

## **The Intersection of Family Law and Psychology: New Roles for Psychologists**

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Interacting with the legal system, during one of the most stressful times in your life, can be traumatizing. **Collaborative law seeks to change all that.** Collaborative law was developed in 1990 by attorney Stuart G. Webb. He was tired of dealing with the adversarial court system and recognized that 80% of the divorce process is emotional, with only 20% being legal in nature. In fact, Tiger Woods used this process during this divorce.

Collaborative law is a process in which attorneys and clients agree not to use the court system to negotiate the terms of their divorce. It is particularly powerful for keeping children out of the middle of the divorce process. The main point is that it helps clients obtain legal advice while avoiding the attacking nature of traditional adversarial divorce and the court system. It permits:

1. More control over the process because the clients work with their attorneys to address their needs and interests rather than the two sides positioning against one another.
2. The maintenance of one's relationship with each other's families and common interests.
3. Cooperation versus confrontation.
4. Resolution versus revenge.
5. A less expensive and faster process.
6. The maintenance of integrity and respect.

It also encourages the use of experts. There are two roles in which psychologists can act.

**Divorce coaches** are licensed mental health professionals who are used to help the client handle emotional and psychological issues that might otherwise get in the way of the divorce process. They do not act as therapists, although they do provide support related to pain and loss of the relationship. They are utilized to help the client prioritize their needs and interests, improve communication between the spouses, and, when children are involved, keep the clients on track regarding what is best for their children.

**Child specialists** are also licensed mental health professionals who meet with the parents and child(ren) to advocate for the children. The child specialist may help the parents develop their parent sharing time plan. The team approach utilizes the child specialist as an educator and sounding board for the child's concerns but does not make recommendations about time sharing.

**Financial specialists** are also used to help clients understand their net worth, budgeting, tax laws, spousal maintenance, property values, and cash flow.

There are two general collaborative divorce processes that utilize experts, the referral model and the full team approach. Regardless of the model used, the collaborative divorce philosophy is that **the professionals are there to facilitate the clients' decision making** rather than point them in one direction or another. Attorneys give legal information

but do not encourage the client to only think about how decisions impact their client. In fact, all professionals involved are encouraged to think about both clients as the professionals' client, rather than that one attorney has one client, one coach has one client, etc.

**There are several differences between the referral and team approach.** In the referral model, attorneys refer their clients out 'as needed' to work with mental health and financial specialists. In the full team model, mental health and financial specialists join the team from the beginning of the case. In the team model team members work more closely, consult more often, and have a specified number of meetings to permit the process to move along faster. There are separate meetings to allow conversations between clients and their coaches individually and together; meetings with the child specialist and the children and then feedback to parents; meetings with clients separately and together with the financial specialist; meetings with clients and their attorneys; and the team meetings permit everyone to help clients make decisions and stay on track. Both approaches appear to be very useful for families. However, the benefit of the team approach is that time is usually saved because other professionals are involved from the beginning rather than brought in to put out fires. The team approach is particularly useful for families with children and those with complex financial or emotional/cognitive issues.

If you are interested in learning more about collaborative divorce, a great starting point is the book *The Collaborative Way to Divorce: the Revolutionary Method That Results in Less Stress, Lower Costs, and Happier Kids – Without Going to Court* by Stuart G. Webb and Ronald D. Ousky. You can also visit the website for the International Academy for Collaborative Professionals (IACP) at <http://www.collaborativepractice.com>.

Collaborative divorce has grown more slowly in North Carolina than in other states. I think as mental health professionals, it is our duty to inform ourselves and our clients about this process, in order to help protect them, and more importantly their children, from the negative effects of the traditional adversarial approach to divorce and a highly contentious, hostile court process.