

How to Transform Grief in Divorce

A mediator's perspective on choosing a divorce process.

By Mari J. Frank, Esq. CIPP

Copyright Mari Frank, 2016

"The truth is that our finest moments are most likely to occur when we are feeling deeply uncomfortable, unhappy, or unfulfilled. For it is only in such moments, propelled by our discomfort, that we are likely to step out of our ruts and start searching for different ways or truer answers." – Scott Peck

Transforming grief through the divorce process

There is no doubt that divorce is uncomfortable. But if you stay conscious, focus on positive, affirming thoughts, and choose a constructive legal process for the dissolution, it will propel you to growth, new insights, and greater happiness.

Believing that this life change is a "blessing in disguise" may not be easy at first. You may feel as though you are living in a separate reality. While your friends and colleagues are engaged in routine daily activities, you may be experiencing mental turmoil. This is typical of individuals on the divorce journey.

To move beyond the anguish in divorce, you'll need to take charge of your healing and engage in a legal course of action to attain a fair resolution of your marital issues. Although the wave of emotions can be overwhelming, consider this a time of renewal or renovation of the aspects of your life that haven't been working.

You'll encounter many mood swings and conflicting feelings as you go through the grieving process. Elisabeth Kübler-Ross, a pioneer in grieving research, first described the cycles below. You will vacillate back and forth among the various stages of grief – it's not a straight line to acceptance and recovery!

The stages of grief

Denial, Shock, Avoidance: "This isn't really happening; we can work it out; this is just a mid-life crisis; I know she/he will come back, so I will just wait."

Anger, Resentment, Blaming: "How could you do this to me/us? You are the one who causes all the problems; this is so unfair; I can't take your actions anymore! You are always complaining."

Bargaining, Disempowerment: "If you stay, I will stop drinking/seeing other people/spending recklessly, etc; I'll change and we can get back together; I can only stay if you..."

Depression, Guilt, Anxiety, Fear: “It’s all my fault – I was a terrible spouse; I can’t go on without her/him; I can’t stop crying; how can I live alone? How will I manage? How will I care for the kids?”

Acceptance, Recovery, Renewal: “It’s finally time to move on with life; I see that we aren’t going to get back together; I have to forgive myself and her/him to be happy; the past is gone and I look forward to being free. We did the best we could and now we can accept what is.”

Although some degree of grieving is inevitable in separation and divorce, your mindful and deliberate response to those feelings are your choice. Be aware of your thoughts, seek quiet time, express inner feelings with journal writing, ask for positive emotional and spiritual support, eat healthy, exercise, limit alcohol intake, move your mind off the pain, and focus on this as an opportunity for renewal. Life challenges are transformative lessons. How well you cope will also depend on the decisions you make concerning your legal issues. The alternative legal forums each have emotional and financial ramifications.

The anger stage intensified

Litigation and arbitration are adversarial processes that facilitate anger, blame, and guilt in divorce. Your lawyer acts as a fervent advocate on your behalf against your spouse’s legal counsel. The parties confront issues as opponents, not as problem-solvers. The hostile nature of court proceedings forces parties to linger in the anger/resentment stage of grieving. If one party wishes to engage in an antagonistic manner (to act out the pain and anger), the other spouse will be forced to rival the opposition. The aggression escalates, the costs spiral out of control, and the grieving process is protracted. Although a majority of litigation cases do settle, this normally happens after the parties have struggled and are emotionally and financial depleted. The courtroom battle and the aftermath delay the emotional and financial healing.

Collaborative Divorce

Collaborative lawyers represent the spouses and attempt to deflect the anger, resentments, and blame, but they still advocate on behalf of their clients. With opposing counsel and experts in session, you are not free to express your feelings privately. You are disempowered, since you are not engaged in your own bargaining. Although the fear and anxiety of going to court is reduced, the escalating costs of having both parties meeting together with their respective lawyers and the multiple experts in numerous joint negotiation sessions can be prohibitive. The intention of the collaborative process is to reduce the antagonism, which reduces the anger stage of grieving; however, it does not always provide a complete trusting environment of privacy and openness. Because your spouse’s lawyer and other advocates are present, you may not be confident enough to reveal deep concerns and may not always have the power to create your own solutions to achieve acceptance.

Mediation: an empowering, private, and trusting environment

Mediation often involves an experienced lawyer/mediator who is usually trained in the psychological aspects of divorce. Your mediator empowers you and your spouse by educating you as to your rights and obligations and facilitates negotiations. A confidentiality agreement assures you of privacy — no accusations or offers made in mediation can ever be used against you in court, and the neutral can never be called to testify in court to hurt either party. In this private process, you are encouraged to express pain and feelings in safety. The mediator helps you understand the stages of divorce, deflects the conflict, and intercedes if one party blames the other. It educates and empowers you to make informed legal decisions, and it helps you to find solutions so you can release any resentment allowing you to co-parent if you have children. The anxiety and fear of losing in court is gone, guilt and blame are averted, and you focus on fairness and acceptance. In mediation, you experience all of the emotional stages of divorce, as in any other process; however, the difference is that you are educated and enlightened to be conscious about these feelings allowing you to move through the grief more quickly. Although the mediator must file a judgment with the court — just as in litigation and Collaborative Divorce — the costs, accusations, sensitive financial information, and other confidential issues of the marriage are never revealed to anyone except your spouse and your mediator. In mediation, you are more likely to move past blame and guilt to gently and confidently arrive at acceptance, recovery, and renewal. Mediation fosters cooperation, understanding, sensitivity, privacy, educated decisions, and mutually acceptable solutions, which sooth the grieving process.

Make conscious decisions to promote healing and growth

If you're considering divorce, or even if you're in the midst of it, consider the emotional stages of divorce and the legal approach you have chosen. Does that process help you to move beyond the anger and resentment, release your anxiety and fear, and move toward renewal? If you are ready to nurture yourself and strengthen your emotional processes to move beyond the pain, consider which approach is best for you. Ask your lawyer or mediator what to expect during dissolution procedures. How will anger, resentment, and blame be handled? Will there be a focus on mutual respect and dignity? Will the process be private and confidential, so you can share intimate and important secrets? Will there be a mutually satisfying settlement at the end, and how will that happen? Don't let your negative emotions direct you to engage in a process that will prolong your pain and grieving.

Mari Frank, Esq. is a lawyer, mediator, and certified privacy expert in private practice in Laguna Niguel, CA. She hosts the radio show Prescriptions for Healing Conflict and has been featured on dozens of national television and radio shows. Visit www.MariFrank.com.