

Divorce and children call for collaboration

By Adele Marcus

Source: *The Republican (Springfield, MA)*

Wednesday, October 25, 2006

Edition: Final, Section: NEIGHBORHOODS PLUS, Page NP10

Many individuals and couples choose to stay together for the sake of their children and are anxious about the impact of separation on their children's lives.

However, we all know that there are times when relationships cannot be salvaged and people need to split up despite their best intentions. The question is how they can accomplish the painful task of letting go and breaking up their family life in the best way possible for themselves and their children.

Why choose a collaborative divorce over a traditional divorce or litigation process?

While divorce has become a fact in our culture, the model of a healthy separation where both parties are supported alongside their lawyers in being conscious, fair and open-minded about how this is going to happen is a recent development that our culture has not yet fully embraced.

Collaborative law, at the cutting edge, is based on the philosophy of communication. Our goal is to use new skills to help people divorce and separate in healthy, dignified ways.

With collaborative law, we are aiming for a dignified divorce. It may not be "happily ever after," but it can be one where integrity and respect for one another and, more importantly, concern for the children are at the forefront.

Why is healthy communication so important for people who are taking their children's welfare into account?

Potential long-term problems often develop for children who go through a traumatic divorce fraught with tension, resentments and unfinished business between the adults involved.

These include stress, anxiety, depression, difficulty with trust and close relationships, difficulty with intimacy, anger management issues at home and at school, communication problems, guilt and self-blaming, including being overly responsible, lack of self-esteem, caretaking their parents, confusion over their loyalties, difficulty with change and transitions particularly between households, more frequent complaints of illness and school absences, difficulty engaging in play and relating to other children.

Many adults who divorce in the more traditional, protracted litigation model end up with resentments from a sense of being taken advantage of and experiencing what is often a win-lose scenario.

These participants can end up carrying a lot of the resentment and trauma from one relationship into the next one.

This inevitably leads to stress on the children who are most vulnerable to the undercurrents, whether covert or overt, in their caretakers' lives.

It is especially difficult if one or both parents remarry or bring a new partner into their children's lives. Adults may have a fantasy that all will be so much better with their new partner. However, the challenges of bonding with a new caretaker are greater when the children are carrying deep hurt and loyalty conflicts from the separation or divorce process.

Divorce is hard on kids regardless of the circumstances. However, it is fair to say that the more civil the breakup and the more accepting the parents are of the way it was handled, the easier it will be for all participants to move on.

My passion for this work is based on what I have seen happen when parents are conscious and motivated to work together for the children's best interests.

We have all heard stories about traumatic divorce, and the potential to make those worst-case scenarios less commonplace is inspiring. There are noticeable differences in situations where adults have been able to work successfully through a separation with minimal damage to the children. Over time, the children may thrive when parents who have not been getting along move on to happier lives and partnerships. The happiness and well-being of the parents is an important component of the children's happiness.

In cases where couples work well together with the children's best interests at heart, the following benefits are typically reported: The kids don't have to keep secrets; children feel safer and more secure; transitions are smoother between households; there is less likelihood of false accusations where one parent is blaming the other parent for something that may or may not have occurred; kids are less likely to play parents against each other; kids are not caught in the middle trying to figure out their loyalties; kids can remain kids and not have to worry about or be burdened by adult problems.

So how does the collaborative divorce process work to address children's needs?

The child specialist is often called in as part of the collaborative law team. The child specialist is a licensed, mental-health professional trained in the collaborative law process.

The primary intention of the child specialist is to help the couple create a win-win situation and communicate in a non-blaming manner with one another as they work through issues concerning their children. The child specialist

meets with the children apart from the parents in order to determine the children's developmental stages; emotional states; and feelings about the divorce, their parents and the outcome they would prefer.

The child specialist does not make child-related decisions for the parents, but rather encourages the parents to negotiate and plan the future with their children's needs at the forefront of their awareness. All parties are encouraged to come to the process from their best selves rather than from fear and anger or a desire to "win" or get even.

As in mediation, guidelines may be provided for healthy communication so that the feelings and needs of the children are heard and understood. The child specialist helps the couple think about what is the most loving and caring way to handle the children considering their developmental and psychological needs. The child specialist works as a team with the parents, their lawyers and other professionals who may be involved.

It is important to note that while traditional psychotherapy often explores the impact of the past on the present, the collaborative law process uses child specialists to help a couple to move forward into the future guided by their goals for their children and themselves. It is not about rehashing and analyzing the past, but rather dealing with the present and what we want to create for ourselves, our children and ultimately the communities in which we live. Children are often like sponges, absorbing their parents' feelings and responses to the world around them without the same filters and reasoning abilities that adults are capable of using. The way parents take care of themselves has a longstanding impact on how children come to view the world and the relationships around them.

The more the adults can work out their issues as adults and allow the children to be children, as hard as that may be, the easier it is on the children to focus on school, friends and just being kids.

Adele Marcus, a licensed clinical social worker, is a licensed integrative psychotherapist and board-certified diplomat in clinical social work. She has written this article for the Western Massachusetts Collaborative Practice Group. To learn more about collaborative law, visit the Web site of the Massachusetts Collaborative Law Council at www.massclc.org