

Chicago Daily Law Bulletin®

Volume 162, No. 66

Serving Chicago's legal community for 161 years

Teaming with a psychotherapist can make divorce easier for everyone

Psychotherapists work with their divorcing patients to help them think more realistically about the divorce process, have reasonable expectations and mobilize their support systems. They help people manage feelings so the attorney does not have to.

And when an individual has a therapist, he or she is more likely to engage with the attorney in meaningful problem solving.

Therapist-attorney alliance

Ideally, a psychotherapist is involved from the outset or even before a divorce begins. Ronald Rosenthal, a clinical psychologist at Psychosocial Interventions, has worked with children, adolescents and adults for more than 35 years.

"People starting the divorce process are struggling with a multitude of feelings. They may decide on divorce in the hope that it will make them happier, but they usually bring their emotional problems with them," he said.

Some mental health issues create an unnecessary impasse or miscommunications between the attorney and client. For example, some people are effective at telling two different stories, which results in the therapist and lawyer taking two separate and disjointed actions.

"If the attorney and therapist have a working alliance," Rosenthal said, "it is less likely that the client will be effective at creating this split."

In every situation, the patient must provide consent for the therapist to talk with his or her attorney. Rosenthal acknowledges that levels of interaction between therapist and attorney differ depending on the situation. For patients with more serious mental health issues, the conversations must occur more regularly.

In a collaborative divorce, a mental health professional is usually involved as either a divorce coach or child specialist. In both roles, Rosenthal often encounters parents who are unable to separate their own needs and feelings from their children's needs

and feelings.

Rosenthal works as part of a collaborative team to help all participants understand what is happening for each individual emotionally. Once everyone is on the same page, he works with the team to help parents regulate their emotions and keep their children's needs in the forefront to optimize decision-making.

In the litigation context, if a client's emotions are so unregulated that they cannot adequately prepare for trial, the attorneys may need to recognize their own limitations and involve a therapist to determine what issues are interfering and to help the client manage his or her emotional needs. From there, the therapist and attorney can work together to minimize any negative impact the client's treatment may have on the divorce.

Rosenthal stated, "At times a therapist might need to get really involved in understanding why this process continues to be so difficult for the person. Perhaps old and unresolved issues have been hanging around for some time, leading to impaired coping skills."

The result of unresolved issues may be a client who projects his or her feelings onto the attorney, lashes out at seemingly inappropriate times, refuses to set realistic expectations and refuses to compromise. Attorneys without

The result of unresolved issues may be a client who projects his or her feelings onto the attorney, lashes out at seemingly inappropriate times, refuses to set realistic expectations and refuses to compromise.

experience in mental health issues may take on the client's feelings without realizing it.

Rosenthal added, "A client who has a sense of helplessness and hopelessness can be effective at transferring this feeling to the attorney." The therapist can in-



Beth Fawver McCormack is a partner at Beermann. She practices exclusively in family law matters and is a collaborative law fellow, mediator and child representative.

tervene to work with clients, identifying how to better manage their emotions.

Therapist roles and goals

Rosenthal recognizes that different divorce processes require different preparation. For a collaborative divorce, he helps patients understand the level of active involvement they are required to take on. He helps them find their voice. For litigated divorces, he helps patients prepare for instances where they will be required to take a back seat when they wish they could talk more.

Another issue to be mindful of is whether the person you are working with is the initiator or the respondent. Both will likely experience very different emotions and reactions.

"If the patient is initiating the process," Rosenthal said, "we may

marriage; it is a grieving process."

Rosenthal also works with patients to empathize with their children's experiences, if applicable. "I often tell patients, you do not get a husband-ectomy or wife-ectomy. Once you have children, you have a connection that you must forever attend to."

On what divorce feels like for a child, he tells patients: "It is as if your child has a part of each of you in their body or brain. Conflict between parents feels to the child like one body part fighting against another body part. Saying something negative about the other parent or increasing the level of conflict will ultimately inflict discomfort upon the child. We need to recognize that children have limited capacity to manage this discomfort."

In instances where he works with patients considering divorce, Rosenthal educates them on divorce options. Strictly from a mental health perspective, he offers patients his understanding of the pros and cons of each. He advocates for the collaborative process when it is appropriate. Before referring a patient to an attorney, he carefully assesses his patient's level of conflict, cooperation, comprehension of children's needs, emotional resources and financial resources.

Team mentality

Whether through a collaborative divorce or another variation of the process, having an allied team of professionals working together can be extremely empowering for the client.

Attorneys and therapists bring different, yet essential, knowledge to the table about divorce. The attorney and therapist have a common goal — to get the client through the divorce process in the most emotionally stable and least harmful way possible.

When a client's attorney and therapist are working together and are on the same page about strategy and treatment, the client is more likely to feel in control of his or her own situation, take ownership and engage in more effective decision-making.