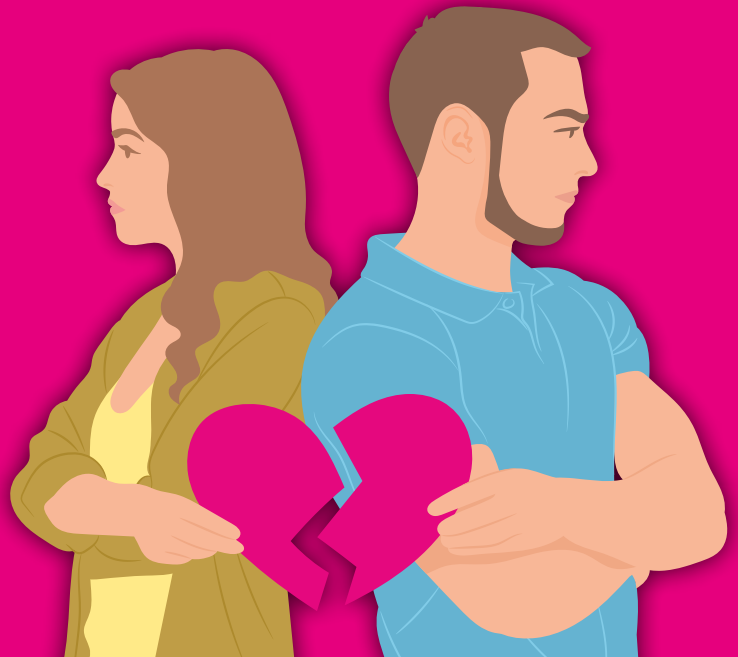


# RELATIONSHIP BREAKDOWN

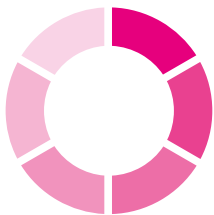
## THE STAGES OF GRIEF AND THEIR IMPACT ON DISPUTE RESOLUTION



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In the modern era there are many ways of resolving family disputes ranging from discussing matters around the kitchen table to solicitor led negotiation to mediation and, ultimately, if nothing else is appropriate or has worked to court proceedings. All practitioners in this field need to be well-versed in these options (how they work practically, how effective they might be) to advise our clients strategically whether as lawyers or family mediators, but how often do we step back and consider the emotions and feelings of our clients (and the other participants in the process) and how this might impact on resolution? When we intervene may determine whether the process works or does not.

### The stages of grief



The 5 stages of grief were originally identified by Elisabeth Kubler-Ross in her 1969 book "On Death and

Dying". Although they have been explored and developed by others over the decades since then, the traditional stages are denial, anger, bargaining, depression, and acceptance.

***Grief can be felt not just at the death of a loved one, but any loss such as the ending of a relationship. The griever may feel not just the actual loss of the person who is no longer their romantic partner, but the loss of the future they will no longer have.***

Relationships can break down in many ways, however often one person has initiated the process by deciding to leave. They may barely experience the loss moving quickly to acceptance having made the decision to end the relationship. The "left" person will however often feel the loss more acutely, particularly if the decision is sudden or appears to come out of the blue.

### Denial



In the denial phase, the denial may be that the relationship has ended at all – we often hear clients tell us that their partner is having a mid-life crisis, they just need to come to their senses, and they will return – or denial of their own feelings; a numbness and disbelief. Starting a dispute resolution process at this stage may be ineffective because the participant is not ready to negotiate or deal with difficult financial issues.

## Anger



Anger may be at the leaver (who has actively made the decision to leave often in contrast to someone who has died) but may also be taken out on those around them for example their lawyer. Sometimes anger can be internalised and not let out. Recognising that, naming it, and normalising it may be what that person needs.

## Bargaining



Bargaining can be similar to denial – if I just tried harder or was a better partner, they wouldn't have left. As with denial, a person in this emotional state, may find it difficult to reach decisions and their lack of emotional readiness may be a barrier to dispute resolution.

## Depression



Professionals working in the field of family law are usually not trained psychologists or psychiatrists and cannot diagnose clinical or deep depression, however it is important for us to try to recognise when someone might be at the very depths of grief at the end of the relationship. At this stage they may be very distressed

or filled with despair. Their feelings can consume them and make it extremely difficult to make the decisions that they need to. More support may be needed at this stage.

## Acceptance



Once the participant has accepted that the relationship has ended, they are likely to be more emotionally ready to process information and make decisions.

Recognising what stage of grief a client or dispute resolution participant may be at, can be invaluable. By way of example, in assessing whether a couple are both ready for mediation, a mediator should consider where each participant is in the grieving process. A leaver who has had often many months of deciding whether to leave a relationship may be very ready whereas the left behind may in some cases be so emotionally affected that decisions will be impossible. That can lead to impasse and entrenchment and the breakdown of mediation which, had both participants been emotionally ready, may not have occurred. The leaver can also become frustrated with the speed of the process and what they may perceive as the other person's inability to accept the reality of the relationship breakdown.

## The role of counselling and therapy

Counselling can make a difference with any significant life changes, none more so than with dispute resolution. Lawyers offering a more holistic approach to their clients support not only the client but the legal process too.

Counselling can help the client identify the root cause of why they are experiencing a whole range of emotions. Being listened to and understood can help ease this stressful time and help regain emotional balance.

It can be useful for the client to understand any fixed patterns of behaviour that may be informing their thinking and decision making. All relationships are co-created. Helping someone understand the role they play in the relationship; can help them make more informed choices.

The grief model is not linear and clients can experience any of the stages and move back and forth between them before they reach acceptance. Depending on the individual, they may need support throughout the dispute resolution or at any of the stages. Counselling can be flexible and dependent on the client's needs. If an impasse occurs, counselling could provide a separate space for the client to identify why they feel so stuck, what keeps them in that place; and then how they can move forward.

For some individuals it is important to mourn the loss of their old self/life. At the end of the process, some clients benefit in therapeutic support adjusting to their new norm, achieving their potential and creating a new life path.

As lawyers, we can help our clients by recognising where they or the other party may be in the grieving process. Stepping back whilst, for example, someone participates in counselling or therapy may actually help the dispute resolution process. We should ask ourselves, what might that person need to move past this?

