

# **Divorce Therapy: Helping Families Separate and Reorganize**

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March 10, 2010

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**Why Divorce Therapy (DT)?**

-Families have several tasks in the separation and divorce process: grieving, reorganizing, communicating differently, making new goals, integrating new members. Successful completion of these tasks positively impacts all family members; DT can help the family avoid typical impasses and successfully complete its tasks.

(Appell, 2006; Emery, 2004)

-Children of families who experience divorce have higher rates of depression, anxiety, and behavior problems, and may experience relationship problems later in life; children whose families have orderly and effective divorces tend to have fewer of these problems.

(Wallerstein and Blakeslee, 1996; Heatherington, 2002)

-How separation and divorce occurs sets the stage for how the family organizes itself and communicates itself for years to come; divorced families with strong organization and effective communication have children who function better in a range of areas.

(Isaacs, 2000)

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## What is Divorce Therapy?

-Treatment which aims to recover, restore and reconfigure family relationships and the functions of parent, child, sibling in response to a separation.

(Isaacs, 2000)

-DT helps a family reorganize into a functional “two-home family”. (Dozier, 2004) DT helps families alter their ways of relating, levels of intimacy, degrees of power, and roles of its members so the family functions more effectively. (Emery, 1994)

-DT principles can be applied in work with families who have already experienced divorce; DT is especially powerful when applied during separation and divorce.

-One can utilize principles of divorce therapy when working with an individual adult or child

-Pieces of divorce therapy (co-parenting work, work to strengthen individual households, sibling work) can positively impact the whole family system.

### Paths to Divorce Therapy

-The “cleanest way” is when a couple comes after having worked on their marriage (perhaps in couples therapy) asking how to divorce in a way that works for everybody.

-A common path to DT is when a couple comes to you asking you to focus on an individual child during a separation and divorce process.

-DT also frequently comes out of child/family or couples work if a family starts to separate.

-Couples therapy can be converted into divorce therapy (need for a clear division).

-“Co-Parenting” therapy (perhaps court-ordered) can sometimes be converted into full-fledged divorce therapy which involves the whole family.

### Topic for discussion

***-Medical pediatric professionals often hear about impending family separations early, and have long-standing relationships with multiple family members over long periods of time. As such, they may be in a position to positively impact the separating family. How can they apply the principles of divorce therapy to benefit their patients and their patients’ families?***

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## A Brief History of Divorce and Divorce Therapy

-Rate of divorce rose markedly in the 1960s and 1970s: causes included economic mobility, the sexual revolution, focus on individual children's development as distinct from families, more women in workforce, rise of no-fault divorce laws.

-Divorce in late 1960s/early 1970s had generally straightforward custody agreements, and the divorce process tended to be less conflictive. "Father's Rights" groups saw many divorce agreements as inequitable and fought for legal changes.

-Rise of high-conflict divorce over the last 30 years. Causes include that custody has become linked to parental qualifications and child support payments have become linked to custody issues.

-Research began to show that the negative effects of divorce on children can be ameliorated by an orderly divorce process, and that this process tends to set the stage for how the family organizes itself throughout children's childhoods.

(Wallerstein, Heathington, op. cit.)

-1980s: rise of mediation (Margulies, 2007) Montalvo's structural approach studied divorce therapy in a clinic in Philadelphia (Isaacs, op. cit.)

-1990s: Co-parenting and "good divorce" concepts refined (Ahrons, 1994); rise of collaborative law; mechanisms like parenting coordinators and best interests attorneys are developed by courts to ameliorate effects of high-conflict divorces.

-2000s: Brenda Dozier's "two-home family" approach looks at family as reorganized unit with distinct parts. (Dozier, op. cit.)

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The Impact of Divorce

-The Family Experience: even in the best divorces, the effect is usually "crisis, crazy time, and recovery". Communication may be fractious and inconsistent. Both nurturance and discipline may be unevenly/inconsistently applied by parents. Unhealthy coalitions may develop, between parents and individual children, between sibling groups and between family members and outside actors. Power differentials between ex-spouses may develop regarding money, emotional functioning, and the strength of children's loyalty In healthier divorces, the instability/imbalance are contained, family members address their grief/anger, families get support, and the family reorganizes into a functional (if more complex) system. (Trafford, 1982)

-The Individual Adult Experience: In more difficult divorces, vulnerable adults experience a period of cycling through extreme emotional states (elation, rage, despair, numbing). They are at risk for depression, substance abuse, regression/ acting out; may neglect basic parenting responsibilities. In healthier divorces, adults are able to mourn their loss and face up to their many tasks in a deliberative fashion. Effects are typically very different for "leaver" vs. "left". (Emery, 1994)

Series of horizontal lines for notes.

## The Impact of Divorce (continued)

-*Children's well-being* is highly related to how adults communicate and function, relationship with each parent, individual resources. Normal adjustment takes up to a year. Adolescents are at risk for emotional, conduct, and alcohol/drug problems, particularly in high-conflict divorces (Appell, op. cit.).

-*Extended families* often step in and provide crucial economic and emotional support. However, they, too, are affected by the trauma of divorce, and often act out their pain by intensifying division and strife in the family.

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### Impasses Which Prevent Healthy Family Reorganization

**-Individual adults and children:** May get stuck in or cycle through feelings of hurt, fear, anger, shame, and elation. Depression, anxiety, acting out, and under-functioning may ensue.

**-Interactional:** cross-generational alliances/triangulation, extreme enmeshment, dramatic, hurtful showdowns, abdication of familial responsibilities, acting out/defiance by children.

**-External/Social:** Focus on “justice” by friends, family, lawyers, broader society.

-The focus on justice often stems from desires to protect loved ones following the trauma of real and perceived “wrongs” (i.e., infidelity, taking of assets, alienation of children); these efforts can lead to more chaos, and divert the family from the tasks of divorce.

*Divorce therapy is about helping individuals and families to contain the chaos, get unstuck on focus on the needs of the whole family system*

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(Emery, 2004; Margulies, 2007)



***Principles for Practicing Divorce Therapy***

**-Keep the focus on the whole family--** attend to individuals and families within a whole family context.

**-Focus on more than one affect and perspective—**especially if one seems too prominent.

**-Make sure loss/hurts are acknowledged and addressed**

**-Assist family members in seeing their contributions—**point out “feedback loops”.

**-Prioritize parental communication—**generally, look for a “business relationship” as an ideal.

**-Work for the success of both parents—**watch for the well-being of kids as a “red herring”.

**-Strengthen sibling and “new home” sub-systems—**this may involve different roles for certain kids.

**-Challenge fixed “roles” of family members** (“crazy”, “irresponsible”, victimized vs. victimizer, etc.)

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***Principles for Practicing Divorce Therapy (continued)***

**-Don't lose sight of kids' obligations to the functioning of the family**—avoid seeing them only as victims.

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**-Limit influence of antagonistic groupings**

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**-Control potentially hostile encounters**—break up negative interactions.

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**-Support functioning**—find support, services, build skills.

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**-Avoid triangulation**—don't deliver messages.

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**-Keep clear about your role** (testimony, etc.)

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**-Be aware of the effects of third parties (i.e., grandparents, lawyers, significant others)**-support constructive use of social supports.

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**-Make sure the legal process is as constructive as possible**

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**-Proceed in stages**

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(Appell, op. cit.; Textor, 1989; Isaacs, op. cit.; Emery, 2004)

**Stage I: Managing Pre-Separation Crises**

-Meet with the spouses: focus on problem-solving, needs of children.

-Modulate tension and take charge; avoid open-ended enactments.

-Meet alone with each spouse early on to solidify alliances and gain information.

-Help spouses look at the *context* of any decisions within the history of relationship, other life issues.

-Bring in children in if appropriate (They often are already involved in the decision-making process in a less functional way.).

-Assess alternatives: re-committing, staying together temporarily, taking a “marital vacation”, a trial separation, or separation and divorce. **Aim for clarity**—avoid premature decisions, but too much indecisiveness/back and forth can be very damaging to the family

(Isaacs, op. cit; Appell, op. cit.).

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## Stage II: Planning for Disengagement

-Set up guidelines for disengagement, establish explicit rules. Aim to make separation “expeditious and deliberate”.

-Begin to define the post-separation relationship: educate regarding “co-parenting”.

-Discuss mechanisms for contact, guidelines for communication, specific tasks.

-Assist in setting up a practical **short-term** parenting plan (agree that this will not be the basis for custody).

-Considerations for scheduling: children’s developmental needs, special needs, practical needs. **Avoid either too frequent transitions or too little contact with each parent.**

-Consider **the approximation rule** in scheduling: children’s lives should approximate as close as possible what existed prior to the separation.

(Emery, 2004)

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### Planning for Disengagement (continued)

*-Offer the following guidelines for telling the children:*

-Obtain accurate story, minimize blame, explain affects of separation (especially how divorce will affect day-to-day lives), reassure that divorce does not change each parent's feelings towards children , assure that children are not to blame, be emotionally available to explore range of feelings.

-Older children may need to know some of the reasons for the divorce, especially if they suspect there are problems. Create a common message in a non-blaming way, with as few unnecessary details as possible. Assure them, if possible, that the marriage was based on love, and that both parents tried to keep the marriage together (Emery, 2004).

*It is usually not advisable to use the therapy office as the place for telling the children of the separation.*

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**Stage III: Coordinating the Physical Separation**

-If possible, have “less close” parent move out, as close as feasible, with rooms for children.

-Keep family home as similar as possible.

-Minimize the drama of the actual move.

-Consider moving on a day when children do not have school the following day (but avoid holidays, birthdays, etc.).

-Put up pictures of other parent in rooms of kids at both houses.

-Make sure kids have enough clothes/toiletries, etc. at both homes so that they do need “big backpacks” at each transition.

-Let kids have say as to furnishings in new home as developmentally appropriate.

-Be available for emergency calls during separation period  
(Isaacs, op. cit.; Emery, 2004)

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## Stage IV: Assisting the Spouses with the Legal Process

-Ask up front about the legal steps spouses have already taken; evaluate the level of trust and the risk of precipitous actions.

-Frame the legal process as way of finding an arrangement that works instead of “justice”. Remind them that an out of control legal process can result in: a higher likelihood of emotional and behavioral disturbances among the children, more family stress, a depletion of finances, an increased chance of further litigation, and the greater possibility of alienation of children from one or both parents. Cite research that shows that children of high-conflict divorce develop black-and-white thinking and have difficulty solving interpersonal problems (Gaulier Et. Al., 2007).

-Remind spouses to take responsibility for legal decisions.

-Encourage compromise by pointing out that in any divorce each partner will need to have “less”—money or time with kids—and that when one partner “wins” by having much more than the other, the whole family loses (Margulies, op. cit.).

-Discourage a focus on “winning” by citing research that shows that kids in divorced families do better when parents have roughly equal levels of economic and emotional well-being (Ahrns, op. cit.).

-Remind spouses that aggressive legal action will likely result in reactions, with increased conflict and costs.

-Advise spouses that legal processes that move families through the tasks of separation and divorce tend to be predictable, without surprise attacks.

-Remind parents that custody is not the only way of maintaining a relationship or caring for the needs of children. Considerations for custody decisions should be based on the need for children to have continuity, be cared for, and maintain a relationship with both parents (Emery, 2004) .

-Advise spouses of the various legal paths to divorce. Explore which paths are most likely to lead to positive effects for the whole family.

**Continually monitor the legal proceedings, as they have the potential to undermine the entire therapeutic process**

# Essential Legal Knowledge for Practicing Divorce Therapy

(Written in collaboration with Lori Rothfeld, family lawyer and mediator)

## The Conventional Paths Towards a Legal Divorce:

-While much progress has been made over the last 20 years towards increasing the use of Alternative Dispute Resolutions (ADRs) such as mediation, arbitration, and collaborative law, about 90% of legal divorces are still done via litigation.

1) *The Uncontested Divorce*—one or both spouses files for divorce, in which a resolution of all issues (custody, support, property division, grounds) has been reached, usually by agreement. This can be the least complicated route with limited conflict, although it can also involve lengthy and costly negotiation.

2) *The Contested Divorce*—one or both spouses files for divorce, in which a resolution of all or some of the issues (custody, support, property division, grounds) has not been reached, leading to litigation. Not all contested divorces lead to high-conflict divorces. However, any contested divorce runs the risk of spinning out of control.

*Even if a contested divorce is necessary it is important to remind spouses to maintain control of the legal process with an eye towards the needs of the whole family.*

## A Primer of Legal Terms

-*Separation Agreement*: A contract, written or “on the record”, between the parties containing a resolution of all or some of the issues arising from the marital relationship (custody, support, property division, grounds).

-*Limited Divorce*: Legal separation. It serves to legalize the physical separation of spouses and to provide support.

-*Absolute Divorce*: Divorce is permanent, permits remarriage, and terminates property claims.

-*Legal custody*: refers to the right and obligation to make decisions relating to the child’s education, religious training, discipline, medical care, and other matters concerning the child’s general welfare. Legal custody can be joint (both parties making final decision) or sole (one party making final decision).

-*Physical custody*: where the child is physically located. Can be shared or sole (defined in terms of child support).

-*Grounds for divorce*—grounds can be based on fault (i.e., adultery, desertion, constructive desertion, mental cruelty, insanity, separation for period of time) or no-fault, depending on laws of jurisdiction.



# Essential Legal Knowledge for Practicing Divorce Therapy (continued)

(Written in collaboration with Lori Rothfeld, family lawyer and mediator)

## The High Conflict Divorce

-Extra/quasi-legal actions which generate conflict: moving money into personal accounts, alleging neglect/abuse of children, cutting other spouse out of children's lives, staying in the marital home without spouse's consent, hiring investigators to establish grounds for divorce, threats and intimidation, cutting off of communication, bad-mouthing of spouse to children and others.

-Legal actions which may escalate the process include:

- restraining orders
- onerous motions for discovery
- orders to vacate marital home
- contempt of court motions
- challenges to "fitness" of a parent (may lead to psychological evaluations of one or either parent)
- motions for injunctive relief (freezing of assets)

-Legal costs can run into the hundreds of thousands of dollars. Parties often receive money from extended family and/or run into debt—sometimes lawyers sue litigants to collect.

(Gaulier, Et. Al., op. cit.)

## Professionals involved in high-conflict divorces:

**\*Custody evaluators:** typically appointed by judges to determine legal and physical custody. Usually forensic psychologists.

**\*Best Interest Attorneys (formerly *guardian ad litem*):** Lawyers appointed by the Court to represent the needs and wishes of children.

**\*Parenting Coordinators:** Individuals (therapists or lawyers) usually appointed by the Court who work with the parents, advise and/or make limited decisions/recommendations regarding schedules, education, and medical decisions.

\*Generally both spouses bear the cost of hiring these professionals.

*In high-conflict divorces, lawyers and other professionals tend to take increasing control over the divorce process.*

# Essential Legal Knowledge for Practicing Divorce Therapy (continued)

(Written in collaboration with Lori Rothfeld, family lawyer and mediator)

## Options for Alternative Dispute Resolution Procedures

**1) Mediation**— A process of “good faith negotiation” by the two spouses with a qualified mediator, usually without lawyers present. The mediator does not represent either party and cannot bind parties to an agreement. They can either be retained privately or court appointed. Mediators recommend that the parties have the draft agreement reviewed by their respective lawyers prior to signing. Mediation can be less expensive and straightforward, but it can generate higher conflict or poor agreements if there are economic, intellectual, or emotional power imbalances between the spouses. In certain instances and jurisdictions, mediation can be court-ordered.

**2) Collaborative Law**--Both spouses make a formal agreement to hire their lawyers only to negotiate, not to litigate. Everyone involved has to disclose all relevant facts. Most negotiations happen in four way meetings. Besides lawyers, a collaborative law case can involve therapists, financial planners, appraisers, evaluators, mediators, and child development experts.

**3) Binding Arbitration**— Both spouses along with their respective lawyers meet with a third party, usually an attorney or retired judge, in an effort to resolve the financial and property issues. Can save both time and money. Arbitration can be court ordered.

**4) The “do it yourself” divorce**—can be an inexpensive and fairly rapid option; only appropriate in low-conflict divorces where there is a roughly equal power balance and partners are knowledgeable about rights and law.

### ***Characteristics of legal processes that facilitate productive divorces***

-Relatively expeditious, while still planned and deliberative.

-Costs as little as possible.

-Results in improved communication between ex-spouses, or at least contains negativity.

-Results in roughly equal levels of economic and emotional well-being for both ex-spouses.

-Maintains the involvement of both parents in children’s lives. (Margulies, op. cit.)

**Stage V: Building a New Organization:  
Strengthening the Sibling Relationship**

-Meet with the children as soon as possible  
following the physical separation

-Offer education, clarification

-Encourage balanced, “gray” thinking

-Watch for “choosing up sides” between parents;  
emphasize importance of kids respecting  
authority of each parent—respect includes some  
attention and contact

-Balance the need for sibs to support each other  
with the need for parents to know about  
dangerous behaviors

-Encourage adaptability. For instance, in certain  
situations each may need to support each other,  
in others one may be acting “*in loco parentis*”.

-Indications for individual work: extreme conflict  
between sibs, or individual disturbances. Useful  
to keep sibling work as a continual goal  
(Isaacs, op. cit; Appell, op. cit.).

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## Stage VI: Building a New Organization: Setting up Effective Co-parenting

- This stage generally grows out of the uncoupling work—in most cases it should continue throughout the treatment.
- Set up mechanisms of communication, identify what parents will communicate about
- Hold limited sessions if necessary to “put the past behind”.
- Agree not to use kids as messengers, or tell kids to keep secrets
- Agree on minimal behavioral expectations for kids; warn of hazards of “fairy-tale parenting”.
- Focus on need for parents to give a common message to kids to respect both parents. Get them to support rules of other household in front of the kids.
- Focus on need for both parents to demonstrate confidence in the capacities of the other parent.

## Different Strategies for Different Couples:

- For relatively amicable separations, aim for **cooperative parenting**: open, frequent communication, maximum consistency
- For higher conflict couples, **encourage parallel parenting**: communication around emergencies, deviations from plan (Ahrons, op. cit.).
- In sessions with “sporadic and scared fighters”, make sure to build trust individually with each parent; aim for controlled, calm encounters.
- In sessions with “frequent and direct fighters” highlight consequences of fighting.
- Judicious involvement of the children in sessions can enhance co-parenting. The “Confrontation Parade” can be a powerful technique for decreasing conflict.

(Emery, 1994.; Isaacs, op. cit.; Ahrons, op. cit.)

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**Stage VII: Building a New Organization:  
Strengthening Individual Households**

-Support the hierarchy: encourage limit setting, chores, etc. Challenge child's anger at parent (including wrongs done to other parent) as reason to defy authority.

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-Support new rituals—ask about daily, weekly schedule and events

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-Strengthen particular parent-child relationships

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-Balance need for each child to get needs met and for sibs to support each other with the need for many single parent households to have a “deputy”.

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-Weaken divisive coalitions: Ex: support children identifying with “bad parent”; support parent in being firm with kids on “their side.”

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- Work with each parent to support the other parent; carefully planned whole family meetings, wherein the parents present a united front, can improve the cohesion of each household

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(Isaacs, op. cit; Appell, op. cit.; Gaulier, op. cit.).

## Special Problems: Arresting Distancing and Disengagement Between Parents and Children

-*Re-establishing Nurturance*: ally with abdicating parent (assure of relevance), highlight child's needs, use more nurturing parent to support process

-*Re-establishing Discipline*: highlight protective, caring aspect of rules to abdicating parent; help parent manage guilt, insecurity; challenge children's manipulations

-Utilize the "closer parent" in addition to abdicating parent for both of these tasks; challenge undermining; focus on parental unity; encourage closer parent to voice confidence in the abilities of the other.

-Assist children in seeing how they may be contributing to the distancing/disengagement process. Affirm that they have responsibilities to respect and maintain relationships with both parents (Isaacs, op. cit; Appell, op. cit.; Gaulier, op. cit.).

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### Special Problems: Combating Parental Alienation

-Alienation (damaging of the bond between parents and children) happens in many separations and divorces; in chaotic, high-conflict divorces some form of alienation is almost always present.

-*Working with the allied parent.* educate about dangers for child. Challenge enmeshment: support in managing anxiety/loneliness, tolerate negative feelings that come with setting limits, encourage them to insist that children show basic respect to other parent

-*Working with the estranged parent.* help parent to focus on child's plight, encourage non-intrusive "affinity-seeking" to re-start relationship

-*Working with the alienated children:* encourage gray thinking, individuation from allied parent, broach range of positive memories of alienated parent; utilize siblings when indicated

(Isaacs, op. cit; Appell, op. cit.; Gaulier, op. cit.).

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**Special Problems:  
Addressing the Abuse Issue (for both  
parents and children)**

-Take a considered approach to assessment of abuse: look at severity, context, frequency, intention, etc.; be aware of the legal/emotional function of false allegations

-Remember that unless there is absolute danger, children do best with ongoing contact with parents, and families do best when ex-spouses communicate

-Even with severe abuse, controls can usually be put in place for contact between parents and children, and safety mechanisms can be utilized for effective communication between ex-spouses

(Gaulier, op. cit.; Isaacs, op. cit.).

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## Applying the Principles of Individual Therapy to Individual Work

### 1) *Work with Individual Adults*

-Aim for movement through stages of divorce.  
Promote balanced thinking.

-Combat paralyzing fear, helplessness, shame, anger, and unrealistic elation by re-directing clients towards the present and future, looking at context of events, facilitating perspective, and suggesting that the intensity of feelings and circumstances will shift.

-Remind clients of the effect of their actions on children's well-being. Challenge efficacy of actions aimed at revenge as well as any avoidance of parenting responsibilities. Educate about the tasks of divorce and the importance of planned, rational divorce process.

-Generally avoid "uncovering" feeling work, particularly during crisis periods

(Textor, 1994; Emery, 2004)

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2) *Work with Individual Children*

-Individual work can be enhanced by the involvement of siblings and parents

-Establish and maintain contact with both parents—get both signatures!

-Avoid “grilling” for facts

-Support “gray thinking” and respect for both parents

-Avoid privileging particular emotions to the exclusion of others

-Encourage appropriate assertion of needs and practical coping

-Facilitate organized play; expand emotional vocabulary

-Utilize psycho-education and games, books: My Two Homes, Dinosaurs Divorce, etc.

(Appell, op. cit.; Textor, op. cit.)

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**Conclusion: Consolidating Gains and Moving Towards the Future**

-Effective divorce therapy can help a family to mourn its losses, establish clarity about the future, break up toxic coalitions and alliances, generate stable households, improve relations between siblings as well as parents and children, and help ex-spouses to form an effective alliance. The result can be a more stable family structure and more positive family relationships that can last for years to come.

-Effective divorce therapy can minimize mood/behavior problems in children and make them more capable of establishing healthy, committed relationships as adults.

-As treatment concludes, it is important that the parents anticipate future changes, and have mechanisms to adjust communication/parenting plans as circumstances shift.

-One or both parents will likely re-partner within 5 years (Textor, op. cit.). Advise parents to move slow and recognize the complexity of the tasks involved with forming stepfamilies.

**-Topic for discussion: how can pediatricians utilize the principles of divorce therapy in their practice to benefit children and families?**

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