessions to work with the kids, kids and Dad, kids and Mom, and sent them back to the attorney. Soon the mediation hit a huge snag: a trust issue over an inheritance. Because this raised the emotional heat, the attorney recommended each parent have a coach. One of the coaches became the case manager as well. Around the same time, Mom got nervous and decided she needed her own attorney. We referred her to a consulting attorney, and she felt safer. The original attorney's role shifted again, to consulting atty for Dad. The parents worked for a time in 4-way coaching, tackling several emotional issues that threatened an amicable process. Occasionally I was called in over issues with the children. Progress was being made until Mom suddenly needed money for tuition, and the couple went to the attorneys to handle the financial settlement before they were emotionally ready to do so. Because of that, the Dad is not as happy with the process as he could have been. Mom had trouble buying into the collaborative process all along and Dad ended up paying for most of the collaborative professionals by himself, since he was already so invested. Nevertheless, he recognizes that he would have spent much more had the case gone to court. What was meaningful for me as part of this team was that there were several points at which the process almost fell apart. Each time this happened, the team members strategized about how to help the situation. Each time, it worked and the process was able to resume. Another satisfying moment was when the children told me "This coaching thing is really working. Mom and Dad are being nicer to each other!" These kids could see that Mom and Dad were working hard for their sakes to try to settle their difficulties and co-parent in better ways.

In the most recent case, a new attorney saw a client whose situation seemed amenable to collaboration. Together we came up with a team of 2 attorneys and 2 coaches. At this point, we (therapists) have each seen our coachees, and will meet soon for a 4-way. I am looking forward to trying out this new team.

These are my early experiences in doing Collaborative Divorce. Sometimes it has been rocky, as teams figure out how to work together and how to anticipate problems, and as we learn about the differences between our professions. Still, I love being able to offer a different kind of process, one that benefits society as a whole, specific families, and my own professional growth.

Again, we need more therapists for this process! If you are interested, give me a call. Mary Ann Aronsohn, (626) 441-5131.