

The Emotions Of Divorce

Many clients who go to a solicitor to legally end a relationship will probably be suffering some element of emotional "loss". Referring these clients to counselling not only provides benefits to the client's well-being, it makes the legal transaction more efficient for the solicitor.



Whilst loss is normally associated with losing someone through death, people going through relationship breakdown, retrenchment, relocation, and even retirement experience similar emotional responses.

The pioneer in the area of emotional reactions to loss was Dr Elisabeth Kubler-Ross, who presented her findings in the 1969 book, "On Death and Dying". Whilst that book focussed on her research with

medical patients who were dying, her model holds true for all types of loss. She suggested that there are five stages in loss:

- * denial
- * anger
- * bargaining
- * depression
- * acceptance.

Her model suggests that a person could experience the five stages in any order, for different periods of time, and any stage more than once. Clients in the denial state would normally see the separation from their partner as a "time out" and would not be seeking legal advice. Of course, the serving of legal papers from their partner will significantly change the picture. Under these circumstances, the client might present in a high state of emotion, fear and confusion. Issues requiring immediate attention include securing the accommodation, looking after the immediate financial needs of the client and the children and consideration of a return to the workforce to maintain financial viability.

If the client presents whilst in their state of anger, they will come with an expectation of wanting to take everything from their partner. It is not about their needs, it is about taking from the other party. In this state, compromise will be difficult since the act of divorce is seen as the ultimate revenge on their partner. They are also being ego-driven, so when they are told of their true legal position, they could easily leave in search of another solicitor who can better meet their expectations.

Counsellor's Reflections

The state of bargaining does not mean that a client is willing to compromise. If anything, this state would be the last-ditch effort to save the marriage using thoughts of "I'd do/give to give the relationship another chance".

If a client has reached the state of depression, they see life as a miserable place. They will be unwilling or unable to make big decisions and might have difficulty understanding their options. If their depression is being treated with medication, the solicitor will find the client even slower or more confused and frustrated.

The client's ultimate aim is to be in the state of acceptance. In this state, the client presents with an attitude of "fairness", is open to advice, and is already making a new life for him/herself.

It is not the primary purpose of the solicitor to listen to the client's story and provide counselling, and a client in any Kubler-Ross state other than "acceptance" is an ineffective use of the solicitor's resources and lowers the efficiency of the practice.

Clients who are:

- Unable to make up their mind
- Confused about what options they wish to pursue
- So angry that they are unable to accept legal advice

create situations that are not in their best interests, nor those of their children.

Parents in their distress over the breakdown of a relationship often fail to recognise the impact that the separation is having on their children. The loss the children might experience might be heightened by their sense of abandonment of the parent leaving the relationship. As difficult as it is, both parents would be well-advised to seek professional help in understanding the best needs of the children whilst the conditions of the separation are negotiated. Unless abuse has been previously present in the family children are going to move forward in their lives when they have continuing access to both parents.

So, whilst divorce/separation is often seen just as an issue for adults to work through, a healthy focus on the present and future needs of the children can help parents step back from their own frustrations and sense of loss in order to develop an on-going co-parenting arrangement for the sake of the children. The adults may no longer be in a relationship, but they continue to be the parents of the children.