

### **What Factors Impact Clients' Divorce Experiences?**

**IACP's second large scale study**

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### **Purpose of the IACP Second Large Scale Study**

To learn more about Collaborative Practice in the broader context of other process options:

- Traditional Court
- Other Settlement Processes
- Do-It-Yourself

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### **Purpose of the IACP Second Large Scale Study**

Learn about *the experience of divorcing individuals*, in particular their satisfaction level across a variety of factors, in each of the four identified processes.

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### TODAY'S ROAD MAP

- **1. Methodology**
- **2. Seven Process Factors**
- **3. Three Outcome Factors**
  - **Financial**
  - **Parenting**
  - **Relationship**
- **4. Professionals**
- **5. Final Point / Question and Answers**

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### Satisfaction with process (11 factors)

The process itself	Respectfulness exhibited in the process
Disclosure of information	Opportunity to express yourself
Level of privacy maintained	Attention to your needs and interests
Problem solving process used in your case	Efficiency of the process
Scheduling of meetings or hearings to accommodate your calendar	Your control of the process
	Degree of cooperation

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### Satisfaction with the resolution of financial issues (5 factors)

Division of retirement, investments and bank accounts
Allocation of debt
Housing
Alimony/spousal support agreements, if any
Child support agreements, if any

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**Satisfaction with resolution of parenting issues  
(5 factors):**

- Emotional well-being of children
- Parenting time arrangements
- Allocation of decision making rights and responsibilities
- Your ability to parent your children effectively
- The ability of you and your former spouse to co-parent your children effectively

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**Satisfaction with relationships among family post-divorce (3 factors):**

- Your relationship with your former spouse
- Your relationship with your children (if applicable)
- Your former spouse's relationship with your children (if applicable)

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**SATISFACTION WITH PROFESSIONALS**

**Satisfaction with divorce professionals**

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**IACP Study SURVEY QUESTIONS**  
Satisfaction questions

	Very Satisfied	Somewhat Satisfied	Neither	Somewhat Dissatisfied	Very Dissatisfied
The primary divorce process that was used	5	4	3	2	1
Resolution of financial issues	5	4	3	2	1
Resolution of parenting issues	5	4	3	2	1
Relationships among family members	5	4	3	2	1

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**Methodology**

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**A total of 1,187 divorced individuals responded to and fully completed the Survey.**

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**Methodology**

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- Of the 1,187 respondents:
  - 1001 were identified through Crescent Research's data banks
  - 186 were identified via submission of names to Crescent Research by IACP members.

Forty-three of the responders identified through national data bases stated that they used the Collaborative process, rather than one of the other three processes.

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## Methodology

Of the 1,187 respondents:

- 222 responders used the Collaborative process
- 337 chose the traditional court process
- 165 chose a settlement process other than the Collaborative process, and
- 339 handled their divorce on their own without the assistance of other professionals.

Responses from 125 people were discarded because of failure to identify a process accurately.

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## Methodology

In order to be eligible to participate in the Survey, responders must have:

- completed a divorce in the United States within the 36 months preceding their response to the Survey
- been between the ages of 25-70
- agreed to internet data collection.

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## Definitions of each process

Q. What divorce process did you use?

**Do-It-Yourself.** You did your divorce on your own. That is, you and your former spouse made all decisions, prepared all legal documents and completed your divorce without the assistance of lawyers or any other professional.

**Process Using at Least One Professional.** At least one professional (such as lawyer(s), arbitrator, mediator, custody evaluator, special master, etc.) assisted you and/or your spouse with making decisions, preparing legal documents and/or completing your divorce.

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### Definitions of each process

**Traditional Court Process.** Decisions were made by a 3rd party. A Judge or other third party (arbitrator, special master, magistrate, etc.) made one or more substantive decisions involving parenting, division of property, support and/or domestic violence.

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### Definitions of each process

**Collaborative Practice** (also known as Collaborative Law and Collaborative Divorce). Decisions were made by spouses with the assistance of collaborative lawyers. You and your former spouse each retained Collaborative lawyers and signed a Participation Agreement stating:

- Your intention to settle all issues out of court; and
- Your Collaborative lawyers could not represent you in court for any contested proceeding.

In addition to Collaborative lawyers, your Collaborative team may have included mental health and/or financial professionals who were precluded from appearing in court, as agreed in contracts signed by you and your former spouse.

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### Definitions of each process

**Settlement Process Other Than Collaborative Practice.** Decisions were made by spouses with the assistance of at least one professional:

No third party (Judge, arbitrator, special master, magistrate, etc.) decided any issues for you.

You reached an agreement with your former spouse on all issues in your divorce using a **settlement process** (other than Collaborative Practice as defined above) which involved at least one professional.

- Examples of settlement processes are:
- Mediation
  - Early neutral evaluation
  - Cooperative practice
  - Direct negotiations involving attorneys
  - Nonbinding arbitration, etc.

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**DEMOGRAPHIC RESULTS FOR THOSE IN COLLABORATIVE PROCESS**

Age of Responders

84% 41 or older

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**DEMOGRAPHIC RESULTS COLLABORATIVE CASES**

Length of Marriage	Mean (Average) Years of Marriage	Number of Divorces
<b>64% 16 YEARS OR MORE</b>	<b>19.4</b>	<b>81% ONE</b>

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**DEMOGRAPHIC RESULTS COLLABORATIVE CASES**

Percentage of Cases with Children Subject to Divorce

**76%**

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**DEMOGRAPHIC RESULTS  
COLLABORATIVE CASES**

Income of Responder	Income of Responder
<b>\$50,000 or less 37%</b>	<b>\$100,000 or more 38%</b>

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**DEMOGRAPHIC RESULTS  
COLLABORATIVE CASES**

Size of Marital Estate	Size of Marital Estate
<b>28% \$0 - \$150,000</b>	<b>50% Over \$500,000</b>

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**CASE CHARACTERISTICS - COLLABORATIVE CASES**

Professionals Used

Professionals	Percentage of Cases Using Professionals
Two Attorneys	<b>100%</b>
Financial Professional	<b>67%</b>
Collaborative MHP-Coach, Neutral Facilitator, Other MHP	<b>55%</b>
Child Specialist	<b>28%</b>

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### CORRELATION COEFFICIENTS

#### WHAT FACTORS IMPACT SATISFACTION WITH A PROCESS?

Satisfaction was measured across:

- 4 general factors
- 24 specific factors
- as well as with regard to professionals and fees paid to professionals.

A correlation coefficient was computed to assess the relationship between all of the various specific factors AND responder's satisfaction with the divorce process used.

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### CORRELATION COEFFICIENTS

#### WHAT FACTORS IMPACT SATISFACTION WITH A PROCESS?

Correlation coefficients are expressed as values between +1 and -1.

A coefficient of +1 indicates a perfect positive correlation. A change in one variable will predict a change in the same direction of the second variable.

A coefficient of -1 indicates a perfect negative correlation. A change in one variable predicts a change in the opposite direction of the second variable.

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## SATISFACTION RESULTS

POLL QUESTION NEXT

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### SATISFACTION RESULTS

What is most highly correlated with responders' satisfaction with the process they used?

- Process factors?
- Financial outcomes?
- Parenting outcomes?
- Relationship outcomes?

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### SATISFACTION CORRELATIONS COLLABORATIVE PRACTICE

Process Factors	Financial Outcomes Generally	Parenting Outcomes Generally	Post-Divorce Relationships Generally
<b>.855</b>	<b>.638</b>	<b>.354</b>	<b>.468</b>

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### SATISFACTION RESULTS

### PROCESS FACTORS

POLL QUESTION NEXT

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SATISFACTION WITH PROCESS	
THOSE WHO ARE VERY SATISFIED	
	Process Generally
Collaborative	40%

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PROCESS FACTORS MOST HIGHLY CORRELATED WITH SATISFACTION WITH PROCESS						
Problem Solving Process Used	Respectfulness of Process	Control in Process	Attention to Responder's Needs & Interests	Efficiency of Process	Opportunity to Express Self	Degree of Cooperation
<b>34%</b>	<b>52%</b>	<b>28%</b>	<b>34%</b>	<b>31%</b>	<b>46%</b>	<b>30%</b>
<b>.734</b>	<b>.632</b>	<b>.775</b>	<b>.738</b>	<b>.734</b>	<b>.622</b>	<b>.610</b>

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Why Process Was Chosen				
RESPECT!				
More Respectful Process	Would Lay Foundation to Communicate Effectively	Process Would Cost Less	Process Offered the legal representation needed	My lawyer recommended it
<b>78%</b>	<b>57%</b>	<b>48%</b>	<b>31%</b>	<b>18%</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

Why Was Process Chosen?	What Process Factor Garnered a Very Satisfied Response?	What Process Factor is Highly Correlated with Satisfaction with the Collaborative Process?
More Respectful Process	Respectfulness of Process	Respectfulness of Process
<b>78%</b>	<b>52%</b>	<b>.632</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Control in Process	<b>28%</b>	<b>.775</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Problem Solving	<b>34%</b>	<b>.734</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Efficiency of Process	<b>31%</b>	<b>.734</b>

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**CASE CHARACTERISTICS**

Length of Case

0-3 months	4-6 months	7-9 months	10-12 months	13-18 months	19-24 months	More than 24 months
<b>2%</b>	<b>21%</b>	<b>23%</b>	<b>17%</b>	<b>21%</b>	<b>5%</b>	<b>11%</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Attention to Needs and Interests	<b>34%</b>	<b>.738</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Opportunity to Express Self	<b>46%</b>	<b>.622</b>

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**SATISFACTION  
WITH PROCESS FACTORS**

Very Satisfied

	Percentage Who Were Very Satisfied	Correlation with Satisfaction with Collaborative Process
Degree of Cooperation	<b>30%</b>	<b>.610</b>

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**CASE STUDY**

MAMA BEAR WANTS CHILDREN THE VAST MAJORITY OF THE TIME.  
DAD WOULD LIKE A GRADUATED PARENTING TIME SCHEDULE INCREASING TO 50/50 PARENTING TIME.

1. What does respect look like in a high conflict case?
2. How is client's need for control addressed?
3. How does each client leave the process feeling like they were in a problem solving process?
4. Is the role of neutrals and attorneys different in attending to needs/interests in a high conflict case?
5. Can we increase satisfaction in areas of "attention to needs and interests"? If so how?
6. What does opportunity to express self look like in this case?
7. What does cooperation mean in cases where clients require their attorney's strong alignment? What does advocacy mean?
8. What does cooperation mean where clients want an evaluative response from a neutral?
9. Is efficiency a goal in this case?

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## SATISFACTION RESULTS FINANCIAL OUTCOMES

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### SKIT: FINANCIAL OUTCOMES

**Reporter (Terri Gross' sister): Radio interview about satisfaction with financial outcomes after divorce**

- How do you feel about the financial outcome in your Collaborative divorce?
- Was there a problem with the division of retirement accounts?
- How did housing work out?
- Are you happy with the child support you received?
- How do you feel about the division of debt?

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#### CORRELATION BETWEEN SATISFACTION WITH FINANCIAL OUTCOMES AND SATISFACTION WITH PROCESS

Financial Outcomes Generally	Division of Retirement, investment and bank accounts	Division of Debt	Housing Decisions	Alimony / Spousal Support	Child Support
<b>.638</b> <b>24%</b>	<b>.370</b> <b>40%</b>	<b>.453</b> <b>41%</b>	<b>.398</b> <b>44%</b>	<b>.439</b> <b>29%</b>	<b>.318</b> <b>36%</b>

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**PROCESS FACTORS MOST HIGHLY CORRELATED WITH SATISFACTION WITH PROCESS**

Problem Solving Process Used	Respectfulness of Process	Control in Process	Attention to Responder's Needs & Interests	Efficiency of Process	Opportunity to Express Self	Degree of Cooperation
<b>.734</b>	<b>.632</b>	<b>.775</b>	<b>.738</b>	<b>.734</b>	<b>.622</b>	<b>.610</b>

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**SATISFACTION RESULTS  
PARENTING OUTCOMES**

POLL QUESTION NEXT

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**SATISFACTION RESULTS – PARENTING OUTCOMES**  
*(Very Satisfied)*

**Parenting Outcomes Generally**

**47%**  
**.354**

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### SATISFACTION RESULTS – PARENTING OUTCOMES

Parenting Time Arrangement	Allocation of Decision Making	Emotional Well-Being of Children Post-Divorce	Ability of Respondent to Parent	Satisfaction w/ Own Ability to Co-Parent
<b>48%</b> <b>.235</b>	<b>45%</b> <b>.333</b>	<b>44%</b> <b>.312</b>	<b>54%</b> <b>.200</b>	<b>44%</b> <b>.256</b>

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### SATISFACTION RESULTS – PARENTING OUTCOMES

What percent of CP responders do you believe are very satisfied with their co-parenting with their ex-spouse?

- 36%
- 46%
- 56%
- 66%

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### SATISFACTION RESULTS – PARENTING OUTCOMES

Ability of Spouses to Co-Parent

**36%**

**.303**

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**SATISFACTION WITH  
 POST-DIVORCE  
 RELATIONSHIPS**

POLL QUESTION NEXT

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SATISFACTION WITH POST-DIVORCE RELATIONSHIPS Very Satisfied			
Post-Divorce Satisfaction with Relationships Generally	Responder's Relationship with Children	Former's Spouse's Relationship w/ Children	Relationship with Former Spouse
37%	69%	31%	12%
.468	.008	.233	.356

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**SATISFACTION WITH  
 PROFESSIONALS**

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SATISFACTION WITH PROFESSIONALS ATTORNEYS Very Satisfied		
	Own Lawyer	Spouse's Lawyer
Collaborative	51%	21%
	.666	.513

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SATISFACTION WITH PROFESSIONALS Financial, Mental Health, Mediator			
	Collaborative Financial Professional	Collaborative Coach	Collaborative Child Specialist
Collaborative	44%	39%	51%
	.425	.383	.399

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**PRACTICE TO ADD TO ROADMAP TO RESOLUTION**

**Closure Meeting**

Meet in groups of 4 to develop an agenda/content for a final closure meeting

What might occur at a closure meeting to:

- > Draw clients' attention to outcomes that meet their goals?
- > Increase clients' awareness of the connection between outcomes and the Collaborative process?
- > Set realistic expectations for realities of moving forward (clients may still have conflict with co-parent, may experience financial limitations, etc.).
  - o How can professionals help clients to see that they have a foundation to tackle challenges they may face based on the work done in the Collaborative process
- > Help clients identify resources they might use should they need assistance in facing future challenges.

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CONCLUDING NOTEWORTHY FINDINGS

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NOW THAT YOU HAVE FINALIZED YOUR DIVORCE, IF YOU HAD TO DO IT ALL OVER AGAIN, WOULD YOU CHOOSE THE SAME PROCESS?

	Collaborative Practice
Definitely YES	42.08%

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WOULD YOU RECOMMEND THE PROCESS YOU USED TO A FRIEND?

	Collaborative Practice
Definitely YES	43.44%

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