

Helping Families Reorganize

Therapy for Families Experiencing Separation and Divorce

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A Role for Family Therapists

- To guide families through a healthy reorganization
- To help prevent emotional, behavioral, and interpersonal problems in children
- To help families set the stage for healthy family functioning into the future

(Appell, 2006; Emery, 2004; Wallerstein and Blakeslee, 1996; Heatherington, 2002; Isaacs, 2000)

Tasks of Therapy

- Preventing unhealthy, emerging developments
- Helping families grieve
- Recovering, restoring, restructuring
- Reorganizing into a “two-home family”

(Isaacs, 2000; Emery, 1994)

Paths to Family Therapy

- One or both parents seeking help for family
- Parent seeking help for an individual child
- An evolution from child/family or couples work
- Converting from couples therapy to help with divorce
- Co-Parenting help

A Brief History of Divorce in the US

- Marked rise in divorce in 1960s and 1970s
- Late 60's/early 70s- straightforward custody agreements, divorce process fairly straightforward
 - “Father’s Rights” groups fought for legal changes
- Rise of high-conflict divorce- custody linked to parental qualifications/child support; rise of family law industry
- Research shows negative effects of high-conflict divorce; ameliorated by orderly divorce process

(Wallerstein, Heathington, op. cit.)

History of Divorce (continued...)

- 80s- today--Rise of mediation
- 90s-today—Rise of concept of “good divorce” and methods to implement
 - -Rise of “co-parenting” philosophy
 - Rise of collaborative law
 - Parenting coordinators and best interest attorneys
- 2000s-today: a vision of a “two-home family”

(Margulies, 2007; Ahrons, 1994; Dozier, op. cit.)

The Impact of Divorce

- The family-”crazy time”, fractious/inconsistent communication, inconsistently/uneven nurturance/discipline, unhealthy coalitions, unhealthy power differentials (Trafford, 1982)
- The individual adult- risk for depression, substance abuse, enmeshment with children or neglect of parental responsibilities (Emery, 1994)
- The child- well-being related to how adults communicate and function, relationship with each parent, individual resources
 - Adolescents at risk for emotional, conduct, alcohol/drug problems (Appell, op. cit.)
- Extended families also affected by trauma; may provide economic and emotional support

Impasses Which Prevent Healthy Family Reorganization

- **Individual adults and children:** May get stuck /cycle through feelings of hurt, fear, anger, shame, elation; depression, anxiety, acting out, and under-functioning may ensue
- **Interactional:** cross-generational alliances/triangulation, extreme enmeshment, hurtful “showdowns”, distancing/abdication of 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 “wrongs” (i.e., infidelity, taking of assets, alienation of children); can lead to more pain and divert family from the tasks of divorce.

(Emery, 2004; Margulies, 2007)

Therapy can help families contain the chaos, get unstuck on focus on the needs of the whole family system

Principles of Practice

- Keep the focus on the whole family
- Focus on more than one affect and perspective
- Make sure loss/hurt is acknowledged
- Assist family members in seeing their contributions—point out “feedback loops”
- Prioritize parental communication- “business relationship”
- Work for the success and well-being of both parents
- Strengthen sibling and “new home” sub-systems
- Challenge fixed “roles” of family members (“crazy”, “irresponsible”, victim, victimizer, etc.)

Therapy Stages

- Stage I: Managing Pre-Separation Crises
- Stage II: Planning for Disengagement
- Stage III: Coordinating the Physical Separation
- Stage IV: Assisting with the Legal Process
- Stage V: Building a New Organization: the Sibling Relationship
- Stage VI: Building a New Organization: Setting up Effective Co-Parenting
- Stage VII: Building a New Organization: Strengthening the Households

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; solidify alliances with each
- Help spouses look at the *context* of any decisions within the history of relationship, other life issues
- Bring in children if appropriate
- Assess alternatives: re-committing, staying together temporarily, taking a “marital vacation”, a trial separation, or separation and divorce; aim for clarity

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

II: Planning for Disengagement

- Set up explicit guidelines for disengagement
- Educate regarding co-parenting
 - Discuss mechanisms for contact, standards for communication, specific tasks
 - Set up a practical short-term parenting plan (not custody)
- Considerations for scheduling: children's developmental needs, special needs, practical needs.
- Consider the *approximation rule* in scheduling: children's lives should approximate what existed prior to the separation
(Emery, 2004)
- Emphasize the importance of self care

II: Planning for Disengagement (continued)

- Help parents talk to their children
 - Developing a story, creating common messages
 - Emphasizing positive basis of marriage and attempts to make it work
 - Minimizing blame of parents and children
 - Explain effects of separation (how day-to-day lives will change)
 - Reassure that parent's feelings towards children will not change
 - Be emotionally available to explore range of feelings
- Older children may want to know the reason for divorce
- *It is usually not advisable to use the therapy office as the place for telling the children of the separation.*

III: Coordinating the Physical Separation

- The importance of the “less close” parent moving out;
- Minimize the drama of the move
 - Keep family home as similar as possible.
 - 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.
- Let kids have some say as to furnishings in new home
- Make sure kids have enough clothes/toiletries, etc. at both homes
- Be available for emergency calls during separation period

(Isaacs, op. cit.; Emery, 2004)

IV: Assisting with the Legal Process

- Ask up front about the legal steps already taken
- Help parents find what works instead of “justice”
 - Cite the research about the effects of aggressive legal battles on children
 - Gaulier Et. Al., 2007; (Margulies, op. cit.; Ahrons, op. cit.)
 - Advise spouses that productive legal processes are predictable, without surprise attacks.
 - Remind parents that custody is not only way of maintaining a relationship/caring for children’ (Emery, 2004) .
- Advise spouses of legal paths to divorce

Monitor the legal proceedings, as they can undermine the therapeutic process

Essential Legal Knowledge

Lori Rothfeld, family lawyer and mediation and collaborative law

- Conventional Paths Towards a Legal Divorce
 - 90% of divorces begun via litigation, most cases end in settlement
- 1. The Uncontested Divorce
- 2. The Contested Divorce
- A primer of Legal Terms
 - Separation Agreement
 - Limited Divorce
 - Absolute Divorce
 - Legal Custody
 - Physical Custody
 - Grounds for Divorce

The High Conflict Divorce

- Legal actions which may escalate the process
 - Restraining orders
 - Onerous motions for discovery
 - Orders to vacate marital home
 - Contempt of court motions
 - Challenges to “fitness” of a parent
 - Motions for injunctive relief
- Professionals involved
 - Custody evaluators, Best Interest Attorneys, Parenting Coordinators, experts
- Professionals tend to take increasing control
- Legal costs can run into the hundreds of thousands...

Alternative Dispute Resolution Procedures

- Mediation
 - Collaborative Law
 - Binding Arbitration
 - The “do it yourself” divorce
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- Characteristics of legal processes that facilitate productive divorces
 - Relatively expeditious, planned and deliberative
 - Costs as little as possible
 - Results in improved communication or at least contains negativity
 - Results in roughly equal levels of economic and emotional well-being for ex-spouses
 - Maintains involvement of both parents in children’s lives. (Margulies, op. cit.)

V: Strengthening the Sibling Relationship

- Meet with the children as soon as possible following the separation
- Offer education, clarification
- Encourage balanced, “gray” thinking
- Watch for “choosing up sides” between parents
- Encourage adaptability
- Indications for individual child work: extreme conflict between sibs, individual disturbances.

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

VI: Setting up Effective Co-Parenting

- Set up mechanisms of communication; identify what parents will communicate about
- Consider limited sessions 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
- Focus on need to give a common message to respect both parents
- 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.).
 - For “sporadic and scared fighters” - build trust individually with each parent
 - For “frequent and direct fighters” highlight consequences of fighting
 - Judicious involvement of the children in sessions can enhance co-parenting (Emery, 1994.; Isaacs, op. cit.; Ahrons, op. cit.)

VII: Strengthening the Households

- Support the hierarchy: encourage limit setting, chores, etc.
- Challenge child's anger at parent as justification for defiance
- Challenge children's suffering/parental guilt as reason for avoiding limit-setting
- Support new rituals—ask about daily, weekly schedule and events
- Strengthen particular parent-child relationships
- Balance need for each child to get needs met and for sibs to support each other
- Weaken divisive coalitions
- Consider whole family meetings, wherein the parents present a united front, can improve the cohesion of each household

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

Special Problems: Disengagement

- *Re-establishing Nurturance*: ally with abdicating parent, 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
- 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

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

Special Problems: Parental Alienation

- Some form of **alienation** (damaging of the bond between parents and children) is present in most high-conflict divorces
- *Working with the allied parent*: educate about dangers for child; challenge enmeshment: support in managing anxiety/loneliness, help tolerate negative feelings that come with setting limits, encourage them to insist on respect of other parent
- *Working with the estranged parent*: help parent to focus on child's plight, assure of relevance, 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.)

Special Problems: Abuse

- Take a considered approach to assessment of abuse
- Remember that unless there is absolute danger
 - Children do best with ongoing contact with parents
 - 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.)

Systems Approach to Individual Therapy

- *Work with Individual Adults*

- Aim for movement through stages of divorce
- Redirect clients towards the present and future: look at context of events, facilitate perspective, suggest that the intensity of feelings and circumstances will shift
- Remind clients of effect of actions on children's well-being
- Generally avoid "uncovering" feeling work, particularly during crisis periods

(Textor, 1994; Emery, 2004)

- *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
- 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.)

Risk Management

- Obtain written permission from both parents to treat a child
 - If can't obtain permission, only agree to treat with a court order
- Be upfront about your role as a therapist
 - Remind parents that they are in charge of knowing and communicating about the therapy schedule
 - Your position on court appearances and the type of documentation of therapy services you can provide – have client sign document of understanding
- Confidential information should not be shared with attorneys or court unless therapeutically necessary and **with consent from each parent**
 - Be aware of the negative impact of any testimony on the child or family members and be clear about your ethical responsibilities and to the lack of knowledge of information that prohibits you from giving specific custody or parenting time recommendations; avoid comparing parents (Gaulier, 151)

Risk Management (continued)

- The Importance of responding to subpoenas
 - Failing to appear as directed by a subpoena may be considered contempt of court
 - First verify that it is valid and has been served in a legally appropriate fashion (seek legal consultation)
 - Lay witness: professional must stick to observable quantifiable facts, dates, what client said and what observed (with appropriate consent form signed)
 - Expert witness- asked to render an opinion- entitled to compensation
 - A therapist can be ordered to but cannot compel person to provide testimony or information that violates the rules of confidentiality and privilege
- Maintain a mixed record, insist upon signed releases, do not write letters of opinion, **seek legal consultation**

Preparing Clients for the Future

- Effective divorce therapy can
 - result in a more stable family structure and more positive family relationships
 - 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
- 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

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