



Personal Divorce Coaching and Its Role in Decision-Making in Divorce

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Abstract

Where does personal divorce coaching fit in among the dispute resolution processes in divorce and how does it support decision-making throughout the proceedings? This article explores the definition of personal divorce coaching as a dispute resolution process, its theoretical roots, the blending of practices from other applied conflict resolution processes, and how it can be used to leverage the power of both coaching and dispute resolution in this particularly challenging environment of divorce. We explore how divorce coaching can shift individual focus from a vice-like grip on position to lifting up interests in the midst of the emotional turmoil that the dissolution of marriage can precipitate. We also review personal divorce coaching from the perspectives of key stakeholders in the process of divorce: family attorneys, family mediators, therapists, financial professionals and, most importantly, the divorcing client. In doing this, we also examine the boundaries of the divorce coaching process.

Introduction

Most people have a story about why they chose to become professionally involved with divorce – almost all of these stories derive from a very personal experience that they or someone close to them went through. I became involved after hearing my husband Randy’s story about his parents’ divorce and the impact it had on him. In his mid-life career expansion from CFP® to CDFA® to Supreme Court of Florida Certified Family Mediator, Randy adopted divorce mediation and then divorce coaching as a way to help relieve children of the gut-wrenching experience of having family and friends torn from them – an experience he endured as an adolescent.

With seven years of experience behind me as a coach helping people through tough circumstances like workplace conflict, leadership challenges, performance issues and job loss, I admired the way that Randy had of simplifying very complex issues and helping people to wrap their arms around the process



they needed to follow, one step at a time, in order to arrive at a new approach to looking at an old problem. Randy enrolled in a coach training programme and when he completed his coach training, a lightbulb went on for him. He declared that the personal divorce coach was the missing professional in divorce. It was with the goal of filling that gap in mind that we began to systematise the work we had done together as coach and mediator. We created a personal divorce coach training programme and held our first class in 2011.

This article explores:

1. The development of divorce coaching as a specialty coaching domain and its relationship to mediation and conflict coaching and to several other disciplines.
2. The biggest mistakes people make in divorce, which are often at the root of many of their greatest and most damaging legal and financial errors, and how divorce coaching impacts upon these recurring situations.
3. Personal divorce coaching from the stakeholder perspective, including the viewpoint of the family attorney, family mediator, family therapist, financial expert and the individual divorce client.
4. Considerations for future developments.

We start with the definition of divorce coaching that can be found on the list of dispute resolution processes on the American Bar Association website:

“Divorce coaching is a flexible, goal-oriented process designed to support, motivate, and guide people going through divorce to help them make the best possible decisions for their future, based on their particular interests, needs, and concerns. Divorce coaches have different professional backgrounds and are selected based on the specific needs of the clients. For example, some divorce coaches are financial planners, mental health professionals, lawyers, or mediators who have experience dealing with divorcing clients.”

We have adopted the essence of this definition as a working definition for personal divorce coaching and added to it a broader context, which is that it also addresses the whole process of transition from married to single, including the preparation for, and entry into, the client’s next chapter.

Personal divorce coaches normally work with one party, and not both parties, so they do not have to assume a neutral stance. This means they can focus on helping the client develop greater confidence, skills and know-how during the transition process of moving from being married to starting life again – perhaps as a co-parent and single head of household – and adapting to a new purposeful life.



Personal divorce coaching, in the current stage of its evolution, has leveraged several other bodies of knowledge to support clients in dealing with a multitude of changes and concerns that will impact them throughout the process, not the least of which is mediation and conflict management (Noble, 2011; Lenski, 2014). Personal divorce coaching also extends beyond the bounds of the divorce process and conflict resolution into the whole life view of the client and the process of change and transition (Bridges, 2001) so prevalent in divorce.

Neuroscience and its impact on coaching (Rock, 2009), and story-telling and its reflection of our world view (Drake, 2015) have also played major roles in helping clients to develop greater awareness of their own thinking. The work of appreciative inquiry in coaching (Orem et.al 2007), brain science and relationships (Siegel,2010), and changing behaviour through changing mindset (Arbinger 2015) help put the knowledge of how we are put together as human beings into actionable insight and specific frameworks to use in divorce coaching.

During my 25 years in leadership in non-profit and fortune 100 companies, and my 15 years as a leadership, career development and divorce coach, I have done much ‘applied research’ in the iterative process of assimilating knowledge and seeing how it works in solving some vexing and pervasive problems. Divorce is one of those vexing and pervasive problems which is worth the effort to find a better solution – if for no other reason than the need to improve the welfare of the next generation of children who will become the next generation of leaders in our families and communities.

Collaborative divorce coaching is different from personal divorce coaching. A divorce coach is often identified as one of the professions represented in the collaborative divorce team and is, almost without exception, required to be a licensed mental health professional. We added the term ‘personal’ to divorce coaching to indicate that we serve individuals on a one-on-one basis unrelated to any specific means by which the clients choose to go through the divorce process.

To show how a personal divorce coach can be very useful, even in the collaborative process, let me give you a specific example from when one of the parties (let’s call that person Party A) felt that the process was headed for almost certain derailment after many alternative proposals had been provided by the financial neutral. When Party A hired Randy as a coach, Randy looked at the pile of different options presented and asked the client if any one of them was close to acceptable. The client shrugged his shoulders as though overwhelmed by so many different choices. Randy then asked him if there had ever been an offer put on the table which was close. The client (Party A) shared that early on in the process he had presented his ideal offer which Party B accepted except for the addition of a sum of money to be added for house repairs. The client (Party A) then rejected his ideal offer on principle due to Party B’s additional request. Randy spotted the client’s mistake of digging his heels in ‘on principle’ and was able to shift the client’s (Party A) mindset about that initial offer and the client returned to the table hopeful of resurrecting that offer. This resulted in a favorable outcome.



Divorce is a process that can overwhelm your life. Decisions made during this period can result in serious mistakes that can have long-term consequences for everyone involved. Everyone is affected – including the professionals who support the divorcing client!

There are many ways in which decision making can be derailed during the divorce process and we have found that many of the mistakes people make in their decision making can be traced back to six recurring mind-set mistakes that are at the root of many of the subsequent legal and financial mistakes (Cooper and Cooper, 2014):

1. Both parties forget that they are both the decision-makers in the process. This manifests itself in several ways. From not being clear about which outcomes are most important to them in the process to relinquishing decision-making to another party, often the attorney or the spouse in the mediation process.
2. One party asserts that his or her position is the only acceptable position for them and they dig in their heels and create a wall of resistance between the two parties. Sometimes this results in the children become pawns in a tug-of-war.
3. One or both parties limit their use of other experts who can help them to see the whole picture or fill in missing information or a missing perspective on a specific position one might be taking, thereby limiting effective decision-making.
4. Making visceral emotional decisions to give up or throw in the towel can result in relieving the immediate exhaustion from the process but can also cause long-term ramifications which are hard to address after the fact.
5. Before the divorce is final, one of the parties finds another relationship and bets everything on that relationship when choosing to walk away from what they may have been entitled to in the current divorce settlement.
6. The final mind-set mistake is to be paralysed by uncertainty and wanting enough guarantees in the settlement to ease that uncertainty. Since this is one of the most problematic positions to deal with, I am going to give you a fictitious example of a frequently recurring scenario to demonstrate how the process of decision-making can be impacted by divorce coaching.

The scenario

Lillian is wrapping up the marriage settlement agreement with her husband and she has a lot of concerns. Her concerns could derail the progress they have made over the past few weeks. Also, in order to convince her to sign the agreement, her spouse may threaten to withdraw a very generous offer he made. By all accounts, this is a good agreement for Lillian. But, even though the divorce was initiated by Lillian, as time draws near to the final agreement, she seems paralysed by uncertainty and fear about the future and is not able to sign the agreement.



We try to reason with people at a time when they are being unreasonable. We tend to try to convince and maybe coerce them into making a different decision. With every concern Lillian raised, there was no reasoning with her to accept a certain amount of risk and move forward. She was being stopped not by her intellectual capacity, but instead by her emotional capacity.

Lillian wanted more and there was no room to talk with her due to a fear that this wasn't enough. Our clients want what they want and if we focus on that notion of guarantees and certainty or on whatever 'ideal' they are clinging to, then we can't win!

A personal divorce coach can help. Focusing instead on a process for dealing with this can make a difference. In this case, the client has to shift her perspective from the story in her head about the need for guarantees and certainty to a fact-based perspective. It might start with an invitation to join the coach with whom she already has a good reservoir of trust, to walk down the path together to see how they can arrive at the solution that the client wants.

As a personal divorce coach, your role is not to give advice or even to try to lead them to what you might think is a viable solution. Your role is to help them to self-discover for themselves what a viable next step might be.

Lillian had a settlement agreement, but she wants more. Moving on with this agreement scares her. She needs to refocus on something that isn't based on emotion – something which is more practical, where the rubber meets the road in this agreement – while looking out for all of the concerns she has. A good analogy is what you would do for a child who is terrified of the dark – get out your flashlight and take them by the hand to explore all of the places where the monsters might be hiding. Look in every closet and under every chair or bed. You will either find the monster or will determine there are none lurking.

Translating this exploration to the settlement agreement which has no guarantees and is creating great uncertainty for the client, you ask them to show you the agreement and then explore with them each part. The role of divorce coach is not to offer opinions, but simply to understand where the monsters are. That exploration might go as follows: You break down the settlement agreement into each of the parts that do not seem enough to Lillian. You then explore each part and invite her to document her concerns so she can ask her attorney to give their perspective.

Splitting the 401(K): is it a fair split? Lillian, you got more than half. This is retirement money for your distant future. Any concerns about that? Is there more adjustment needed here?

Lillian wants the house, not just to split the equity. Let's explore the details to get there. Mortgage refinancing? Maintenance costs? Amount of other assets that may be sacrificed to obtain the house? Is this



going to work in her life as a practical matter? Can there be other options? She needs to explore and self-discover the sacrifice or impossibility of this option, not simply be told.

These are the kinds of conversations a personal divorce coach is trained to have while at the same time creating a calm, safe, non-judgmental and patient environment in which to hold this conversation.

What about the agreement on the debt? Let's explore what may work better and what impact this may have on asset division. Is one thing more important than another thing in this exploration? Alimony was negotiated. Let's explore this area for improvement. Her husband even offered an additional amount of payment for a time that is not taxed as alimony to help her in this transition — a generous component. Might this additional payment be withdrawn in a renegotiation?

In each detail, the personal divorce coach and the client are focused on a smaller more easily digested aspect of the agreement. This can lower the emotional toll of having to confront the enormity and totality of separation, which can overwhelm clients who feel they must confront it all together. In all the details of this case we are doing the less emotional, more fact-based exploring and not rushing to make a decision until after the exploration has helped to make the decisions that are needed seem more obvious and rational.

Now, with the help of their coach, a client can take this 'new look' at this agreement back to the attorney for a legal process perspective, a kind of feasibility exploration. This would be a discussion more about the business of divorce with a more credible client than about the emotional story of the divorce. In the end, Lillian might find that this is the best she can do to address her concerns. She might reflect on this and say: "If I can say I have done the best I can in each of these concerns, then I feel better."

Here we see one of the jobs for personal divorce coaching – helping the client to make the best possible decisions for themselves and their future so that they can feel that they have done the best they can about each of their concerns. This is a better choice than having them focus on unattainable guarantees and certainty; and on what they are emotionally attached to.

To summarise, there are five important approaches which a divorce coach should consider in order to have a positive impact on the decision-making process when they encounter a client with a mind-set like Lillian:

1. Walk down the path of what the client wants as an outcome in a way that offers no resistance and does not challenge them.



2. Focus on the more practical aspects of the decision, such as: How will this work? Who will be involved? When will this happen? What might happen as you move to this new way? In this way you are helping them to recognise the old story and the new story they are discovering.
3. Explore this from a fact-based basis rather than the emotionally charged attachment so they can distance themselves from the first story and cross the threshold into the new story and vision.
4. Identify who can help them verify their assumptions about how this will unfold; and
5. Help them to mentally rehearse this conversation with the stakeholders: the soon-to-be former-spouse, attorney, financial expert, children and any others they may see as integral and impacted by this outcome.

What do other professionals recognise about the value of divorce coaching? In a recent survey of graduates of our certified divorce coach training, professionals long identified with the divorce process offered their perspectives on this, based on being able to see divorce coaching clearly from both sides. Attorneys said that clients often come to them locked into one option, closed to thinking about other options; they lose sight of what is best for the children, and often come with unrealistic expectations about how this will turn out for them after divorce. They also have unrealistic expectations about their relationship with their attorney and some expect that their attorney will be available to them for every concern that pops into their head. Clients also had unrealistic expectations about the speed with which the court process moves.

As graduates of the programme, family attorneys can see that a divorce coach could help considerably in this area, helping their client to become better engaged, better prepared, and bringing to them the big concerns instead of the recurring story about how they were wronged in the marriage. Mediators shared that clients who come to them are often totally disorganised in both their grasp of financial details and their thinking about what is important. Mediation gets a much slower start and the mediator is not prepared to get them organised. A divorce coach can be very helpful in these circumstances because they are able to help them by using non-court information-gathering forms. Financial advisors and experts also have a difficult time with many divorcing clients. They repeat the stories of many who display a marked lack of organisation when they come to talk with them about finances.

From an ethical standpoint, divorce coaches understand and respect the boundaries of the other divorce professionals. Divorce coaches are not 'advisors' in that they do not provide advice to their client on how to address specific concerns in their particular case in either the legal realm or the financial realm.

They are not therapists and are clear where the line lies between coaching and therapy and know when to refer clients to a therapist for dealing with family of origin issues, substance abuse, domestic violence, personality disorders and many other problems.



Divorce coaches work with clients on the nitty-gritty decision-making of everyday life and the bigger picture issues. As a thinking partner, divorce coaches prepare the client for long-lasting change with new and broader perspectives which will serve them as they move into their new role of, perhaps, single head of household or as they reboot their career, become the sole financial manager, and maybe juggle the complications of co-parenting children who may be living between two different households with a blended family structure.

Here are some of the experiences that divorce coaches have had with their clients:

My client was served with divorce documents from her husband. It was not unexpected, but when she received the petition, with the instructions and caveats about what she must not do regarding their property, she panicked. The fact that she had only 30 days to respond also frightened her because she did not have an attorney. She explained that if she were this uneasy now, that the paperwork and her emotional reactions would become worse as the process became more in-depth. She wanted to contract for my help as her ‘constant’ during the divorce process. She meant that she wanted me to help her through the divorce with a better sense of herself. Additionally, she wanted help understanding how to complete documents and she wanted someone who she felt comfortable talking to.

We had 14 sessions that were scheduled and many extra short sessions in between. My client felt as if she had no one to help her or understand when she felt overwhelmed. She had confidence in me and, very importantly, I had confidence in her. She needed my ‘constancy’ for a while and, after several sessions of exploring her inner beliefs, values, and strengths, she was able to transfer that trust and confidence to herself.

Personal divorce coaches are not limited to the United States. We have trained certified divorce coaches in Canada, Australia, New Zealand, the UK, Netherlands, Lithuania, South Africa, and in China, Hong Kong, Singapore and Saudi Arabia.

From Australia one coach shares:

One client came to me with very difficult communication and parenting issues with an alcohol-addicted ex-husband. We have had six sessions so far and they are ongoing. She is showing improved confidence, reduced guilt, reclaimed sense of control in their life and the process of co-parenting. With her increased confidence and self-awareness, she is more deeply committed to boundary setting and a desire to do things differently for a better outcome. The client continues to return and claims this coaching style to be the most productive she has experienced.



And from a coach in Saudi Arabia:

My client is going through divorce and wanted to make sure she is doing it the right way. We have had three sessions so far and I see her taking better care of herself. She is also letting her son express his feelings freely and, as a result, she is better able to deal with her son. She says to me: “I love talking to you, I feel normal, and I am relieved knowing that you went through divorce yet you are providing all this help to someone going through it now.”

Coaching clients are both male and female. From one of our coaches in the northeast US:

I have been working with this client weekly in an ongoing effort to help him be the best parent he can be and overcome the obstacles his soon- to-be-ex has set in his path. They are in the separation stage and so far have based their parenting plan on choices made by others that didn't exactly fit their schedule and logistical circumstances.

My client needed help with creating and enforcing the parenting plan with healthy limits. He has always played a role in the everyday lives of his children but wasn't recognised for that and was walked all over by his ex-spouse. He is now trying to understand how he could do what he knows is best, abide by the agreement, and not take to heart the ex's attack and her trying to use the children as pawns against him.

The client loves the tools he is learning from coaching and he really sticks by the parenting plan. He is now seeing a change for the better in the children's lives! His feedback to me is: “Thank you for always making yourself available to squeeze in a session and help between sessions, and for supporting me and reminding me that I have to trust my guy self when it comes to my children and not listen to my ex's hateful words. And thank you for continuing to help me be the best I can strive to be every day!”

Divorce itself doesn't have to be difficult. It is all those other personal dynamics like conflict, emotional decision-making, expectations, blind spots, power imbalances and high-conflict personalities which impact decision-making, communication, and the ability to get organised. These dynamics have a big impact on the process of divorce and prioritising what a client needs for their next chapter. This is the real value of a personal divorce coach to the client. And the sense of fulfillment that every divorce coach feels when they witness their client making choices based on who they are at their best and creating a life that reflects who they are now, with their new sense of purpose.



Consideration for future development

Divorce coaching is an emerging profession. Like coaching and mediation, personal divorce coaching is evolving. Formalising best practices, competencies, ethics and case studies are in their infancy. Globalisation and accommodation to various cultures and languages are being promulgated by certified coaches as they see potential for integrating the divorce coaching profession into their country, jurisdiction, or religious community.



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Pegotty earned an undergraduate degree in Anthropology from the University of Massachusetts in Amherst, Massachusetts and an Executive MBA from Rutgers University School of Business in Newark, New Jersey. She has also received coach training from: Coach Training Alliance, 6 Advisors Coaching Academy, Arbinger Institute, The Empower Institute and The Foundation for Inspired Learning. She is a practitioner of the Conflict Dynamics Profile from the Center for Conflict Dynamics at Eckerd College in St Petersburg, Florida and has also held a number of leadership roles within the International Coach Federation (ICF), most recently Co-Chair of the ICF Southeast Regional Advisory Council.

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