

AN EXPLORATORY STUDY OF THE COLLABORATIVE DIVORCE PROCESS FROM
THE PERSPECTIVE OF COLLABORATIVE PROFESSIONALS

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Erin Delee McLeod, candidate for the degree of Master of Social Work, has presented a thesis titled, ***An Exploratory Study of the Collaborative Divorce Process from the Perspective of Collaborative Professionals***, in an oral examination held on June 17, 2020. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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Abstract

Divorce is becoming a societal norm, with approximately 40% of marriage in Canada ending in divorce (Douglas, 2008). The conflict arising from divorce is pervasive and affects the entire family, with long-term detrimental impacts on children. There is a need for interventions in the divorce process that would reduce conflict and increase family members' wellbeing. This study explores collaborative divorce (CD), a non-adversarial option for families. There is a dearth of literature regarding CD. Thus, this qualitative study used a transcendental phenomenological approach to provide an in depth understanding of CD as it is experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals, who have participated in CD cases. Data was collected through interviews of nine (9) participants and was analyzed using NVivo 12 Software. Study findings identified six overarching themes: process is the foundation of CD, collaborative professional's community, right person for the right job, highest version of ourselves, common challenges, and better than the traditional approach. This study contributes to the gap in research regarding the full team approach to CD and will contribute to research regarding the ways in which social workers can assist families to transition through divorce in the healthiest way possible, while upholding the values of social work practice.

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Definition of Terms

Collaborative Practice

A relatively new form of alternative dispute resolution that uses an interdisciplinary team approach to resolving conflict.

Collaborative Divorce

A collaborative practice approach to legal divorce.

Collaborative Professional

Based on the Collaborative Professionals of Saskatchewan Inc. (2015), subject to Bylaw 9.01A, a Collaborative Professional “must be a member in good standing in an administrative body as approved by the board of directors from time to time that governs or regulates members of their profession and who has completed the prescribed program of training required and approved by the board of directors from time to time” (p. 9). For the purposes of this project, the researcher has more specifically defined the following:

Collaborative Lawyer- A lawyer legally licensed to practice law and has taken collaborative practice training.

Mental Health Professional- A social worker or psychologist that is registered with their regulatory body and has taken collaborative practice training.

Financial Specialist- A Certified Professional Accountant that is registered with its regulatory body and has taken collaborative practice training.

Abbreviations

CASW- Canadian Association of Social Workers

CD- Collaborative divorce

IACP- International Association of Collaborative Professionals

MHP- Mental Health Professional

REB- Research Ethics Board

SASW- Saskatchewan Association of Social Workers

Chapter 1: Introduction

Divorce has become common practice in Canadian society. In fact, Gamache (2015) states that “roughly half of all marriages end . . . before the fifteenth anniversary, affecting 35,000 children annually in Canada” (p. 384). The most recent data reported by Statistics Canada supports this finding, indicating that the divorce rate in 2008 was approximately 40%, was expected to increase, and that 40% of all marriages would end by the 30th year of marriage (Douglas, 2008; Kelly, 2012; The Vanier Institute of the Family, 2018). Statistics Canada also reported that one-quarter of divorced or separated parents had children under the age of 18 years old (The Vanier Institute of the Family, 2018). Statistics Canada considers divorce rates only for legal marriages and does not include cohabitation relationships. Morrison (2015) suggests that 25% of cohabitation relationships in Canada end within the first three years. Cohabitation is defined as an intimate relationship wherein two people live together as family and has a similar functionality to marriage (Morrison, 2015). As such, when a cohabitation relationship breaks down, there are often similar issues to address as in a legal divorce in terms of property, financial support, and custody (Morrison, 2015). For the purposes of this research, the term divorce will encompass legal dissolution of both marriage and cohabitation relationships.

Pursuing divorce through the legal system can be an adversarial process that is ill-equipped to meet the need of families attempting to restructure and maintain the well-being of its members. While it is important to note that some divorce cases require litigation and court intervention, there are others that could benefit from a less adversarial approach; however, the conflict associated with litigation cannot be avoided or worked around. If divorce can be done outside of litigation, there is more opportunity to also decrease conflict. This is because there are important long-term negative effects on family members, such as, for example, increased

depression rates and decreased family solidarity, that result from conflictual divorce (Amato, 2000; Jolivet, 2012; Uphold-Carrier & Utz, 2012). The legal system, however, does not have mechanisms in place to help transition families post-divorce and reduce these negative impacts. Collaborative divorce (CD) is a new interdisciplinary approach to divorce with the goal of mitigating negative effects and is designed to assist adults and children reorganize their lives in a more constructive way for the future (Gamache, 2015). It is a non-adversarial dispute resolution process that is unique because it uses an integrated team approach (Sharff & Herrick, 2010) of lawyers, mental health professionals, and financial specialists to work with clients.

Social workers often see the negative effects of high conflict family breakdown in practice with clients. These clients may be children in the midst of custody battles, teenagers acting out or abusing substances to cope with family breakdown, single parents whose spouses have left and are offering little support, adults in counselling who are dealing with the effects of their parents' high conflict divorce in childhood, blended families, and people dealing with changes in family dynamics. CD is a direct practice way to address these negative effects that fits well within the values of the profession of social work.

Purpose of the Study

With the knowledge that the current approach to divorce through the legal system does not necessarily offer a means for families to transition and restructure in a helpful way and can be damaging if the divorce is conflictual, it becomes important to explore alternative approaches to the process of family breakdown. This study aims to explore CD, which claims to offer a more effective approach. Specifically, the purpose of the research study is to obtain information and understanding of the phenomenon of CD as it is experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals who have participated in

CD cases. This study is unique because it will include the perspectives of this multi-disciplinary group of professionals. There is a dearth of literature regarding the experiences of professionals who participate in the collaborative process, and this study will attempt to fill this gap in literature. There is limited research on CD, and what research is available primarily consists of articles that review concepts and theory. This study will be novel to the field of social work and will add research to the pool of literature available on CD.

Relevance to Social Work

While the reported divorce rate in Canada is approximately 40% (Statistics Canada, 2008), the number of people impacted by divorce is much greater due its effects on family members. Social workers support families every day, and this research will both educate social workers about divorce and inform options for proactive approaches to divorce. The findings from this study will create awareness about the CD approach as an option for legal family breakdown. It will provide more information regarding how the process works, when or if it would be a benefit to families, what role different professionals can play, and ultimately begin to increase engagement in the process. On a macro scale, an approach that improves the outcomes of divorces by mitigating negative impact on family members will contribute to a healthy society.

The literature suggests that the tenants of CD support the values of the Canadian Association of Social Workers (CASW) (2005a) Code of Ethics in a number of ways. CD is client focused and respects the clients' needs, goals, and input in the process (Alba-Fisch, 2016). As well, the goal of CD is to decrease conflict and assist those affected by it to achieve fair resolution, improve skills for communication and relationships, and ensure that each party has equal treatment and protection under the laws that govern divorce (Gamache, 2015; Lande, 2011). Social workers serve in a neutral capacity in the CD process (Deutsch, 2008) and thereby

remain impartial while practicing values of honesty, reliability and diligence in the process (Alba-Fisch, 2016). Social workers practicing CD are required to thoroughly discuss issues of confidentiality and informed consent with clients involved in the process (Macfarlane, 2005). Finally, social workers must receive specialized training in collaborative practice (Collaborative Professionals of Saskatchewan Inc., 2015) and as such are increasing their professional knowledge and skills and can bring this new resource into the field of social work. All of these qualities are aligned with the six values of the CASW (2005a) Code of Ethics.

Research Questions

This research contributes to an in depth understanding of the phenomenon of collaborative divorce as it is experienced by collaborative professionals by addressing the following research questions:

1. What do collaborative professionals believe about the essence of collaborative divorce?
2. What has been the experience of collaborative professionals with clients who engage in the collaborative divorce process?
3. What has been the experience of collaborative professionals with other collaborative professionals in collaborative divorce cases?
4. How do collaborative professionals view the final outcomes of collaborative divorce for their clients and their clients' families?

Chapter 2: Literature Review

The following review of literature will provide a background for divorce and CD. It is important to acknowledge that much of the research regarding CD is anecdotal, with a limited number of scientific qualitative or quantitative studies available. The review will begin with an overview of the concepts of divorce and CD, and an overview of the history of legal divorce in Canada. With the knowledge of how divorce is handled legally, the literature review explores the various impacts of divorce on families, followed by a review of CD practice, including gaps in research, initial development, the roles of professionals, the process used, and reported impacts. Lastly, there will be a review of the ethical considerations of CD.

Overview of Divorce

Amato (2000) provides a description of divorce as a process, rather than a discrete event, that seems applicable nearly two decades later. He states that divorce is “a process that begins while the couple lives together and ends long after the legal divorce is concluded” (p. 1271). If this process is conflictual, there will be an increased risk of negative emotional, behavioural, and health outcomes for adults and children (Sarrazin & Cyr, 2007). Understanding divorce as a process helps to identify where and what types of interventions and supports are appropriate in order to reduce this negative impact (Hartman et al., 2016; Jolivet, 2012).

History of Divorce Law in Canada

Divorce has evolved significantly over the last fifty years. Prior to 1968 there was no federal legislation for divorce in Canada and as such, most provinces followed the guidelines of the *English Matrimonial Causes Act of 1857* (Douglas, 2008). The exceptions to this were the provinces of Newfoundland and Quebec, which had no legislation at all and therefore persons

seeking divorce had to seek a private Act of Parliament in order to end their marriage (Douglas, 2008). The provisions of the *English Matrimonial Causes Act* were as follows:

. . . a husband [was permitted] to obtain a divorce on the grounds of his wife's adultery, and a wife to do so provided she could establish that her husband had committed incestuous adultery, rape, sodomy, bestiality, bigamy, or adultery coupled with cruelty or desertion. Wives proven to have committed adultery were not entitled to spousal support, and husbands had no right to apply for support in any circumstances. Some provinces enacted legislation allowing either spouse to seek a divorce on the basis of adultery.

(Douglas, 2008, p. 2)

This was the legislation used to guide divorce until 1968 when *The Divorce Act* was enacted. The Act upheld the fault-based grounds for divorce, such as adultery, desertion, and cruelty, but now allowed the concept of marital breakdown as grounds for divorce (Douglas, 2008). Prior to this Act, divorce was entirely fault-based, but now it included no-fault options. This move away from fault-based divorce was further advanced with the passing of *The Divorce Act, 1985* (Douglas, 2008).

The Divorce Act, 1985 is the legislation currently utilized to obtain legal divorce in Canada. There are a couple of unique features of this Act as opposed to previous legislation that are of importance to this research. First, section 8 allows for no-fault divorce application, which can be made jointly by divorcing parties, or can be made if the parties can prove they have been living separately for a minimum of one year (*Divorce Act, 1985*). The Act still allows for one party to apply for divorce on grounds of 'fault' of the other party, which includes adultery, or physical or mental cruelty (*Divorce Act, 1985*). The second very important and unique feature of the Act is found in section 9, subsection 2 which states:

It is the duty of every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding to discuss with the spouse the advisability of negotiating the matters that may be the subject of a support order or a custody order and to inform the spouse of the mediation facilities known to him or her that might be able to assist the spouses in negotiating those matters. (p. 8)

This clause requires that lawyers discuss alternatives to litigation such as negotiation and mediation. More recently, Bill C-78 was introduced to parliament to amend the *Divorce Act* to place more focus on the best interests of children and to mitigate the adversarial nature of divorce by encouraging the use of alternative family dispute resolution processes (Bill C-78, 2018; The Vanier Institute of Family, 2018, Waxman, 2019). It is clear from the current and upcoming legislation that there is importance being placed on settling disputes outside of the court system and considering the needs of children. It could be postulated that lawyers be required to take this one step further and explain the goals, impacts, and consequences of both adversarial and non-adversarial approaches so that clients have all the information to make the best decision for themselves and their families. In order for clients to make informed choices, it is important they understand the short and long-term impacts of the approach, and associated potential for conflict, that they choose.

When a person decides to pursue divorce, under the current *Divorce Act of 1985*, the divorce can proceed as either contested or uncontested. A contested divorce occurs if parties cannot agree on issues; they will make a filing through the court and follow the court rules and procedures to resolve issues. Alternately, the matter will be set for trial (Kelly, 2012). Contested divorces are sometimes the necessary option for families. Uncontested divorces are finalized when one party makes application to the court for divorce by filing appropriate forms and

documents, and the other party does not formally contest it (Douglas, 2008). This may happen when the parties are able to agree on all issues, or do not want any relief other than a finalized divorce (Douglas, 2008; Kelly, 2012). Statistics Canada reports that eighty percent of divorce cases are uncontested, meaning they are resolved before reaching the trial stage (Bala, 2015; Douglas, 2008, Kelly, 2012). However uncontested divorces should not be confused with low conflict divorces. For example, parties could be in high-conflict, but either or both do not have the resources to pursue a contested divorce through the courts, and therefore will allow for an uncontested divorce to proceed. Another example could be parties that engage in a process, such as CD, to resolve all issues, after which they can apply for an uncontested divorce via the courts. Regardless of whether a divorce is contested or not, there will be impacts experienced by the family members involved.

Impact of Divorce

The research suggests that it is the level of conflict involved in divorce, and the majority of divorces do have some level of conflict, that creates negative outcomes for family members (Amato, 2000; Hartman et al., 2011; Jolivet, 2012; Poortman & Voorpostel, 2009; Rappaport, 2013; Roubinov & Luecken, 2013; Winik, 2015). As well, much of the research suggests these negative impacts can be long term (Amato, 2000; Jolivet, 2012; Uphold-Carrier & Utz, 2012). The concern of CD is to reduce this conflict to help improve long term wellbeing family members.

Both divorcing parents and their children will suffer some negative consequences of divorce. This review will highlight some of these impacts on adults, however of particular interest is the impact of divorce on children. There are two main reasons to focus on impacts on children. First, when there are no children involved, adults often get accustomed to life after

divorce and begin to feel better (Amato, 2000; Leopold & Kalmijn, 2012). However, when children are involved, the emotional and practical stresses of divorce are greatly intensified for adults, in part due to the toll the divorce takes on the children (Leopold & Kalmijn, 2012). Secondly, it is important to understand impacts on children because they are often the innocent and vulnerable parties to divorce, and have little influence over the divorce process, yet the impacts on them are shown to be long lasting, often into adulthood (Amato, 2000; Jolivet, 2012; Uphold-Carrier & Utz, 2012). There is a wealth of literature, as noted in the following sections, regarding the negative impacts families can experience from conflictual family breakdown. These include social, emotional, behavioural, and economic impacts.

Social Impacts. One of the significant social impacts that divorce has is on relationships. For adults divorcing, they experience a loss of friendship and ties to extended family (Amato, 2000; Greif & Deal, 2012). Children of divorced parents may experience a plethora of relational issues. Uphold-Carrier and Utz (2012) discuss how people who had experienced parental divorce, whether it occurred as children or adults, have lower levels of family solidarity during midlife and older ages. Other research suggests that individuals that have experienced parental divorce can have lower levels of commitment to marriage (Hartman et al., 2011; Winik, 2015), increased rates of infidelity in relationships (Cartwright, 2006; Jolivet, 2012), and strained relationships between family members (Cartwright, 2006; Poortman & Voorpostel, 2009; Uphold-Carrier & Utz, 2012). As well, there can be significant change in the nature of relationships such as the parentification of children who take on roles of caregivers, supporters, secret keepers, and/or peacekeepers (Hartman et al., 2016). Furthermore, some children will disengage or withdraw from relationships all together (Roubinov & Luecken, 2013; Weaver &

Schofield, 2015). These difficulties in relationships are further confounded by the emotional and behavioural problems that result from family breakdown.

Emotional and Behavioural Impacts. As noted earlier, adults going through the divorce process often report decreased levels of well-being, but often after practical arrangements are made and new routines are in place, they will start to feel better (Amato, 2000; Leopold & Kalmijn, 2012). There can be significant negative emotional and behavioural impacts for children due to experiencing parental divorce. In Sarrazin and Cyr's (2007) review of literature, they point out that a number of researchers call the type of conflict experienced by children during parental divorce a form of "psychological violence" (p.86). When children experience affective neglect due to parents focus on marital conflict, the results can be seen as increased anxiety, depression, and anger (Bannon et al., 2018; Hartman et al., 2011; Hartman et al., 2016; Sarrazin & Cyr, 2007; Uphold-Carrier & Utz, 2012; Weaver & Schofield, 2015), low self-esteem and self-confidence (Cartwright, 2006; Hartman et al., 2011; Sarrazin & Cyr, 2007), low levels of trust in others and increased feelings of rejection (Cartwright, 2006; Hartman et al., 2011; Rubinov & Luecken, 2013). As well, children often experience an increase in deviant behaviour (Hartman et al., 2016) such as alcohol and drug use (Bannon et al., 2018; Hartman et al., 2011; Sarrazin & Cyr, 2007; Weaver & Schofield, 2015), and a decrease in academic performance (Hartman et al., 2011; Sarrazin & Cyr, 2007). The many significant emotional and behavioural impacts of parental conflict associated with divorce are well established in the literature.

Financial Impacts. There are economic factors to consider as well. Both adults and children will experience the effects of a change in the family financial situation after a family breakdown. Hartman et al. (2016) discuss these impacts as often an increase in worry about finances for both children and parents, with children sometimes needing to contribute financially

to the family, or reduce their use of finances. Rappaport (2013) suggests that financial stress of divorce is one of the most significant factors that leads to negative outcomes from divorce. The impact of divorce affects all areas of family life, which would be particularly stressful for a child.

Health Impacts. Adverse Childhood Experiences (ACEs) is the term used to describe the poor health outcomes experienced by people who had certain negative experiences in childhood (Boullier & Blair, 2018). There are ten specific ACEs identified, and research correlates the number of ACEs a person has to the level of risk they have for a number physical and mental health issue (Boullier & Blair, 2018; Topitzes et al., 2016). Parental separation/divorce is one of the ten ACEs. The way to mitigate the long-term health risks of ACE is to provide intervention at the earliest states possible.

Possible Benefits of Divorce

There may be instances where divorce is seen as beneficial for children. This is usually when the environment is extremely toxic and/or hostile, and the divorce removes the child from that environment (Amato, 2000). The narrative shared by some of the children of divorce in Cartwright's (2006) qualitative research indicated that they benefited from divorce by being removed from a very dysfunctional family environment. Any action that decreases conflict is of benefit to families.

Amato (2000) and Bannon et al. (2018) presented some research that indicates that the negative effects of divorce may be temporary or minimal, however the overwhelming majority of literature suggests otherwise. There is also some literature that indicates divorce may create resilience in children, however in these cases resilience is usually defined as the absence of serious psychopathologies rather than the long term emotional and behavioural health outcomes for children (Sarrazin & Cyr, 2007). Resilience is recorded in research as most often seen when

parents have positive interactions (Weaver & Schofield, 2015). It is clear that the vast majority of the research indicates that parental conflict during divorce has long term detrimental effects on children, which is why it is important to find better ways to assist families with a divorce process that will promote healthier more functional families.

Interventions

In order to address the negative effects of conflictual divorce, the literature proposes interventions that could be helpful. One suggestion is that parents undertake divorce and co-parenting education programs (Brotherson et al., 2010; Jolivet, 2012; Sarrazin & Cyr, 2007). Specifically, parents need to be educated about the effects of conflict on their children (Rappaport, 2013). As well, Rubinov and Luecken (2013) state that there needs to be strategies in clinical services to target disengagement coping styles often seen used by youth exposed to parental divorce. This is supported by Wolchik et al. (2002) study that showed a decrease in deviant adolescent behaviour when parents participated in divorce education and intervention programs. The CD process incorporates education and healthy interventions with the specific aim of decreasing the negative impacts of divorce for the overall best interest of all family members.

Collaborative Divorce

The concept of CD began as the result of two distinct initiatives in the United States. In 1990, Stuart Webb, a Minnesota lawyer, developed the idea of CD and invited other family lawyers in his area to participate in a process of trying to resolve family law issues outside of court (Alba-Fisch, 2016; International Academy of Collaborative Professional [IACP], n.d.). Shortly thereafter in California, a small number of psychologists, financial specialists and lawyers were attempting to use their professional skills as a team to accomplish a divorce outside

of the court system (Gamache, 2015; IACP, n.d.). These two initiatives joined forces to become the interdisciplinary approach to collaborative practice that continues to evolve. Currently, there are over 5,000 registered collaborative professional members in 42 countries (IACP, n.d.).

There are both adversarial and non-adversarial approaches to dispute resolution. Two adversarial approaches are litigation and arbitration. Litigation occurs within in the legal court system and often pits parties against one another (Jolivet, 2012; Lastovka, 2015). In this case, clients in the midst of turbulent emotions and stress rely on the court to foster or coerce agreements for legal divorce (Alba-Fisch, 2016). Attorney Kevin J. Chroman provides a useful metaphor: “Litigation becomes a chess game - how do we outmaneuver the other person? Collaborative law, on the other hand, is more of puzzle to try and achieve satisfaction for everybody. To create a picture where all the pieces come together” (Chorman, et al. 2017, p.18). This is similar to arbitration, wherein a qualified neutral third party hears each client’s arguments and evidence and makes a binding decision. The main difference between litigation and arbitration is that arbitration is held in private rather than publicly in court (Boyd, 2015). Both litigation and arbitration are necessary and helpful legal tools for certain family law matters.

Mediation and negotiation are other non-adversarial processes that can be used to resolve divorce issues. Negotiation is the most basic form of dispute resolution and can occur directly between the parties or it may occur with the assistance of a professional, such as a lawyer, communicating on behalf of their client (Boyd, 2015). Mediation is a kind of assisted negotiation where a neutral third party will try to help the clients communicate and reach an agreement (Boyd, 2015). However, concerns have been raised about mediation on the basis that there is only one neutral party to assist clients rather than a team approach (Isaacs, 2005), is ineffective if

there is power or competency imbalances, and it does not consider children and their unique needs (Alba-Fisch, 2016).

CD is essentially a form of non-adversarial dispute resolution. The distinguishing factor of CD is that it utilizes an integrated team approach (Scharff & Herrick, 2010) that uses the law as a guide in the creation of legal agreements for divorce. It does so in a friendly client centered manner, and focuses on the importance of future family finances and relationships (Alba-Fisch, 2016; Gamache, 2015; Isaacs, 2005; Lastovka, 2015). In the CD process, parties are discouraged from arguing about desired results and instead encouraged to focus on and communicate about what is most important to them (Lastovka, 2015). Compared to adversarial and non-adversarial approaches, CD appears to be the most comprehensive, integrated approach available for dispute resolution. By working towards the best possible outcome for families, in the least conflictual way, families can minimize the long-term negative effects of divorce.

Roles of Professionals

Collaborative divorce uses an interdisciplinary team to reduce conflict and resolve disputes in divorce cases. The team consists of lawyers, financial specialists, and mental health professionals. Each brings a unique set of skills and knowledge to the dispute resolution process.

Lawyer. Lawyers are considered to be the center of the divorce process (Alba-Fisch, 2016). Each client is represented by a collaborative lawyer who will bring their knowledge of the law to the table, including the language, legal process requirements, and negotiation skills (Alba-Fisch, 2016), but who is additionally trained in interdisciplinary collaborative divorce (Lande, 2011; Shields, 2008). The lawyers balance the needs of their client with the needs of the family and the integrity of the collaborative process (Lande, 2011). This differs from the traditional role

of the lawyer as a zealous advocate for their client, whereas the collaborative process lawyers take on more of a cooperative approach (Shields, 2008).

Financial Specialist. Licensed financial professionals may also be part of an interdisciplinary team. These financial specialists act as neutral parties in the best interest of the family (Wright, 2005). These professionals bring financial expertise to the table and provide education, financial projections, budgeting advice, valuations, tax information, and any other financial support the family requires (Gamache, 2015; Wright, 2005). A key point is that the financial specialist is a neutral party and so is transparent to both clients involved in the divorce. As one research participant indicated in Macfarlane's (2005) study, the neutral financial specialist gave her reassurance during her divorce that she was not being taken advantage of by her former spouse, who was more knowledgeable about finances. This is important because it aids in building trust in the collaborative process.

Mental Health Professional. There is no strict definition in the literature about who can act as a mental health professional (MHP) in CD cases. The literature refers to MHPs as psychologists, social workers, counselors, and therapists (Fishman, 2011; Gamache, 2015). Qualifications of MHPs are dictated by the collaborative organization of which the MHP is a member, such as the Collaborative Professionals of Saskatchewan Inc. (2015). The goals of the MHPs are to guide the collaborative process while supporting clients. Their role is therapeutic; however, they do not provide therapy or offer psychological treatment (Deutsch, 2008). Instead, MHPs focus on moving clients through the divorce process and helping them with stress management, communicating concerns, interpersonal skills, co-parenting issues, loss issues, and self-regulation skills (Alba-Fisch, 2016; Deutsch, 2008). The intention of the MHP is not to understand the causes of past or present behaviour, rather it is to address emotional issues that

interfere with the collaborative process (Deutsch, 2008). If psychotherapy is needed by one of the clients, the appropriate referral would be made to someone outside the CD team (Deutsch, 2008). MHPs will typically play the role of neutral coach, supporting the clients and the process, or child specialist, wherein they act as a neutral safe place for children to share experiences and ensure their voices will be heard in the process (Alba-Fisch, 2016; Gamache, 2015). All of the collaborative professionals work together to ensure the best outcome for the family. They adhere to the CD process outlined in a participation agreement signed by all the parties at the outset of a case.

Process of Collaborative Divorce

The first step in the process is to establish who will make up the collaborative team. There is no mandatory team formation. Salava (2014) outlines the various models of team formation that may be used. In some cases, the professional team may consist of two lawyers, one financial specialist, and one neutral coach; or a team may include a child specialist as well. In other cases, there may simply be two lawyers working with their respective clients who consult with a financial specialist or MHP as needed.

Once it is established who will be on the team, all parties involved in the CD process must sign a participation agreement (Degoldi, 2008; Rebouche, 2017). This agreement sets out the expectations for the collaborative process including prohibiting adversarial behaviors and discouraging adversarial attitudes (Alba-Fisch, 2016; Degoldi, 2008). The agreement requires parties to disclose all pertinent information, actively participate, keep communications and documents confidential, and negotiate in good faith (Rebouche, 2017). A key part of the participation agreement is the disqualification clause. This clause essentially provides that “if the process breaks down, both attorneys, and all neutral professionals, agree to withdraw from the

case and refrain from further representation of either party against the other” (Rebouche, 2017, p. 557). Professionals tend to think the disqualification clause is necessary and beneficial for maintaining the clients’ commitment to the process (Delgoldi, 2008; Keet et al., 2008; Lande, 2011; Tesler, 2008). Once the participation agreement is signed by all team members, including clients, the process of negotiations can begin.

The CD process consists of a series of meetings. Typically, the clients will meet individually with their lawyers and with each expert, after which the entire group meets for as many meetings as required to negotiate and finalize all agreements necessary to complete the legal divorce (Rebouche, 2017; Scharff & Herrick, 2010). The length, cost, and number of meetings is impacted by the complexity of issues to be negotiated and the level of conflict between the parties (Scharff & Herrick, 2010; Wray, n.d.). The number of team meetings required in a case is typically between two to five meetings, and the average time to resolve a case is nine months (Wray, n.d.). Key to the process is the consideration of confidentiality, especially for the MHPs. Deutsch (2008) points out that MHPs must ensure informed consent regarding limitations to confidentiality in the process as MHPs will need to share information relevant to the process with the entire team from time to time. After completion of the process, and finalization of the divorce and all associated issues, the hope is that clients can restructure and move forward in a healthy manner using the communication and conflict resolution skills learned in the collaborative process.

Benefits of Collaborative Divorce

Proponents of CD claim that a significant benefit of the CD process is the reduction of conflict. The many negative impacts of conflict, especially on innocent parties to divorce such as children, has already been established. By the very nature of the participation agreement signed

by parties to the collaborative process, the level of conflict will be reduced rather than perpetuated as may be the case in traditional legal approaches to divorce. The hope is that families carry these conflict resolution skills into their future.

The claims in literature, although anecdotal, are that CD can have positive impacts on family members. The process ensures children remain at the forefront and gives them a voice (Lastovka, 2015). It promotes children to feel happy and secure in their family relationships and parents to have the best possible co-parenting relationship (Alba-Fisch, 2016; Gamache, 2015). Happy and secure children can go forward in life to reach their full potential. As well, improved communication and joint problem-solving skills are benefits experienced by the divorcing adults (Macfarlane, 2005). The client focused process of CD is also beneficial for the family members as their unique needs are considered at every step of the process.

The steps within the process of CD also provide benefits. The needs of all parties involved are articulated and considered, solutions are discussed and can be tried by clients before committing to a written agreement (Alba-Fisch, 2016), clients are provided with additional support from mental health professionals (Zeidel et al., 2015), and complicated financial issues can be addressed (Lastovka, 2015). As well, lawyers tend to believe that CD more so than other resolution processes obtains results that are in the clients', and their children's, best interests (Paetsch et al., 2017).

While there are many purported benefits to using the CD process, there are also some challenges and ethical issues to consider, as outlined below.

Challenges of Collaborative Divorce

The literature suggests significant challenges of CD relate to the appropriateness of the process to the case. There are certain cases where the collaborative process may not be in the

best interest of the parties involved. This would be the case when one party may not have sound decision making abilities, such as in instances of domestic violence, substance abuse, or mental health disorders (Salava, 2014; Tesler, 2008). As well, if significant power imbalances are present, one party may concede on issues to avoid the threat of litigation (Macfarlane, 2005). In these cases it, an adversarial approach such as litigation may be the best option for the parties involved. There are also concerns with the process itself. In research, some CD participants have felt that it moved too slowly, or could be held up by one party because there were no court-imposed timelines (Salava, 2014). Some clients also reported feeling that the cost of the CD was high (Lande, 2011; Macfarlane, 2005), however other research comparing fees in completed cases shows that CD is less expensive than trial litigation (Paetsch et al., 2017; Wray, n.d.). It does appear however, that the financial cost may not be feasible for low income families. Some of the other significant challenges with CD are around ethical considerations.

Ethical Considerations of Collaborative Divorce

There are two main ethical issues to consider in CD. They are informed consent, and the disqualification clause in the participation agreement. In regard to informed consent, MHPs have clients sign a waiver or release acknowledging that information disclosed to the MHP may be shared with other members of the team, and ultimately the other party to the divorce. Alba-Fisch (2016) points out that even having such a release signed may not be true informed consent unless the client knows exactly what information is covered by the release and may be shared. It is important that the MHP is clear about what information is relevant to the divorce process and will be used to the benefit of moving the team forward as well as benefit the client's emotional wellbeing (Alba-Fisch, 2016). In addition, Macfarlane's (2005) study found that lawyers with limited experience in CD may not explain the informed consent piece thoroughly enough to

prepare clients. This could likely be the case for any collaborative professional who is new to the process. Lande (2011) also criticized collaborative practice as having “poor quality” (p. 273) informed consent procedures.

Informed consent is important when understanding the disqualification clause used in CD. The disqualification clause within the participation agreement is another ethical concern that frequently arises in the literature. This clause specifies that if the collaborative process breaks down and the case moves to litigation, the collaborative professionals would be disqualified from representing their clients (Lande, 2011). As noted earlier, collaborative professionals have found this clause to be necessary and motivating for parties to focus on negotiation; however, there are concerns that it may add undue pressure to the process. For example, in one study (Keet et al., 2008), a client felt like her spouse may have the power to cause the process to breakdown, in which case the client would lose her lawyer with whom she had a close and trusted relationship. In this same study, the majority of clients felt they would have committed to the CD process even without the clause, and may have felt less pressure that way. As well, Macfarlane (2005) states that “the pressure to stay in the process may become extreme and inappropriate. There is a risk of creating an entrapment . . .” (p. 39). However, Isaacs (2005) also believes that appropriate measures to obtain informed consent can mitigate the clients’ hesitation of the disqualification clause. This clause should be thoroughly explored with clients to ensure they do not feel trapped or pressured into the process.

As for the impact of the disqualification clause on lawyers, Isaacs (2005) discusses that they may not fully represent the best interest of their client if they are feeling pressured to accept a settlement. Zealous representation has been an important tenant of the lawyer-client relationship (Bala et al., 2017; Shields, 2008). However, the American Bar Association found

that the disqualification clause does not hinder the ability of a lawyer to fully represent their client (Rebouche, 2017). Awareness of these ethical concerns can help to ensure appropriate measures are taken to address them when a CD case is undertaken.

Limitations to Literature Review

Not only is there a dearth in literature that deals specifically with CD, there is also a limitation to the types of literature available. As noted, much of the research is anecdotal and based on opinion or theory. Anecdotal articles such as Alba-Fisch (2016), Gamache (2015), and Lastovka (2015) are authored by experts in the field who share their knowledge and experience, but are not scientific. These articles are helpful, but the findings are not generalizable nor conclusive. Rebouche (2017) points out that most writings on CD praise its outcomes and support its advances, stating that many of these articles that support CD are “. . . almost evangelical tone to describe collaborative divorce’s benefits for clients and lawyers” (p. 551).

Scientific studies include both qualitative and quantitative approaches to research. Qualitative research focuses on the meanings, concepts, definitions, characteristics, and descriptions of things, and quantitative research focus on the counts and measures of things (Berg, 2001). Both are valid scientific approaches, each addressing different measurable outcomes that may be generalized versus descriptive outcomes which bring understanding of experiences (Berg, 2001; Thyer, 2012). While there are some scientific studies available such as qualitative work done by Keet (2008), Sheilds (2008), and McFarlane (2005) and descriptive quantitative studies by International Association of Collaborative Professionals (IACP) (Wray, n.d.) and Paetsch et al. (2017), the general lack of scientific research to support anecdotal studies and to guide and inform the benefits and/or limitations of CD is problematic and needs to be acknowledged.

Summary

There is a wealth of literature regarding the impacts of divorce on family members. The vast majority indicates that conflictual divorce has significant negative impacts on families, especially children who are the most vulnerable parties to family breakdown. Traditionally, divorce was dealt with through a legal system which provided little assistance to families in reducing the negative impacts of the conflict associated with the divorce. However, it appears that the judicial system is recognizing the need to improve these impacts. The most recent legislation and a Bill that is currently before parliament both include provisions that encourage the use of non-adversarial processes to resolve divorce related issues and to consider the best interests of children as priority (Bill C-78, 2018; *Divorce Act*, 1985, Waxman, 2019).

CD is a relatively new process of non-adversarial dispute resolution which aims to assist families through the divorce process by way of negotiation to reduce conflict and improve outcomes for families. CD uses an interdisciplinary team approach wherein lawyers, financial specialists, and mental health professionals work together for the overall benefit of the family system. There is a limited amount of research available on CD, especially on the full team approach to CD, likely because it is so new to the field of dispute resolution. CD is even more recent to the field of social work, which can be noted by the lack of any CD research available in social work academic databases. Social workers typically have not played a direct role in the legal process of divorce; however, the benefits of participating can be seen in the literature as helping clients with stress management and relationship skill building (Alba-Fisch, 2016; Deutsch, 2008), and being a voice for children (Alba-Fisch, 2016; Gamache, 2015). There is little to no scientific research that focuses solely on the interdisciplinary team. This study will be able to contribute to that gap in research regarding the full team approach to CD, will contribute

to the gap or lack of scientific studies of CD in general, and will also contribute to the gap in social work research regarding the ways in which social workers can assist families to transition through divorce in the healthiest way possible while upholding the values of social work practice.

Chapter 3: Research Design and Methodology

This study uses a qualitative research design to explore CD by examining the experiences of collaborative professionals. The following sections discuss the methodology, theoretical paradigm, and approach used to guide the research. As well, the methods of data collection and analysis are identified, and ethical considerations are addressed.

Qualitative Research

A qualitative approach is appropriate due to the complex nature of CD (Creswell, 2013; Gilgun & Abrams, 2002). CD involves a number of individuals with varying skills and perspectives. The collaborative professionals involved in CD have different areas of expertise and knowledge regarding needs of families and family breakdown, and a qualitative study allows them the opportunity to share their individual experiences. A qualitative approach explores the similarities and differences in the experiences of professionals from different disciplines which can be used to guide future research (Creswell, 2013, Gilgun & Abrams, 2002). The similarities provide insight into how professionals from different disciplines are connected by the phenomenon, and the differences identify how the different professionals can complement or create challenges for each other.

Qualitative social work research also connects with the values of the profession of social work (Gilgun & Abrams, 2002). It supports the CASW (2005a) Code of Ethics because it empowers participants by giving their experiences a voice and, this study in particular, can make use of professionals' knowledge for the benefit of clients. The profession of social work is committed to the development and disciplined use of scientific knowledge (CASW, 2005a) and qualitative research is considered a respected method of scientific inquiry (Thyer, 2012). There are various philosophical frameworks and approaches to qualitative inquiry, and this study uses a

social constructionist framework and a phenomenology approach. Gilgun and Abrams (2002) state that social constructionism and phenomenology “are consistent with and build upon the everyday assumptions upon which most social workers operate” (p. 40) and therefore are appropriate for this study.

Social Constructionism

The literature indicates the importance of understanding the theoretical framework that guides qualitative research projects. Daly (2007) argues that it is important to understand one’s epistemological beliefs to develop a research strategy and identify an interpretive paradigm, or set of scientific beliefs, to establish the foundation for inquiry. The epistemological beliefs underpinning this research are neither objectivist nor subjectivist, but rather falling somewhere in the middle of the spectrum. Daly (2007) suggests that social constructionism fits in the place between the polar extremes of objectivist and subjectivist views of reality. Social constructionism argues that knowledge is constructed rather than discovered in the course of interacting with others, and is sustained by social processes (Daly, 2007; Keaton & Bodie, 2011; Young & Collin, 2004). The basic tenet of this framework is that there can be multiple realities or subjective meanings given to any objective experience. Objectively, CD is a process of alternate dispute resolution; however subjectively CD may have different meanings or realities for the collaborative professionals that participate in the process. In this way, social constructionism as an overarching paradigm helps to guide the methodology of this study.

Daly (2007) states that social constructionism focuses on how people view or make sense of events rather than focusing on what actually happened. Creswell (2013) agrees that the goal is to rely as much as possible on the participants’ view of the events. This aligns with the purpose of this study, which is to understand how collaborative professionals experience (i.e. make sense

of) the CD process. The participants in this study are from differing professional disciplines and have individual subjective perceptions and understandings of their experiences with the CD process. These individual perceptions and experiences may reveal similar patterns and these patterns may indicate an objective external reality (Daly, 2007). Therefore, the social constructionist approach is appropriate to consider this blend of subjectivity and objectivity in data analysis.

Along with individual perceptions, social constructionism also considers social processes. Social constructionists believe that knowledge and meaning are constructed through social processes and interaction (Young & Collin, 2004). Though CD is an objective process, deep meaning and understanding of CD will arise from the social process of divorce and the interactions between the parties involved. In addition to meaning, Keaton and Bodie (2011) state that the value of any object or experience is socially constructed. Therefore, the value of CD is not solely associated with cost and outcomes, rather the value will be revealed through the experiences of participants in this study. To summarize, the epistemological assumptions of this study are that meaning, understanding, and value of CD will be established based on the experience of the research participants and their interactions in the CD process.

The social constructionist framework combined with an interpretive methodology - such as transcendental phenomenology - was an appropriate approach to collecting and analyzing data for this study.

Transcendental Phenomenology

Social constructionism is often described as interpretivism (Creswell, 2013) and phenomenology is considered central to the interpretive paradigm (Wojnar & Swanson, 2007). Phenomenology is rooted in 20th century European philosophy and its main proponents are

Edmund Husserl (credited with the development of phenomenology) and Martin Heidegger (a student of Husserl) (Dowling & Cooney, 2012; Wojnar & Swanson, 2007). Phenomenology is a complex philosophy. A simple definition given by Creswell (2013) is “a phenomenology study describes the common meaning for several individuals of their lived experiences of a concept or a phenomenon” (p. 76). It is a research methodology that focuses on the subjective experience rather than the objective event. It is aimed at gaining a deeper understanding through retrospection and insightful descriptions of everyday experiences (Holloway & Todres, 2003; Langdridge, 2007; Lloyd et al., 2014; Moustakas, 1994). These descriptions give rise to essences “that may be judged by communities of readers as giving relevant and transferable insights into what an experience may be like through clarification of its essential structures and textures” (Holloway & Todres, 2003, p. 350).

There are many phenomenological approaches to research (Langdridge, 2007; Wojnar & Swanson, 2007), however two main perspectives are most frequently used. These are hermeneutic (interpretive) and transcendental (descriptive) phenomenology. Hermeneutic phenomenology studies phenomena in context and maintains that the researcher and participants co-create interpretations of phenomena by blending the researchers’ preconceptions and understanding with information gained from participants (Wojnar & Swanson, 2007).

Transcendental phenomenology places emphasis on describing universal essences and on the ability of the researcher to set aside prior experiences and biases by way of epoche, also known as bracketing (Dowling & Cooney, 2012; Wojnar & Swanson, 2007). It focuses “less on the interpretations of the researcher and more on a description of the experiences of the participants” (Creswell, 2013, p. 80). Transcendental phenomenology is the approach chosen for this study because it fits with the social constructionist framework wherein descriptions of the

phenomenon, or textures, can give rise to patterns and universal features of the phenomenon, or structures, that lead to a description of the overall essence of the phenomenon of CD (Creswell, 2013; Moustakas, 1994; Wojnar & Swanson, 2007). Husserl chose the term transcendental for this type of study because the phenomenon transcends the researcher's bias and lived experience and is described in its pure universal sense, as if for the first time (Moustakas, 1994; Wojnar & Swanson, 2007). According to Husserl, "transcendental subjectivity may be accomplished by the process of bracketing" (Wojnar & Swanson, 2007, p.173). This is the key distinction of transcendental phenomenology.

Epoche or Bracketing

In this research project, the phenomenon being studied is the CD process as experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals. Moustakas (1994) indicates a researcher must launch the study by first employing an epoche process to set aside any prejudgments regarding the phenomenon being studied and be "completely open, receptive, and naïve in listening to and hearing research participants describe their experience of the phenomenon being investigated" (p. 22). This way of perceiving the experiences of the participants requires the researcher to notice and become aware without imposing judgments on what is seen, heard, imagined, or felt by the researcher (Moustakas, 1994). It is a way for the researcher to disentangle themselves from the phenomenon being studied. Epoche was a constant practice throughout the course of the research study.

Wojnar and Swanson (2007) suggest some practical ways to accomplish epoche, or bracketing. These include using field notes, or analytical memos, for reflection, and maintaining awareness about the potential impact of personal bias on data. There were three factors that contributed to successful bracketing in this study. First, the researcher's natural attitude towards

the phenomenon is limited. The researcher has basic training in and understanding of the theory and concepts of CD, however, the researcher no experience participating in the CD process nor has ever engaged in a CD case. The researcher was mindful of her previous knowledge of the topic of CD throughout the process and employed continual reflective practices to ensure that knowledge was not influencing the data collection and analysis. For example, this would include the researcher asking herself “did this arise from the data or from my own pre-existing judgments or hunches?”. This conscious attempt to honor insights about the emerging evidence, called intuiting (Wojnar & Swanson, 2007), kept the researcher from foreclosing on assumed conclusions about the emerging concepts. Secondly, the concept of bracketing was not new to the researcher. The researcher’s awareness of personal biases, experiences, preconceived notions, and values is a critical part of her daily social work practice. The ability to separate those aspects from work with clients is imperative to ethical and competent practice. Finally, the researcher has a natural attitude of daily reflection which include skills, such as journaling, debriefing, and mindfulness skills, that aided in bracketing personal bias. These are skills the researcher called upon while conducting this study to support the epoche process.

Data Collection

Participants

The sample for this study was small and purposive. Qualitative research does not necessarily require a large sample size as the goal is not to generalize the findings, rather it is to explicate details and obtain rich data (Creswell, 2013). Phenomenological studies generally range between one and ten participants, but may include many more (Creswell, 2013; Langdrige, 2007; Starks & Brown Trinidad, 2007). The essential requirements for participant selection in a transcendental phenomenological study are that the participants have experienced

the phenomenon, they are interested in understanding it, and they are volunteering and consenting to participation (Moustakas, 1994). Purposive sampling means that the researcher targets specific individuals or groups to recruit participants because they have experience with the phenomenon and therefore can purposefully inform the project (Creswell, 2013). Small numbers of participants are typically selected by invitation (Moustakas, 1994).

The sample for this study included nine participants. One of the participants was a male and the rest were females. Their ethnicity was not disclosed to the researcher. The participants were assigned to one of three categories based on their role as collaborative professional, namely lawyers, financial specialists, and MHPs. There were three participants for each category. There were more than three lawyers and more than three MHPs that initially volunteered for the study. Ultimately the people who met all the inclusion criteria and had the greatest number of years experience were invited to participate. The importance of having the categories contain an equal number of participants was so that the experiences of each discipline would be equally represented in data analysis. There were a total of seventeen people who volunteered for the study including ten lawyers, four mental health professionals, and three financial specialists.

Recruitment

A request for participants was done through email. The researcher has various contacts in the field of collaborative practice. Specifically, a Canadian collaborative lawyer and trainer, as well as the Executive Director of the Collaborative Professionals of Saskatchewan Inc., were each approached and asked to forward an email, drafted by the researcher, to collaborative professionals across Canada. The email drafted by the researcher explained the project and asked willing individuals to make themselves known to the researcher by replying directly to the researcher's email (Appendix A). Participants were voluntary and were not previously known to

the researcher. Inclusion criteria for participants were that they were registered with their professional regulatory body, had collaborative training, and had experience participating on collaborative cases that used an interdisciplinary team including at least one of each a lawyer, financial specialist, and MHP. Participants with the greatest number of years of experience were selected first (Appendix B). The goal was to have a sample of individuals who have a common experience, namely participation in CD, but vary in their professional orientation to allow the researcher to ascertain aspects of the experience that are common across perception, and those that vary across perception (Langdrige, 2007).

Interviews

Phenomenological approaches to research rely primarily on interviews to collect data. Transcendental phenomenology typically uses the one-time individual long-form interview method in an informal and interactive process (Moustakas, 1994). Interviews averaged 63 minutes in length, ranging from 48 to 92 minutes. The semi-structured format consisted of nine questions, with associated prompt questions (Appendix C) to guide the flow of the interview and evoke comprehensive input (Moustakas, 1994). Interview questions focused on understanding the experience of the participants in the CD process and were guided by the overarching research questions identified. All nine of the interview questions in the guide were addressed specifically, but the prompts varied based on the content of the answers. Often the researcher encouraged participants to provide examples of their experiences because, as Holoway and Todres (2003) point out, “it is primarily from these concrete descriptions of ‘lived experiences’ rather than from the respondents’ views, beliefs or conclusions that the researcher draws in order to pursue the analysis” (p. 350). The interviews flowed well and all participants were eager and engaged. Bracketing was maintained by structuring questions to be open-ended, non-leading, and

depersonalized to ensure the unbiased attitudes, motivations, and beliefs of the participants were evident (Carter & Little, 2007).

Moustakas (1994) points out that it is up to the researcher to create “a climate in which the research participant will feel comfortable and will respond honestly and comprehensively” (p. 114). This was accomplished by allowing the participants to review the interview questions in advance, to choose the location of the interview and method of interview, for example telephone or video call, ensuring I answered all their questions ahead of time, and by thoroughly reviewing the Participant Consent Form (Appendix D) with them. In accordance with the Participant Consent Form, each participant was given the option to choose their own pseudonym for use in the final report. Participant information and method of interview are also included in Appendix B. As well, ethical issues such as confidentiality and data storage and use were clearly explained.

Data Storage

Interviews were audio-recorded and stored in two places, the researcher’s computer and on a digital audio recording device, both of which were locked by password, only accessible by the researcher. Once the interviews were transcribed, the transcripts were also stored in two places, the researcher’s computer and a USB-drive, both of which were also password protected. Audio recordings were deleted as soon as data analysis was complete.

Data Analysis

Overview

Prior to data analysis, verbatim transcription of the interviews was completed as soon as possible after they were conducted. Analytical memoing was used during the transcription of each interview. This was done by making hand written notes during transcription of thoughts, terms, phrases, concepts, and questions that came to mind while re-listening to each interview

during transcription. Memoing is a concept that was introduced in grounded theory research but is used in other research methodologies as well. Memos are analytical notes about the data that serve as reminders of concepts, help keep track of initial thoughts, help to shape reflections, and help keep track of assumptions (Bryman & Bell, 2016; Mayan, 2009, Rogers, 2018). Mayan (2009) points out the benefit of this type of concurrent initial data analysis stating “if you do not work concurrently, it is likely that you will end up with quite an ordinary study, adding little to literature, policy, or practice. . .” (p. 92-93). A verbatim example of handwritten point form memoing done during while transcribing MHP-Deborah’s interview is as follows:

Holistic Dimension

Highest version of myself and client (values?)

Direct quote reference 3.

Working for the family (greater good?)

Collaborative as a ‘way of life’

2 coach model (1 coach model?)

Memos helped to create the textural/structural overview of each interview, further clarified in the following section. After transcription, the formal data analysis was completed using thematic analysis and NVivo 12 software (version 12.0.6.), also further detailed in the following section.

Method

This study used the modification of the Stevick-Colaizzi-Keen method of analysis presented by Moustakas (1994). The first step is for the researcher to provide a full description of their own experience with the phenomenon, called the researcher disclosure statement, as a way of making bracketing evident. Next is the horizontalization of data where data is reviewed for statements relevant to the phenomena. The statements hold equal value at this stage. From

these horizontalized statements, thematic analysis is performed by identifying meaning units which are then clustered into common categories or themes. Any overlapping or repetitive statements are removed at this stage. Next, the clustered themes and meanings of each interview give rise to a textural and structural description of the phenomenon. A textural description is based on the themes of what happened and/or what the participants experienced, formally referred to as phenomenological reduction (Moustakas, 1994). A structural description is based on how the experience happened, reflecting on the conditions, situations or contexts in which the phenomenon was experienced, formally referred to as imaginative variation (Moustakas, 1994). Finally, the essence of the experience of the phenomenon arises from the textural and structural descriptions (Creswell, 2013; Moustakas, 1994).

Researcher Disclosure Statement. The data analysis begins with a researcher disclosure statement. This is a full description of the researcher's personal experiences with the phenomena as a means to maintain bracketing of researcher bias. What follows is the researcher disclosure statement regarding the phenomenon of CD.

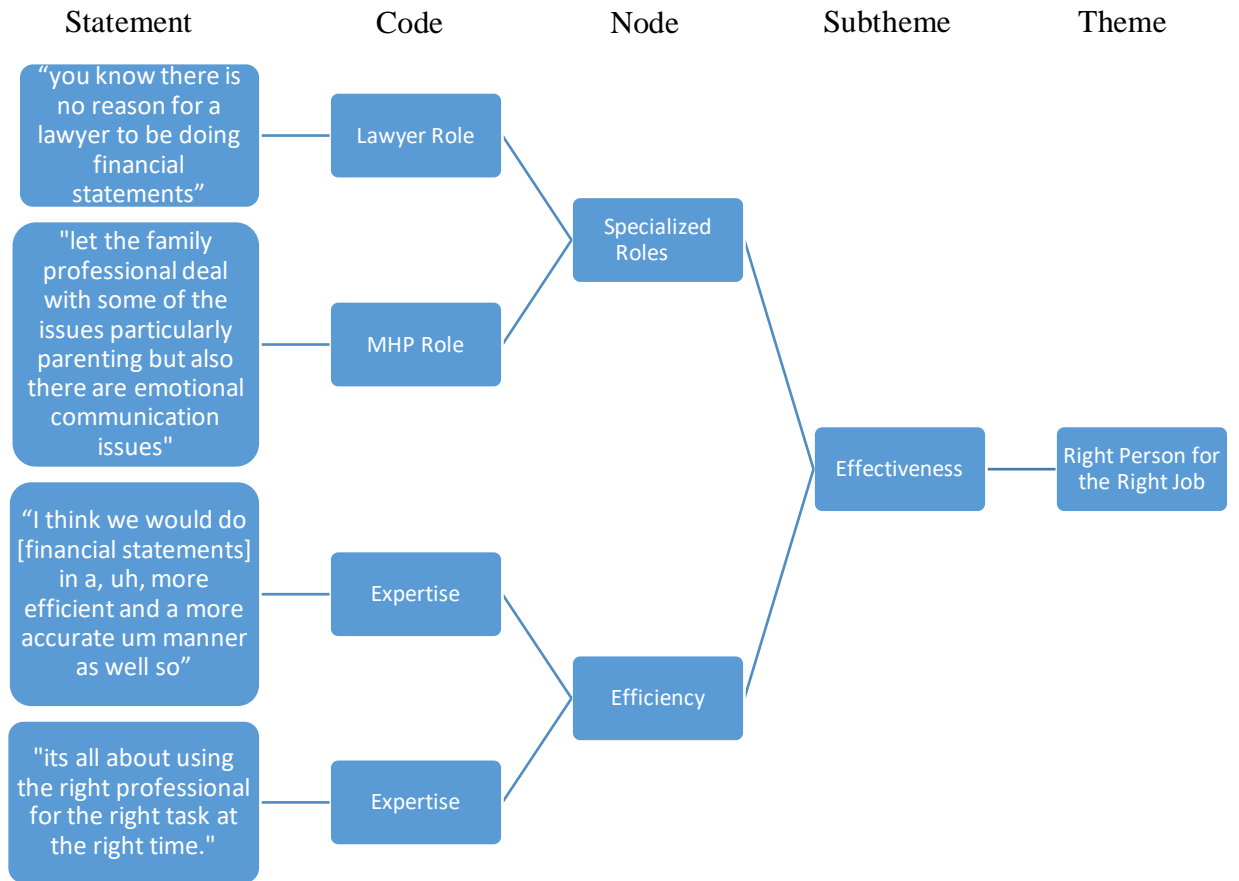
My experience with CD is that I have undertaken training in Interdisciplinary CD as a mental health professional. I am a registered member of the Collaborative Professionals of Saskatchewan. This means that I have a basic understanding of the theories and tenants of CD but no direct experience in implementing this approach. My understanding is as following: I understand that CD offers a family an alternative to court as a way to legalize and finalize their divorce/separation. CD does this by offering the family the benefit of a team of professionals who help guide the family through the process in a way that reduces conflict, increases clients' interpersonal skills, and ultimately decreases negative impact on family members, especially children. I understand that adherence to the process is important, however the process is flexible

and is slightly different in different communities and regions. CD is relatively new to Saskatchewan and the interdisciplinary approach is not practised frequently, therefore the CD community here is still developing its process and establishing the professional community. I believe the process of CD supports the values of social work and that social workers have the appropriate knowledge and skills to aid in the CD process. All that said, I have never participated on an active CD case, nor has any colleague I know. Therefore, I have little knowledge of what the actual experience is like in terms of the dynamics, atmosphere, pace, and workload that a case would entail. My assumption is that it would be complex, challenging, and rewarding.

Thematic Analysis. The transcriptions of the interviews were organized and analyzed using NVivo 12 software to create textural and structural descriptions of the phenomenon. Analysis was done in four stages. The first stage was to review each transcript line by line for relevance to the phenomena of CD. When a relevant statement was identified, it was coded to reflect the summary idea of the statement. Once all of interviews had been reviewed and all relevant statements coded, the second stage was to then review the codes and collapse them into meaning units, which are referred to as ‘nodes’ in the NVivo 12 program. These nodes consisted of coded statements that had a similar meaning. The third stage, after each statement had been grouped into a node, was to cluster the nodes into common themes and subthemes. An example of these stages of thematic analysis is presented in Figure 1 which outlines how four statements were coded and eventually clustered into a theme.

Figure 1

Example of Thematic Analysis



Any statement or node that did not fit into a cluster was further reviewed and was either recoded or discarded if found to be irrelevant. Examples of a node being discarded would be if it was found to be an overlapping or redundant statement. In phenomenology, a statement or meaning unit is not given more value just because it occurs more times (Holloway & Todres, 2003). In the fourth and final stage of thematic analysis, the data contained in each of the themes and subthemes was then thoroughly reviewed again to ensure that each statement was an appropriate ‘fit’ for the theme to ensure internal homogeneity (Mayan, 2009). External homogeneity was ensured by thoughtful labelling of the themes to emphasize that they are distinct and separate from one another (Mayan, 2009). The results were six primary themes,

with associated subthemes, that contained meaningful statements from all nine interviews.

Moustakas (1994) indicates that verbatim examples be used in these descriptions of themes. The end product of analysis is an exhaustive description of the phenomenon in the form of a long exhaustive paragraph, based on the themes, identifying the essence of the experience by including what (structure) was experienced and how (texture) it was experienced.

Ethical Considerations

Creswell (2013) points out that during the planning and designing of a qualitative study, it is important to be mindful of potential ethical issues that may arise. The standards for ethical conduct for this study are governed by the University of Regina Research Ethics Board (REB), the Tri-Council on Policy Statement, the CASW (2005a) Code of Ethics, the CASW (2005b) Guidelines for Ethical Practice, and the Saskatchewan Association of Social Workers (SASW) Standards of Practice for Registered Social Workers in Saskatchewan (SASW, 2017). An application to the University of Regina Research Ethics Board was submitted and the research commenced when approval was received for the project on January 24, 2019 (Appendix E).

Respect for human dignity is an underlying value of research with humans (Government of Canada, 2014) which includes welfare and justice. Research has the potential to trigger emotional and psychological issues for participants, and therefore appropriate supports must be considered and made available to participants in the event of such an issue (CASW, 2005b). The participants of this study are limited to professionals, as opposed to sensitive or vulnerable populations, which reduces risk to them. Minimizing risk to participants along with informed consent, confidentiality, and accuracy of reporting findings are crucial to practice as identified in the documents that govern social workers in Saskatchewan. These are more clearly defined at Value 6 of the CASW (2005a) Code of Ethics, and section 6.0 CASW (2005b) Guidelines for

Ethical Practice. Risk cannot be mitigated entirely, and as such risk was explained as part of the informed consent, however none of the participants identified any negative experience associated with participating in the study.

Informed consent is always required prior to proceeding with any data collection. This was done by way of signed consent form, a copy of which is kept with each the participant and the researcher (Government of Canada, 2014). As previously noted, participation in the study was voluntary and the researcher was honest and clear about the purpose of the research and use of data (CASW, 2005b; Creswell, 2013). The participants were advised that they had the option to withdraw from the study at any time prior to data analysis (CASW, 2005b; Government of Canada, 2014). The participants were reassured that confidentiality is still maintained even if this occurred, however none of the participants requested to withdraw from the study.

Privacy and confidentiality are priorities in the research process. Anonymity of the participants was not possible due to the nature of the data collection (i.e. personal interviews) and therefore the researcher explained that confidentiality will be maintained (Government of Canada, 2014). Confidentiality of participant information was ensured in several ways. Firstly, pseudonyms were given to participants, however they were advised that because they have been selected from a small group of people, it is possible that they may be identifiable to other people on the basis of what they have said. None of the participants expressed concern about confidentiality. As well, it was explained to participants that the data was to be saved on password protected devices, and upon completion of the data analysis, data will be stored with the thesis supervisor for five years (University of Regina, 2011).

Trustworthiness and Credibility

Accuracy in reporting findings of the study is imperative. Creswell (2013) states that researchers can lose track of the duty to report multiple perspectives and only disclose positive results. The bracketing process required in transcendental phenomenology will help to prevent this. As well, the process of epoche is key in assessing the validity of data analysis and reporting (Langdrige, 2007; Moustakas, 1994). Bracketing was maintained by the use of reflective journal writing to maintain awareness of the researcher's assumptions, perspectives and biases. Bracketing was also supported by the use of an audit trail, which is a record of the researcher's decisions and choices to understand how and why they were made. Mayan (2009) discusses the importance of personal journals and audit trails in achieving trustworthiness and credibility.

During the thematic coding of transcripts, trustworthiness was established through critical thinking and analysis of the data. When reviewing transcripts, every statement of a participant's experience is granted equal value (Moustakas, 1994), and there is a constant review of the coded statements back to the context from which they came. Holloway and Todres (2003) caution that computer aided analysis, such as the use of NVivo 12 software in this study, could rank codes or statements inaccurately if they focus on, for example, frequency of a code and do not factor in the context from which it came. With this caution in mind, the researcher employed a cyclical process of data analysis by reviewing and then re-reviewing multiple times within and between data sets, referring back to the original transcript, to ensure statements were coded accurately.

Additionally, other strategies were used to ensure rigor as outlined by Mayan (2009) and Creswell (2013). When writing about the findings of the study, triangulation was used where possible. This was primarily done by reviewing analytical memos and referring back to the literature to corroborate the evidence and shed light on the arising codes and themes. Reviewing

memos was helpful because many of the points that stood out during initial transcription of interviews, such as the concept of CD working for the whole family, also came through in the findings and were also supported by literature. As well, rich and thick descriptions of findings were used to understand the essence of the phenomenon. Finally, a significant amount of time was spent analyzing and thinking theoretically about the data which kept the researcher from making cognitive leaps to conclusions.

Summary

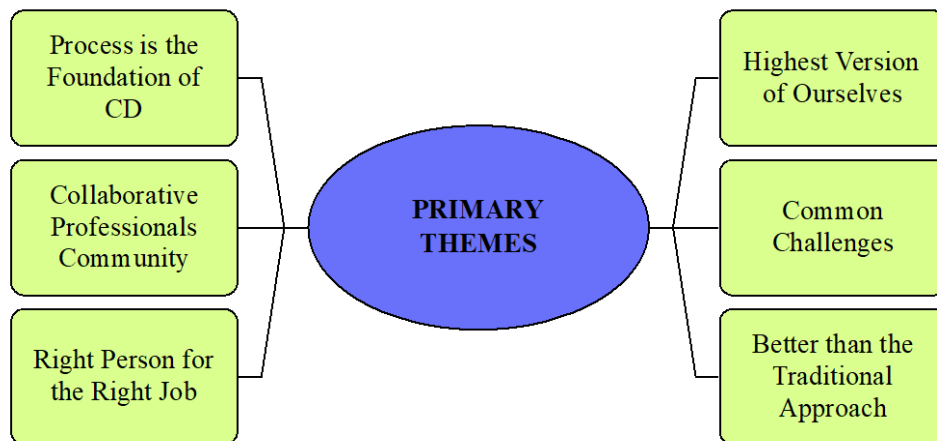
This chapter identified the study's overall research design through a description of the theoretical framework and methodology. Transcendental phenomenology, as provided by Moustakas (1994), was outlined as the methodological approach chosen to understanding the "essence" of the experiences of CD. Data collection and analysis strategies were detailed, followed by ethical considerations and a discussion of methods to address trustworthiness and credibility. The next chapter will reveal findings from interviews with nine collaborative professionals who shared their lived experience of practicing CD.

Chapter 4: Findings

This chapter will outline the findings that arose from the data analysis. The study took place over a six-month period from January to June, 2019. The data source used was transcriptions from interviews with nine participants. Abbreviated descriptions of the profession of the participant was attached to the pseudonym when writing the findings to add clarity, namely lawyer (LP), mental health professional (MHP), or financial specialist (FS) precede the pseudonym chosen by the participant. Following phenomenological reduction and horizontalization as outlined by Moustakas (1994), meaning units, or statements, were grouped into themes. The result of analysis was 747 statements which were categorized into six primary themes as outlined in Figure 2. These themes will be described in the following sections with use of direct quotes from verbatim transcripts to reinforce the identified themes.

Figure 2

Primary Themes



This chapter will conclude with an exhaustive structural and textural description of the phenomenon of CD based on the identified themes and identify the overall essence of the phenomenon of the CD process.

Theme One: Process is the foundation of CD

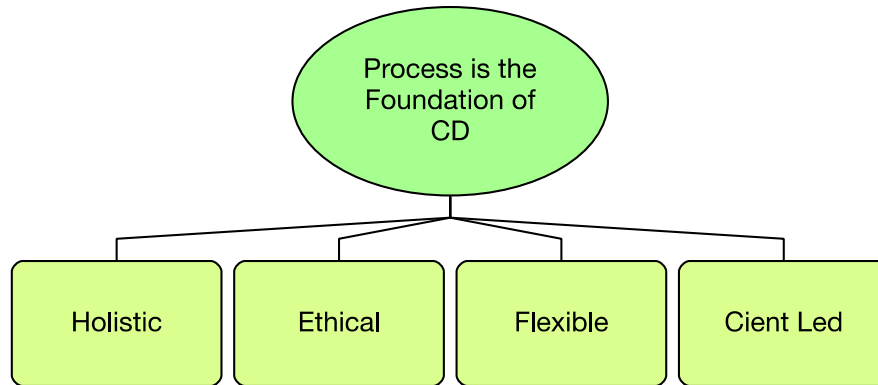
The data from all the interviews indicates that process is the foundation of CD. Process provides a reliable road map for both professionals and clients to keep the work moving along: “I think that the whole collaborative process is a lot more efficient because we have, um, we have as we have a schedule. We set up the next meetings, we do um we keep things going” (FS-TFP).

Typically, the process involves a series of meetings, and while there is flexibility in what this looks like for each file, the basis is that there are team meetings and meetings that include clients. LP-Lisa believes that “team meetings, they are absolutely critically essential” and that the general CD process should involve “a team meeting to plan prior to a file so that you are, um, you’ve got an agreed upon dispute resolution process for the team before you even start. Team meetings during a file so that everybody’s working with the same information and then team debriefs at the end of a file. And I’m talking about the full team there”. The idea is that the whole team is on the same page about what needs to be addressed with the clients, who is best to address it, and what the next steps should be.

Regardless of the structure of the process in terms of the series of meetings required, there are other common subthemes about process that emerged as represented in Figure 3. These subthemes identified the process of CD as holistic, ethical, flexible, and client led.

Figure 3

Process is the Foundation of CD Subthemes



Holistic

A unique and important feature of CD is its holistic nature. The process addresses all of the aspects of divorce as experienced by the client, rather than just focussing on what must be addressed by law:

So because it's collaborative . . . there are legal implications, there is financial implications, there is parenting implications and emotional implications. So all of these are dealt with in a collaborative method as opposed to only looking at one piece of it.

(FS-Financial Pro)

Divorce by any process will deal with, at minimum, the legal issues including finances, property and custody, but does not focus on emotional implications. However, the CD “process allow *[sic]* for a deeper more meaningful conversation” (MHP-Yuval) to address all of these issues and considers how they intertwine and impact each other.

Ethical

Overall, the participants identified the process as ethical. “I think it’s highly ethical. I think it’s a great process for most people” (FS-TFP). In fact, when considering other processes that perhaps are not as holistic, FS-Lynn pointed out:

well I think that when the people don’t get the mental health, the financial and the legal advice that they could be entitled to, that concerns me ethically. If I, as a financial professional, started giving legal advice, or if you did, or if the lawyers give the wrong financial advice, you know, if we try to take over each other’s role, that might concern me ethically.

Two ethical issues that were identified in the literature were the disqualification clause and informed consent. When considering the disqualification clause, LP-Lisa was clear:

I think that our disqualification clause is one of the strongest and best aspects of collaborative process because I think that it keeps people uh emotionally safe . . . I call complete and utter [nonsense]. . . that says that it, um, prejudices clients to have a withdrawal. It is absolutely categorically untrue. In fact it’s the thing, if your professionals are all into the process, I think that’s one of the highest indicators of success in the process . . . I have zero concern about the disqualification.

Another lawyer stated:

I’ll tell you why I don’t see an ethical issue in terms of the disqualification agreement. So to begin with there’s a myth that you quote ‘start all over again’. And I say it’s myth because unless a case goes out after say the first meeting, it’s not a problem. Because if they’ve had any number of meetings at all they will have done interim arrangements for parenting, interim arrangements for support. They will have exchanged documents. They

will have exchanged financial information and those exchanges, the exchanges of documents they can walk out of the process with that. They walk out of the process with having had some security over the interim arrangement for the time they've been in the process, usually which will continue. Because for me if I'm afraid a case may fall out of process, then I want to get those interim agreements that are enforceable out. So I think about that. (LP-Alia)

As well, FS-Lynn believes that the disqualification clause can increase clients' commitment to the process:

It makes them work harder. It places the... ok the accountability and the uh.. it goes back to the mandate of the collaborative practice, because it's their process and if they're not willing to work and they want to fight, and they aren't willing to do the hard stuff, hmm then I don't know if they should be in the collaborative team approach.

Regarding informed consent, the participants do not feel it is an ethical concern, but do acknowledge that it is handled differently in the CD process, specifically when it comes to confidentiality. The information that is shared between professionals is only in the best interest of the clients. LP-Lynne describes this issue as:

So sometimes on those emotional things that are not truly... it's not like I'm withholding information that's critical to the file, it's really just kind of like, there's perhaps an insight shared on the degree of emotional angst on the part of one client to my client. Um, sometimes I choose not to share that because don't think it's moving the file forward.

MHP-Yuval explains that clients are aware of information sharing so they too know what to expect:

[Information sharing] is not a concern of mine. There's a lot of question about it, but I have no concern about that because I think it's well stipulated in the participation agreement. And there's no... it's impossible to collaborate and have secrets or hide information. So if you front load that information, it's kind of like informed consent. If clients are informed about the process and what to expect, they understand the nature of confidentiality and how it changes in response to this.

MHP-Yuval goes on to describe how he handles situations where a client really does not want information shared, but he thinks that its information that should be shared in the best interest of the CD process:

If my client were to say "Yuval under no circumstances are you going to share that information" I would say, OK, but then I cannot work with you. So we never share information that client tell us not to share. We don't share it.

Ultimately, he states "the confidentiality piece does not bother me at all" (MHP-Yuval). The participants felt overall that CD was a highly ethical process.

The participants did identify areas of ethical concern or caution, but stated that they are the same ethical concerns they have in any legal process, not just CD. These concerns are around access to justice, and in particular financial barriers:

I also think that collaborative needs to keep an eagle eye on the whole access to justice thing, right. So how is clients' money getting spent, um, and you know, like any process, often clients have to settle when the money runs out. It's no different in court or collaborative. There's no sort of magic, um, covering of integrity for collaborative

process, it's still vulnerable to all of the issues in any other process including financially motivated settlements because they've just plain run out of money. (LP-Lisa)

The people who have wealth, obviously they have access to everything. The people who don't... I think everybody struggles with legal fees, I do. When there are issues. So access to justice is always a problem. (MHP-Lacy)

You know I think that there is always an ethical concern, although it is not identified as such, it is not identified really as an ethical concern, uh, within the legal practice. I think that there is an ethical concern just based on, um, hourly billing which is how we bill. (LP-Alia)

The participants did identify that there has been a significant amount of work done to try and address the financial cost of CD by testing pro-bono clinics and looking at a reduced rate or flat fee scenario: "We have a pro bono program. I don't know how successful it is, but we do have a pro bono program, and then we've explored fixed income model of collaborative divorce where you know what it's going to cost ahead of time" (MHP-Deborah).

Flexible

A significant benefit to the process is that it allows for flexibility to meet the unique needs and dynamics of the individual family it is serving. Clients will each have their own lawyers to represent their legal issues, however when it comes to the rest of the collaborative team, it can be structured to suit the clients' situation. For example, MHP-Deborah shared this flexibility in the role of the MHP:

So now, when you say when I'm working with the team, because this is a team approach, I'm working with a family, even if I'm the coach for one client, sometimes we are the

coach for both clients, sometimes we do that neutral more mediation role, sometimes we have our own clients.

Even after the team is established in a way that best suits the clients' needs, the process can progress with flexibility as well. "We kind of progress in a in a fashion kind of designed by the case, by the personality, by the need. So it's not like must start with the coach and must start with the lawyer. We can start either here or either there, depends on the issues" (MHP-Yuval). The process is reliable, but not rigid. A client will know how the process works in terms of issues to address, meetings to attend, and the professionals that will be involved. However, they will also know that as unforeseen issues arise, there is the flexibility in the process to deal with them. "It's a dance that we have to learn with each party" (FS-Lynn).

Client Led

The very nature of the CD process requires the clients to be active participants: "It's a consensual dispute resolution process. So it's not something that is imposed on the client. It's something they have to choose and they have to be participating in it" (LP-Lynne); "I like the structure of collaborative process because you have the structure and the backdrop of the law, but the decision makers are the clients" (LP-Lisa). This is empowering because it requires that the clients take an active role in reaching decisions and solving problems in their divorce rather than leaving it entirely to third party decision makers. "[Clients] actually have to roll up their sleeves, just like the professionals, and you know, work to come up with a resolution that works . . . you have to help the clients make decisions, you don't just hand it over to a judge" (LP-Lynne).

When the process is client led, it honors the clients' values. MHP-Yuval provided an example of working with a client, a father, whom wanted to share delicate information with his children:

You know I told him the risk in doing that . . . but it's a client led process so the father said 'No I think honesty here . . . and that sort of level of honesty here is required'. Now we hear that a lot by the way, this same idea. Um, so my hope is that I provide a process that led the client's values lead the way, not my values as pertain to separation.

It is important that clients have all the information they need to make decisions, but ultimately, they are the ones to decide. If they are aware of the pros and cons, the levels of risk, and the potential outcomes, the CD process allows them to proceed as guided by their values, not the values or preference of the CP:

. . . stepping away from that risk aversion and really um really respecting clients' ability for self-determination, if they have all the information they need, it is often hard for lawyers, and that can bring tension into a collaborative file. And definitionally it's a client centred, client self-determination process. But lawyers often times, because of their risk aversion, have a difficult time actually saying it. (LP-Alia)

CD is an inherently client led process that requires the clients to work hard to achieve outcomes based on their needs and values.

Theme Two: Collaborative Professionals Community

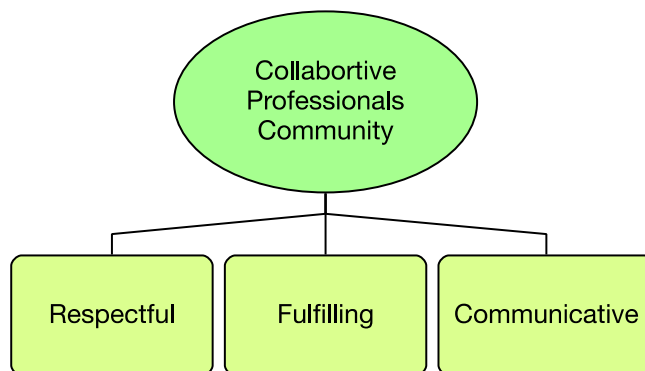
All of the professionals spoke about the importance of the community of collaborative professionals and the effort and commitment it takes to be a member of the CD community. LP- Alia described the community as:

To build a strong collaborative community, but it does, it takes tremendous perseverance from one or two people just being there, and being there and doing tons of volunteer work, doing systemic work in the community so that collaborative process has both root growth and tree growth you know. Growth both systemically as well as building the community. And um, yeah it's how to find people who are willing to engage that much voluntarily to build something when there's lots of work out there.

The subthemes that emerged from the data described the community of collaborative professionals as respectful, fulfilling, and communicative, as noted in Figure 4.

Figure 4

Collaborative Professionals Community Subthemes



Respectful

What the research participants made clear was that there is respect for one another both across and within the various disciplines that make up the interdisciplinary collaborative professional community. “We've developed a close relationship over the years in our community

between those two different disciplines” (MHP-Yuval). Deborah’s experience is “I’m thinking of the other coaches that I work with, we all get along really well. We all have equal respect for each other”.

Respect means that the professionals trust and rely on one another- “Trust makes a big difference” (LP-Lynne); “I, um, completely rely on my other professionals to be doing their work as they see fit” (LP-Lisa); “I have a high degree of confidence in my colleagues” (FS-TFP). As well, respect means professionals “not having judgement against another person’s area of expertise” (FS-Lynn). Respect is seen across different disciplines as equality in importance to the community and the CD process. LP-Lisa discusses her own community by sharing, “[My city] and a lot of the other places that I saw really started to succeed when the mental health professionals were bringing in the cases and the lawyers were being added as team members and that really rebalanced the power in communities . . . I see [other professionals] as completely and utterly equal. That’s the most important thing”.

Respect between the collaborative professionals is critical to the community and to the CD process as well. In fact, LP-Alia stated, “I think it is the most important factor in a case going well, is for the professionals to have good working relationship”.

Fulfilling

Being a part of the collaborative community of professionals is a fulfilling experience. Research participants used terms like “love the team” (LP-Lynne), “blessed” (MHP-Lacy), and “fantastic” (MHP-Yuval) to describe their experience working with their collaborative colleagues.

MHP-Lacy reflected on her own experience as a member of the collaborative community:

I think what has changed for me is, um, honestly my quality work. It is, um, far more interesting and, um, fulfilling to work on a team . . . So I think working on a team is so fulfilling that I wouldn't be doing it otherwise. Because they are my hardest cases.

The work is challenging and having a community of professionals that respect and rely on one another creates a fulfilling experience.

Communicative

A healthy collaborative community would foster good communication. Generally, the research participants felt that the CD process did encourage communication between professionals and it could be a good tool for problem solving. MHP-Lacy believes that the professionals “care deeply about what somebody else says, um, and when they are concerned about something that is going on for their own client, they say ‘hey can we have a phone call’ and we have a phone call” in order to address the concern. As well, open and honest communication can bring confidence to the process and allows for critical feedback of self and others:

...now I'm very comfortable, you know because I've, uh, I've worked with them and I feel better, um, with my own experience in this. Uh, that uh, I'll say things to them and I'll say things about myself, you know ‘If I'd gotten this done a little earlier’ or ‘If I'd done this or that’ I think that might have helped this situation that came up; so that they know that in the next one I wouldn't do that, so they don't kind of think, ‘oh this is how it's done all the time’, it's more of a situational thing that got me there. And the same thing with them, so instead of me being judgmental of each other. (FS-Financial Pro)

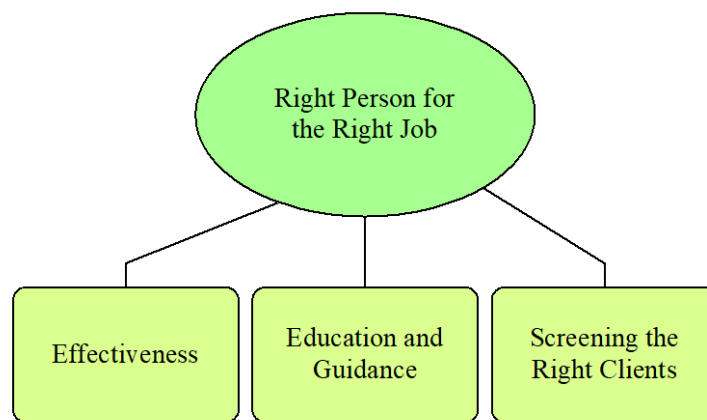
This is a unique feature to CD that is not likely to be seen in adversarial approaches to divorce. The professionals communicate collaboratively about their respective clients and are looking for critical feedback to help the process work in the best interest of the clients.

Theme Three: Right Person for the Right Job

Another theme that emerged commonly across all of the interviews was that CD utilizes the right person for the job at the appropriate time in the divorce process. As FS-Financial Pro put it, “. . . it’s all about using the right professional for the right task at the right time”. The subthemes that arose from this theme describe the benefits of having the right person for the right job as effectiveness, education and guidance, and screening the right clients, as noted in Figure 5.

Figure 5

Right person for the right job subthemes



Effectiveness

The participants identified various benefits to having the right person for the job. When professionals are using their specialized skills, they are more effective in the process and not pressured to take on tasks outside of their skills set:

I think that the lawyers loved [working with mental health professionals] because a lot of lawyers weren’t using mental health professionals at all, and . . . the mental health

professional can really help the clients manage their emotions, and that makes the lawyers more able to do the work we need to do because we are not mental health professionals. (LP-Lynne)

Another thing is, that we don't all have the sharpest pencil in something. I would never purport to advise like you do in your social work or your counselling career, nor would I give legal advice. You know, but I do have a pretty sharp pencil when it comes to financial planning. (FS-Lynn)

As well, when each professional is doing the work of their specific discipline, it increases effectiveness by adding clarity and order to the process:

Protocols of like, ok this is this is the role of the um family professional, this is the role of financial professional and this is where the lawyers come in. So nobody feels like you are stepping on other people's toes. And the clients know that too so they aren't calling up the lawyers all the time when they don't need to be talking to the lawyers, when it's emotional or parenting things. Because the lawyers they'll get all that when they come into the collaborative meetings. (FS-Financial Pro)

When the process is more effective, this can lead to cost savings for the client. Participant FS-TFP gave this example:

I like to say that I can save clients' money ... because you've got a financial person doing financial things and because I charge half of what a lawyer would charge. I end up doing one statement rather than each lawyer doing a separate statement so it's a lot easier to find errors omissions, um you know, come up with questions.

This example indicates that there is one professional doing the work for both parties to the divorce. Using one professional is more cost efficient than using two, but also when a

professional specializes in a particular area, they are likely more effective, which could lead to cost saving as well.

Education and Guidance

CD is a client led process and the professionals assist clients by offering guidance and education about the process, options, and issues to be addressed. The clients receive the best support and most accurate information when they have a professional offering specialized guidance and education. For example, the MHPs will help the clients gain skills to regulate their emotions and communicate in helpful ways: “We can go in and help them with the emotions and communication and individual support of very reactive clients in their work. Because the emotions are getting in the way of making any concrete decisions” (MHP-Deborah). Whereas a legal professional will educate the clients about the legal process: “I think there is an educational role to help them understand what’s going to be needed from them. I do share information about the law because I think that is part of my role” (LP-Lynne); “I function as ‘the lawyer’ in the team, and um, I view myself as a process guide. As an educator and process guide” (LP-Lisa). The financial professionals educate and guide as well: “I’m an advocate making sure that the parties in the negotiation understand the finances and what they’re signing. And what that might mean to them both today and in the future . . . teaching people to communicate about money . . .” (FS-Lynn). Each professional plays a guiding and educating role within the framework of their discipline. This ensures the client is receiving the best support possible in these areas so they can have productive meetings and make informed decisions throughout their CD process.

Screening the Right Clients

Not only is it important to have the right professionals for the CD process, but the participants noted it is also important to screen for the right clients for the process. CD is not

appropriate for every person going through a divorce. There are specific clients that are not suited for CD such as clients with certain “personality disorders” (MHP-Lacy), “conflict levels” (LP-Alia), and “domestic violence” (FS-Financial Pro; LP-Lisa) issues. There are screening mechanisms and protocols at intake that are met to help identify clients that may not be appropriate for CD:

I think if we screen properly at the beginning of our files, that’s why I love that interdisciplinary, we will not, we won’t take on a file that is clearly about to self-destruct or we will know how to deal better with the issues that are going to come up in a file. (LP-Lynne)

I mean I’m always assessing in terms of conflict levels, trust levels, communication styles, length of separation, length of marriage, types of conflict topics . . . In the initial interview, not the preparing for collaborative process but the initial interview, I am, uh, I am overtly and covertly screening for all of those things as well as client’s ability to um uh accept challenges, client’s ability you know what happens when they get emotionally activated, how do they calm down. (LP-Lisa)

It is important to screen for clients that would not be a good fit for CD because it would be either unsafe or unrealistic to have them working together in a collaborative manner.

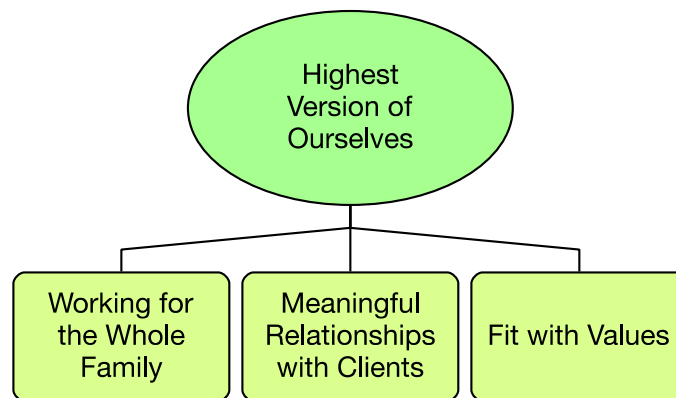
Theme Four: Highest Version of Ourselves

The research participants connected with CD in deep and meaningful ways that go beyond professional goals. Their draw to CD seemed to be founded in larger belief systems and values as seen in the participants’ statements: “. . . then soon realized that collaborative practice was a way of life . . . to bring our higher selves into the process” (MHP-Deborah); “I think we need to use our collaborative skills wherever we are” (LP-Lynne); “Suspending any ego, is a

skill we have to learn . . . how do we go through [the CD process] in the most classy way that we can” (FS-Lynn). Figure 6 outlines the subthemes that arose from the participants’ comments regarding what was meaningful to them about CD, namely working for the whole family, meaningful relationships with clients, and fit with values.

Figure 6

Highest version of ourselves subthemes



Working for the Whole Family

Each of the nine participants indicated that it was meaningful for them to be using CD as a means of supporting the entire family. MHP- Deborah views her role:

...to help other people separate and divorce in a more collaborative way. The child friendly way. Finding a more child friendly, family friendly approach to separation, to this transition in life. . I also emphasize for them that I’m working for your whole family, not just for you. You are part of a family system. Um I’m here to hold that system, the wellbeing of that system in place through the divorce and post-divorce.

The participants acknowledged that helping the children of the family was an important reason to engage in CD. The participants view CD as “The child friendly way” (MHP-Deborah), that the “[CD] process has, uh, had less of a negative impact on the children” (FS-Financial Pro), and

believe that “clients have been able, through the process, to pull together again usually for the sake of the kids” (MHP-Lacy). LP-Lynne was drawn to the CD process because of how it addressed the whole family stating “Particularly with children [CD] really resonated with me”.

Participants also work for the whole family by considering both parties to the divorce rather than any one client: “You know my entire goal as collaborative lawyer is to work from a systems perspective to meet the deep goals and values of not only my client but their spouse” (LP-Lisa); “The lawyers care not only about their client’s interest, but they also care about the other client’s interests” (MHP-Lacy); “You make sure that one of the goals of collaborative is to come to a mutually beneficial solution, right” (FS-TFP); “We put the family first. Like it’s an obligation of me to educate and suggest, um, tax solutions that are the best for the family, not only one person” (FS-Lynn). This would be a different perspective from the traditional lawyer role of focusing on the goals and needs of their client, and their client alone.

In addition to considering the interests of both clients in the divorce, the participants also described the desire to minimize damage to the family. MHP-Lacy states “What I describe to the family is I describe it as a system that is settlement oriented, um, that seeks to get you to a resolution without shredding your family”. FS-TFP has a similar approach: “When I go out and sell collaborative, it’s like, you know there’s a kinder gentler way to do this that doesn’t destroy family dynamics and um comes up with a resolution that works for the family and that works for everybody”.

As well, the participants find it meaningful that CD helps people not just move through the divorce process, but has long term benefits for the family. This is seen in the following comments:

. . . help provide guidance and inspiration to them to, you know, make life enhancing decisions for themselves and their families. (MHP-Deborah)

[The clients] will actually end up coming out of this with less money in their pockets but some skills to help them parent better or be able to communicate with one another or be able to say the things that they need to say to you know, finish off their relationship and move forward. (LP-Lynne)

What do [the clients] really want their post separation relationship, if any, to be like?

With their spouse? You know, if they don't have kids, they might not want any at all. Or maybe they've got a business together and they need to have an incredibly strong, um, relationship post-separation. (LP-Lisa)

You can see, you know, kind of overseeing it all [laughs] the emotional evolution of this relationship, and begin to converse to become, um, an effective, supportive co-parenting relationship of course. (MHP-Yuval)

Where they are so grateful to be able to get through this without hating [the other parent] and being able to, uh, go to soccer with [the other parent] and sit beside [the other parent] at graduation and all those things. (LP-Lisa)

How are we going to be able to go to Susie and Joey's graduation or their wedding down the road? (FS-Lynn)

All of the participants had care and concern for the entire client families, in particular the children, involved in the CD process and hoped benefits would sustain the families long term.

Meaningful Relationships with Clients

Research participants indicated that they established meaningful and professional relationships with clients. Collaborative professionals offer support and guidance to clients, and often will hold steadfast to the process for the client's sake, even when the clients themselves are wavering:

I mean there is no situation where a client is naturally going to be collaborative at one of the worst times in their lives, so you need to rely on your professionals to hold that space and skill level for you until you can catch up . . . I think that one of the most important things is to hold hope long after a client has lost hope because that's actually where you can do some repair work there. (LP-Lisa)

All of the research participants shared touching stories how they connected with clients. The CD process allowed them to connect in meaningful ways, often forming a professional friendship.

The participants shared:

I do see it in a sense as a more intimate relationship working from an interest-based model and really trying to fill the settlement that meets my client's kind of highest prioritized needs. (LP-Alia)

I'll do kind of a very thorough intake of this relationship. When did it start, what attracted you, ummm.. how did you resolve conflict in the past, so I'll take a fairly.... and and honestly that, that particular piece in the conver- [*sic*] in the interview, I learned is many clients, not all clients, but many clients appreciated telling the story of their relationship, so I found that to be actually a skill I developed because of clients came in to talk to me about their divorce, but often what they want to be telling me is the story of their relationship. (MHP-Yuval)

I say I know I've done a good job when a client hugs me. And I get lots of hugs from clients. (FS-TFP)

I want to know the history of the marriage, I want to know the strengths and what attracted you to each other, what are your positive attributes, what are your strengths, what could help you get along better when we go through this. You know the early stages when there are so many emotions flowing. (MHP-Deborah)

It was evident from the data that each participant had significant care for the clients they have worked with. CD was not merely a process, it was also about relationship.

Fit with Values

It was clear that the research participants were naturally drawn to CD because it fit with their personal and professional values. Lacy, who was a former lawyer turned MHP shared:

[CD] fits beautifully [with my value] because you know I was a lawyer in the past, and one of the reasons I left law was because I could see that family law did not suit families and were not solving their problems and it was a win lose scenario in court. So collaborative believes in the dignity of the of the client and believes in self-determination. Completely opposite. So when I heard about collaborative I remember thinking 'oh my god', this this is much more aligned with a strengths based um um non-pathological or non-pathologizing way of working in mediation, which is how I was already working in mediation, and I do subscribe to therapeutic mediation so it aligns beautifully with my values.

FS-Financial Pro said that she connected with CD because of her values for "social justice and access to justice and um, uh, trying to uh provide, trying to resolve conflict in a more peaceful way". LP-Lisa stated "I believe deeply in self-determination" and therefore she

connected with the client led approach that CD offers. FS-Lynn was drawn to the team approach, “So my values would be that if you can, you establish and gather a team around you, um, if you can, for life choices”.

Five of the nine participants shared that they had directly or indirectly experienced the effects of divorce in their personal lives. Therefore, when the opportunity arose to support a more peaceful divorce process, they were keen to be a part of it. LP-Lynne’s story is:

I was very attracted to [CD]. I was very supportive of it because I’ve always.. you know my parents separated when I was very young, very young. And even though it wasn’t a traumatic separation I mean it was before they had the *Divorce Act*, you know, so it was like a long time ago. But still, you know, as a child you realize that that can be a significant event in a child’s life, so I really, so that approach just resonated with me right? Because it was really trying to help the parents communicate so that they could carry on.

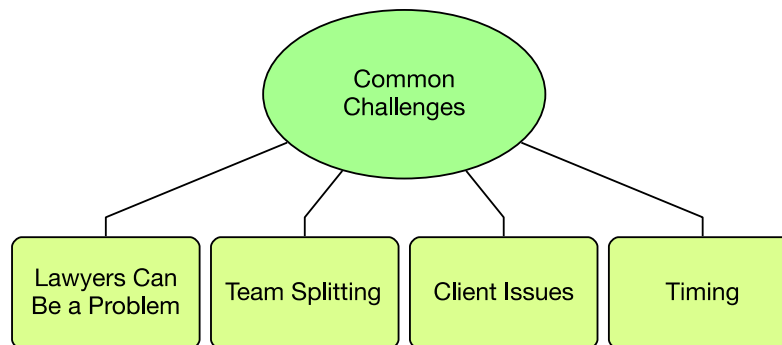
The research participants connected to CD on a personal level and all seem to prioritize doing what is best for the greater good of the family, of the community, or of society, rather than any personal gain they experience. “I would do it for free myself, but that’s just me because I want to support the process. The point is to give back” (LP-Lynne).

Theme Five: Common Challenges

While the participants were all avid supporters of CD, they did acknowledge that it is not a foolproof process. There are common challenges that they see when working on files as set out as subthemes in Figure 7. These subthemes are lawyers can be a problem, team splitting, client issues, and timing.

Figure 7

Common Challenges Subthemes



Lawyers Can be a Problem

Each of the nine participants shared thoughts and experiences about how lawyers had created some difficulties in the CD process. The most significant challenge was that lawyers can tend to fall back into their traditional roles which are more adversarial and desire to control the situations or the outcomes. One lawyer shared “Well I think it’s hard.. we talk in terms of making the paradigm shift. And I think it’s hard . . . it’s easy to slide over from there into more of our traditional role” (LP-Lynne). LP-Alia also had similar thoughts:

I get concerned that lawyers, walking into a collaborative case, and then using their old adversarial type of negotiation and decision making, that old lawyer top down decision making, um you know, I’m concerned that clients walk away from that experience thinking that was collaborative practice.

Another participant stated, “Lawyers will be the boss of anybody that they think they can be. So the lawyer mindset of, um, leadership is so deeply engrained that, um, even the lawyers that think they are truly interdisciplinary, if they’re not checked, they are still the boss of everybody” (LP-Lisa).

Another concern raised was that lawyers tend to be more worried about the financial gain of CD. FS-Lynn shares a story stating “I’ve heard tell that really financial professionals aren’t really needed because they take away revenue from the lawyers”. LP-Lynne also had a personal experience of trying to arrange a team meeting:

I think the [MHP] and financial [professional] could agree on it. It was trying to get.. um, well there were three lawyers. I was one and the other two lawyers, one in particular, was just uh struggling with you know, um, devoting a morning to this and being paid like for half an hour of her time.

It is evident that it can be a challenge for lawyers to move away from their traditional win/lose style of lawyering to a collaborative approach, which in turn can create problems for the entire CD team and CD process.

Team Splitting

Another challenge identified was team-splitting, which is when professionals become aligned with clients and take sides. When there are so many professionals involved, “there is more opportunities for the professionals to fight in same methods that the couples do” (LP-Lisa). LP-Lisa describes this further:

What can happen is that, when they go poorly, is that if you haven’t done relational work of planning with your other professionals how this is going to go, and you start to compete with your other professionals for your airtime, or you’re competing on behalf of your client, but you’re actually letting your own stuff get in the way, um, it can degenerate into a fight in the four-way.

MHP-Lacy and LP-Alia agreed with this, respectively stating “I think the typical challenges honestly are over- alignment and over-advocacy. Those are the largest things that will buff us

up” and “you can have the team splitting, I think that’s a common problem”. When a professional aligns themselves with one of the clients, they can become more adversarial and less collaborative.

Client Issues

Clients can create challenges in CD often because they are not familiar with the process so do not necessarily understand the dynamics. They can personalize or become defensive. LP-Lynne shared two examples of feedback she has received after having an all-party meeting between both clients and all professionals:

I think the clients don’t always understand what those team dynamics will look like at a meeting . . . I’ve had clients who have said to me after a meeting, ‘you should have stood up for me in there, you should have spoken for me’. . . So those dynamics can play out in meetings and I’ve had clients say ‘I thought this was a collaborative process but I didn’t think the other lawyer was very collaborative’.

LP-Lisa shared a similar sentiment, that clients may not feel that their lawyer is advocating enough for them because advocacy looks different in CD, “Advocacy within collaborative practice can be a struggle. Right, because you no longer advocate for your client’s story, you advocate for your client’s, um, needs”. As well, sometimes clients do not understand the role of a neutral party such as a MHP: “. . . when you challenge a client and you are neutral you run the risk of being labeled biased” (MHP-Lacy).

The other client related issue that was identified is when clients are perhaps not screened properly, and they are not best suited for CD. This could mean that they have mental health issues, personality disorders, domestic violence issues, or are very hostile and/or reactive. MHP-Deborah stated that clients can create issues if they are:

very hostile and very reactive and really can't see their way to co-parenting, want the children to primarily be with them. They really aren't willing or able to share or to value shared parenting. If we have a parent that really can't embrace that, then they might be better off with a litigation lawyer, they might have to go to court. Every now and then there is a need for court.

Once again, we see the importance of screening clients effectively. As well, it seems important to not only explain the process of CD to clients, but to inform them of what the dynamics will be like with other professionals and in meetings with the other client.

Timing

The research participants identified timing as an important, and challenging, aspect of the CD process. "It can be very challenging to organize multiple schedules" (LP-Lisa) of the all the professionals involved as well as the clients' schedules. The process requires meetings between the professionals for planning and debriefing, in addition to the all-party meetings where the clients are present. The participants identify that they try to tackle this challenge in various ways. MHP-Yuval states "time [is a] requirement that sometimes I don't have, so that's in terms of the communication. However, you know, there's a lot of email and phone call, as much as possible. Definitely that's an area we need to look at and still improve". Also, professionals try to be proactive and address the planning and scheduling needs at the start of the CD process:

All these meetings, like for the team meetings on the phone [and] in between the meetings, uh, sometimes it's hard to book them. Or sometimes, again, it just wasn't thought of as 'oh ok you have to do this'. Um, and now again, people are starting to see-yes, this, this is something you have to put in the schedule. So, uh, right from the

beginning when we are booking the meetings out for the couple, we then book the team meetings, like ‘ok we will need one here and one here’. (FS-Financial Pro)

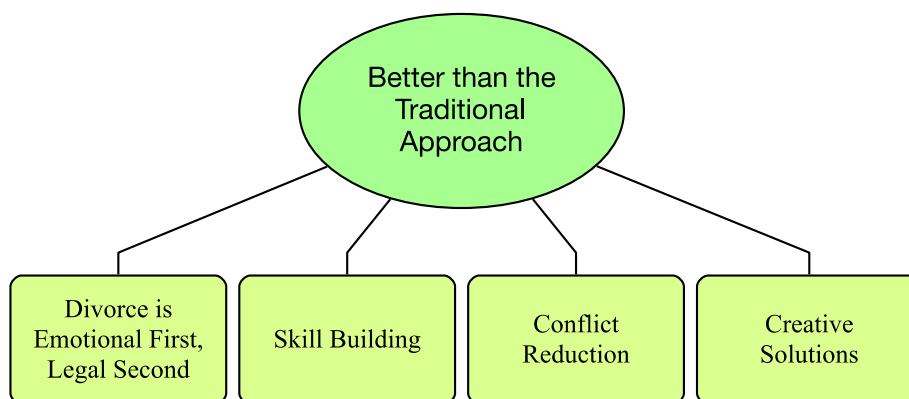
As well, “there’s often a tension between people wanting to go fast and people wanting to go slow. Both, um, amongst the clients themselves and um amongst the professionals. And that creates tension” (LP-Alia). The risk to going to slow is the potential that clients will be pushed into a “settlement for settlement’s sake” (LP-Lisa), which is undesirable and does not support the mandate of CD to reach a settlement for the clients’ sake. Timing is an important consideration in the CD process.

Theme Six: Better Than the Traditional Approach

The final theme identified by all of the research participants was that CD is better than the traditional approach of resolving divorce through the litigation or the court system. There were a number of reasons for this which were condensed into the subthemes divorce is emotional first and legal second, skill building, conflict resolution, and creative solutions. These subthemes are set out in Figure 8.

Figure 8

Better Than the Traditional Approach Subthemes



Divorce is Emotional First, Legal Second

Through talking to the research participants, it became obvious that divorce is a very emotional time for the clients, which makes it an emotionally charged process for the professionals. The emotions are often the primary concern for clients, and the legalities are secondary: “Generally speaking, you know, like there's like 10% legal conversation 90% is all feelings” (MHP-Yuval). Emotions may be driving the client to make certain legal demands, or alternately, emotions can be holding a client back from engaging in the divorce process. CD allows for the emotional piece to be addressed much more thoroughly and appropriately than in a traditional approach to divorce:

There's so much emotionality in the room they've asked that perhaps the coaches be present to help the clients handle their emotions. We are better trained, usually, than lawyers to do that . . . Because the emotions are getting in the way of making any concrete decisions. (MHP-Deborah)

It's more about the inability of the parties to actually participate at a meeting because of the emotions or there could be some mental health issues right. Not significant enough to uh screen them out of the process but indicate that they really needed extra support in the process to be able to participate. (LP-Lynne)

LP-Alia pointed out that even when people are getting emotional support outside of the divorce process, in terms of working through legal issues, it is best to include the emotional support within the process:

Though we often referred clients to therapists um, there's often a disconnect between what the therapist was doing with the client and our work with the client because the

therapist always felt very very aligned with the client and often not having heard the from the other side, was not productive in moving them forwards.

MHP-Yuval discusses an example of how CD allows the emotional piece of family breakdown to be cared for in thoughtful ways, which then leads to better legal decisions that are client led based on the clients' values and needs, rather than motivated by reactive emotions:

Think in terms of, you know, being at that crisis point in your life and having that kind of [CD] support, in not feeling like you have your back to the wall and you have to protect yourself. And really have a conversation about a father who wants to separate from um, you know, he has not spent much time with the children before and now he wants to be involved in their lives. So he gets this guidance on how to do that, and they get into this joint physical custody, and being more successful in doing it. Because the process actually allowed for that, create a joint physical custody, not because they were told [to by a judge] but because, you know, they were guided and coached how to do that. So on that level I see a lot of success relating the the transition of families.

The traditional approach typically considered the emotions irrelevant to the divorce process and focused only on getting the legal issues resolved. However, when collaborative professionals prioritize strong emotional support for the families, the legal decisions will be led by the clients in the best frame of mind.

Skill Building

One of the significant benefits of CD is that clients get the opportunity to develop lifelong skills relating to relationships, parenting, communicating, and conflict resolution. This does not happen with clients using a litigation or traditional approach. FS-Lynn believes “That people learn, that the communication.. that they learn new communication skills”. LP-Alia says

that these skills can be considered measures of success of a CD case: “We can measure success in other ways too, you know, in terms of building peoples’ problem solving skills”. Even if a CD file falls out of process at some point and the clients end up in litigation, MHP-Deborah still has hope:

I would like to think that even if a family falls out of process and moves on to litigation, or nothing, or self representation- You know . . . sometimes it’s because the conflict can’t be overcome, or there’s too much hostility, or mental health things going on. I like to think that some good will have come from it even if they have gone into litigation. There will be something that they remember later on or learned about communication, um, and co-parenting, um, so we can call it a failure if they withdraw, but not necessarily so, you never know what they’ve learned about themselves or about divorce or about co-parenting, if they leave the process.

FS-Lynn points out that this applies to finances as well, “I’m an advocate making sure that the parties in the negotiation understand the finances and what they’re signing. And what that might mean to them both today and in the future”. Clients can gain skills to understand finances, which they would not in a traditional approach.

Conflict Reduction

CD is less adversarial than the traditional approach to divorce through the legal court system. The research participants described the traditional approach as difficult and based on winning or losing, thereby often increasing conflict within the family:

In [CD] processes, you’re actually working on helping clients learn to negotiate and problem solve together whereas in the adversarial process, you actually work against that.

You escalate things, you know, anybody who has ever gotten a letter from a lawyer knows how that feels. Um, even if it's a 'nice' letter. (LP-Alia)

FS-TFP believes “The traditional model, um, has kind of a built in way of increasing stress and anxiety and reducing um communication between couples”, and that because litigious lawyers focus on winning, they may encourage conflict: “[The clients] agreed on everything and then the lawyer goes, ‘Well you know that you’re giving up this and this and this’, and they start stirring the pot and [the clients] are going ‘oh well maybe let me go and revisit this’”.

FS-Financial Pro describes how the experience with the traditional legal system motivated her to find a different way to work with divorcing families: “The legal system, like traditional legal system was just so adversarial . . . and they're making the conflict seem to get worse out of it as opposed to better. So I was like, there has to be a better way”. MHP-Lacy, a former lawyer, had similar experiences with the traditional approach:

It was also deeply humiliating, like the experience. Because you would receive these affidavits talking about how bad you are as a parent and it goes to the core of who they are; and so parents get really defensive, defending who they are at the core of their being. And so collaborative, um, makes sure to shy away from... It's diametrically opposed right.

In fact, one participant believes that CD protects people from damage of conflict: “I also am firmly convinced that collaborative practice is the way that we can keep people safe” (LP-Lisa). MHP-Deborah, a mental health professional discussed how she contributes to the CD process to decrease conflict and keep people safe:

The communication I feel messages the communication model we are going to use. The fact that if they get too activated or overwhelmed or need a break they can take a time

out. We can go out of the room and talk and get more clear headed and come back in. I want to support, again, to be the highest version of themselves in the [meeting]. So I want them to know that I'm going to... if I experience or hear you be disrespectful for making comments to your spouse partner that I think are going to inflame the process, aren't going to be helpful, I'm going to call you on it. I'm going to be trying to understand their spouse/partner so that, um, I can help them understand them and where they are coming from.

CD is believed to be the polar opposite of this, wherein it encourages a more peaceful process, reducing conflict, and building clients' healthy skill sets. It is a "paradigm shift that isn't about winning and losing" (MHP-Deborah). Success is measured differently: "If we can get through this and the clients can speak respectfully to one another, and they can participate in an agreement that reflects their family's needs, I'd say that's a success" (LP-Lynne).

Lawyers are viewed as having a very different approach in CD than they do in a traditional approach:

So the lawyers' role has changed so dramatically in collaborative. I find them less hostile less adversarial, even though they advocate plenty, it's the approach at which... I find their approach is totally different . . . In a collaborative process, that lawyer would have called the other lawyer and said 'my client is deeply concerned about....'. The other lawyer goes 'ok, that sounds awful. Let me talk to the wife and let's see if we can resolve this as best we can and let's see what our best approach is'. (MHP-Lacy)

This image of lawyers working together is a stark contrast to what one might envision in a traditional court room drama of divorce. All the professionals involved in the CD process are

working together instead of competing, and they are working to create the most peaceful and supportive process they can for the family.

Creative Solutions

The final subtheme that arose from discussions with the participants was that CD allowed for much more creativity in addressing legal issues as compared to the traditional approach which uses third-party decision making. “The lawyers are just looking at the legal, you know, what the *Divorce Act* says is fair, and, you know, that might not be what is for a couple, you know, what they see as fairness” (FS-Financial Pro); “The more creative solutions you can definitely do in collaborative process than if a judge has the final say at the end of at the day” (LP-Alia); “So lawyers typically have done a 50/50 split of financial assets and sometimes it’s not appropriate” (FS-Lynn).

The traditional system can also put pressure on people to agree to terms because of the looming threat of court. However, CD allows people the space to thoughtfully consider options, discuss them with professionals in all disciplines, and even try out potential solutions to see if they will work before signing off on them long term. LP-Alia provides the example:

[Clients] are not bound in the collaborative process until the signature goes on a written agreement and they’ve had time to think about it. Whereas you go to a court house any day of the week, and you look for people that are starting a trial, and the frantic negotiations that happen an hour before trial or in the middle of a trial, to settle a case, and you think about the tremendous pressure on people to say yes as they are walking into a court room and their lawyer says to them, ‘We didn’t pull a good judge in this case. We should think about negotiating’.

CD offers a lot more room to explore options for families and relies on the family's input to craft solutions.

Exhaustive Description of the Experience

The collective voice of participants was used to provide an overall description of what (texture) they experienced, and how (structure) they experienced the phenomenon. These descriptions were then combined into an overall “*essence*” of the experience of participating in the CD process as a collaborative professional (Moustakas, 1994).

Textural Description

The themes that best addressed *what* the participants experienced were: process is the foundation of CD, collaborative professional's community, right person for the right job, and common challenges. These themes described what it is like to participate in CD as a professional. The process is holistic, ethical, flexible, and client led. The participants described connecting to a community of other professionals as a fulfilling experience. The participants felt that they could be effective in the process, offering guidance and education to equip clients with long terms skills. They also acknowledged that it is important to screen the right clients for the process as it is not a process that will work for every divorcing couple. The common challenges identified describe what professionals need to be aware such as challenges with lawyers, team-splitting, client issues, and timing. Overall, what the participants experience is a process of legal divorce, however these are some key elements to what they experience that are unique to CD.

Structural Description

The themes that best describe *how* the participants experienced the phenomenon were highest version of ourselves and better than the traditional approach. These themes gave context and deeper meaning to the participants' experience of the CD process. Participants were

motivated to find a less damaging and less conflictual approach to divorce based on their own deep-rooted value systems and their personal experience with divorce. The participants validated the emotional aspects of the divorce process by considering them a priority to be addressed rather than an inconvenient symptom of divorce. They found it meaningful to be working for the greater good. They found purpose in working as a team of colleagues for the betterment of the families rather than any one client, as well as contributing on a larger scale to changing family law dynamics in society. The professionals also described valuing relationships and meaningful experiences with clients that were not limited to the length of the divorce process; professionals believed they could enable clients with long term skills and change the future of divorcing families for the better.

Essence of the Experience

The overall essence of the participants' experience with the CD process is *integrity*. Integrity comes from the Latin root *integer* which means 'whole' (Carter, 1996), which appropriately described all aspects of CD. CD is holistic, addressing all aspects of divorce, not only the legal aspects. CD uses a whole team, suited to the needs of the clients. CD works to benefit the whole family rather than just the needs of one client.

The participants believe that integrity is an important aspect of the CD process. "I think any process that clients particularly spend money on, not just time but money, needs to be reliable and you, if you don't offer a reliable process then I think there is a huge integrity problem" (LP-Lisa). The findings indicate the process as holistic, ethical, flexible and client led, all aspects that bolster its integrity.

There is integrity in all the relationships established in CD. The participants described having respectful and fulfilling relationships with their colleagues. They also had meaningful

relationships with clients and valued professional and supportive relationships with both clients involved in CD. As well, participants described professional integrity. They believed CD to be ethical, they valued training and skill development, and they believed in using their profession to serve the greater good of families and ultimately society.

Well known researcher and author Brene Brown (2015) states that integrity is “practicing your values, not just professing them” (p.200). The nature, process, and purpose of CD aligned well with the values of all of the participants such as “social justice and access to justice” (FS-Financial Pro), “self-determination” (LP-Lisa; MHP-Lacy), “service to my community” (FS-Lynn), peaceful conflict resolution, and supporting families and children. CD is a process where professionals are able to practice their values and put them into action rather than simply professing them. Lander and Nahon (2005) add to this by stating that integrity also means acknowledging that another’s values may differ from our own, but must be respected as being of equal value to our own. The participants both practiced their own values while respecting and prioritizing the values of the clients, even if they differed.

Finally, CD could be considered as *integral divorce* and may be a way for clients to maintain their personal integrity and integrity of the family. Stephen Carter (1996) discusses integral divorce as follows:

. . . what advice any counselor might offer about spouses treating each other with respect as a kind of memorial to what they tried to do together- may wind up smashed to bits. And yet one must obviously try, inspired, perhaps, by the knowledge that many couples *do* manage to divorce in ways that show mutual respect and even abiding affection. That, too, is a kind of integrity: for if the divorcing spouses are incapable of keeping the whole

of their vows, at least they can keep the part (if their faith includes it) about honouring one another. (p. 141)

Carter (1996) also points out that integral divorce is imperative for the well-being of children:

We talk about the deleterious effect of divorce on children, but in a society that has come to value the individual's freedom above the individual's commitments, we too often lack the integrity to transform our talk into action. So let us be very clear: the responsibility of parents to do what is best for their children is a moral absolute.

CD does put the talk into action by working to minimize these deleterious effects on children.

This concept of integral divorce sums up well what the participants hope to accomplish with CD.

Summary

Six themes arose from the data including: process is the foundation of CD, collaborative professional's community, right person for the right job, highest version of ourselves, common challenges, and better than the traditional approach. Each theme was further broken down into subthemes. These themes were supported by the voices of participants which were presented using direct quotes to describe the theme in further detail. What arose was a description of CD as a process of legal divorce that focused on the whole family and the broader, longer term well-being of all members. It is a process that aligned with the participants' values and one in which they found meaningful connections with both colleagues and clients. CD is not a flawless process and there are common challenges to be mindful of, however overall the participants described a process and experience of integrity in divorce.

Chapter 5: Discussion

The purpose of the study was to obtain an in depth understanding of the phenomenon of CD as it is experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals, who have participated in CD cases by addressing the following research questions:

1. What do collaborative professionals understand about the essence of collaborative divorce?
2. What has been the experience of collaborative professionals with clients who engage in the collaborative divorce process?
3. What has been the experience of collaborative professionals with other collaborative professionals in collaborative divorce cases?
4. How do collaborative professionals view the final outcomes of collaborative divorce for their clients and their clients' families?

This chapter will provide a review of the research findings as they relate to each of the research questions. As well, there will be a discussion regarding how the findings relate to the current literature, the relevance of the research to the field of social work, suggestions for future research, and overall conclusions.

Review of Findings

The findings from the research were able to address the research questions and provide an in depth understanding of the phenomenon of CD as it is experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals, who have participated in CD cases. The first research question was: What do collaborative professionals understand about the essence of collaborative divorce? The findings indicate that collaborative professionals (i.e. the research participants) understand that emotions are a primary factor of

divorce. They believe the essence of CD is a kinder, gentler way to divorce that supports families to move forward and restructure. The essence is a holistic and efficient consensual dispute resolution process, rather than adversarial, that values self-determination, impact on children, and long-term wellbeing of families. The researcher has used the term *integrity* to encompass all of this. Integrity applies to the process of CD, the level of professionalism and knowledge required, the way CD aligns with the professionals' value systems, the relationships between professionals and clients, and to the client families themselves.

The second research question asks: What has been the experience of collaborative professionals with clients who engage in the collaborative divorce process? The findings indicate that research participants' experience is both rewarding and challenging. They identify establishing meaningful relationships and enjoy collaborating with other professionals and working as part of a team. They enjoy not having to go to court to resolve divorce issues. The research participants appreciate that the CD process allows for flexibility and creativity in finding solutions for families and that the solutions focus on the needs of the family as a whole rather than one client.

There are also challenges that research participants identify. They acknowledge that the work is not easy and there are common pitfalls that can occur if a professional is not trained, skilled, or genuinely engaged in CD. Lawyers were identified as being required to make the biggest paradigm shift from a traditional adversarial approach to the CD approach. This shift is not easy, and lawyers can fall back into their adversarial ways or can be motivated by business rather than personal values. The participants also identified that team splitting can occur with other professionals as well, in particular if there are two MHPs on a file, wherein the professionals become aligned with their client and slip into 'taking sides'. Finally, there are

challenges that can come up with clients, especially if they are not adequately screened for the process. CD is not the best process for all couples. For examples, if clients are extremely rigid in conflict, or when there are issues of domestic violence, personality disorders, or addiction, CD is likely not the most appropriate approach. If these clients slip past screening, it can be very challenging for the professionals to move through the CD process.

The third research question inquires: What has been the experience of collaborative professionals with other collaborative professionals in collaborative divorce cases? The findings indicate that overall the team approach is highly valued by the research participants. The collaborative approach fits well with the personality and value systems of the participants, all of whom stated that they did not enjoy or connect with adversarial approaches to conflict resolution. The participants valued that the team communicated with one another respectfully with the intention of working for the best interests of both clients of the divorce and their families, especially children. As well, the community of collaborative professionals was seen as a source of support and encouragement. The participants described examples of when issues have arisen with colleagues on a file, such as those aforementioned about lawyers. Also, when communication is lacking, the team does not feel supported or equal; however, that was not reported as being the majority of the experiences. Overall, the professional relationships and team approach was often a motivating factor in the participants choosing to become involved in CD in the first place.

The final research question asks: How do collaborative professionals view the final outcomes of collaborative divorce for their clients and their clients' families? The findings indicate that the research participants generally felt that CD had positive outcomes. None of the participants described examples of clients being extremely unhappy with an outcome. They did

describe examples of best-case scenarios where they had received hugs from clients, thank you notes, and very positive referrals. The worst-case scenarios were cases where clients did not explicitly provide positive feedback, however the participants still viewed the files as successful because they were able to avoid increasing conflict and the clients got through the process without doing damage to each other or the children. Even when a CD file is terminated early and the clients choose the more adversarial approach of litigation through the court, they usually will have made some progress in CD, in terms of interim agreements or emotional skill building, that the participants believe will be beneficial to them. The research participants indicated that if there are poor outcomes, that is likely reflective of the ability of the team of professionals' training or skill set rather than the process itself. As long as a team can work well together and engages meaningfully in the process, then the overall outcomes are viewed as positive.

The findings provided rich and thick descriptions of the research participants' experiences. Anyone who is considering engaging in CD as a professional will appreciate these descriptions to obtain a more thorough understanding of what it would be like to participate on a CD file. They will gain a rich understanding of the process beyond the logistics and protocol of process. They will gain understanding of what relationship dynamics are like with other professionals as well as with clients. They will also gain an understanding of the deeper meaning that can be found in this work in regard to personal value alignment and working for the greater good. The findings illuminate beyond the 'how' to practice CD and provide insight into the 'why' to practice CD.

Findings in Relation to Literature

The findings from this study supports the literature in many ways. The first is that the findings clearly acknowledge the need to reduce the negative impact of divorce and conflict on

families. The literature indicates that divorce traditionally has a high level of conflict that creates negative outcomes for family members (Amato, 2000; Hartman et al., 2011; Jolivet, 2012; Poortman & Voorpostel, 2009; Rappaport, 2013; Roubinov & Luecken, 2013; Winik, 2015). Many of the research participants had either direct or indirect personal experience with divorce and, because of their negative experiences, described the need to find a better approach to divorce for families. This was a motivating factor for their pursuit of CD training and practice.

Professional experiences also motivated participants' involvement in CD. The findings clearly demonstrated that the participants believed that traditional approaches to divorce through the an adversarial legal system increases conflict and relies on third party decision making rather than clients' self-determination. The literature also indicates that the current legal approach to divorce is often adversarial and pits parties against one another (Jolivet, 2012; Lastovka, 2015) and at times relies on the court to foster or coerce agreements for legal divorce (Alba-Fisch, 2016). The participants found their careers to be more rewarding when they worked as a collaborative team for a more peaceful approach to conflict resolution such as CD.

The findings support literature that describes CD as a consensual dispute resolution process that is a friendlier client centered approach that focuses on the importance of relationships and the future of the family (Alba-Fisch, 2016; Gamache, 2015; Isaacs, 2005; Lastovka, 2015). The subthemes that arose from the findings directly identified client led, working for the whole family, and meaningful relationships as key elements of CD. This study expands on the literature by providing rich descriptions of each of these themes. The participants also describe the process as child-friendly and working in the best interest of the children, an important feature of CD identified literature (Lastovka, 2015)

The literature and the findings provide similar descriptions of the roles of the different collaborative professionals. They both describe that professionals from each discipline provide specialization in the area of law, finance, and mental health (Alba-Fisch, 2016; Gamache, 2015). The findings and the literature agree that lawyers are process guides, financial professionals play a neutral role, and MHPs support the emotional and communication elements, as well as act as child-specialist when needed (Alba-Fisch, 2016; Gamache, 2015). The findings elaborate on the dynamics of working as part of a team and a collaborative community, both the strengths and challenges of the experience.

In terms of process, the structure as described by participants is congruent with how the process is described in literature. This includes the important features of designing a team that suits the needs of the clients, signing the participation agreement, setting a series of meetings, and finalizing the divorce (Degoldi, 2008; Rebouche, 2017; Salava, 2014). However, the findings of this study provide descriptions of the process that go beyond the steps to be taken and provide meaningful insight into how the process is experienced by professionals.

The benefits of CD identified by the findings are also supported by the literature. The benefits identified by the study were conflict reduction, skill buildings, creative solutions, and the importance of emotions. These are all elements discussed in the literature as well. Macfarlane (2005) discusses improved communication and joint problem-solving skills as benefits of CD. Alba-Fisch (2016) states a benefit of CD as being solutions that can be tried by the clients before being committed to in written agreement. Deutsch (2008) writes about the benefit of being able to address the emotional elements that often interfere with the divorce process. The participants of the study described their thoughts on measuring the level of success of files and often described achieving these benefits as main indicators of success.

One of the challenges identified in literature is ensuring that clients are properly screened for suitability to the CD process. The findings support this and acknowledge that not every divorce case or client will be a good fit for CD and that sometimes litigation is necessary and helpful for certain families: “So if we have a parent that really can’t embrace that, then they might be better off with a litigation lawyer, they might have to go to court. Every now and then there is a need for court” (MHP-Deborah). When there are cases of domestic violence, addiction, or mental health issues, then these clients would not be a good fit for collaborative as they may lack sound decision-making ability (Salava, 2014; Tesler, 2008). McFarlane (2005) argued that cases where there are significant power imbalances between clients may not be appropriate for CD as one party may concede on issues to avoid the threat of litigation. However, the findings did not support this idea. The participants felt that if the professionals were doing their job appropriately in terms of supporting, guiding, and educating their clients, they would not allow these threats to influence the process:

Yeah I actually think [CD] takes the threat [of court] away. Because clients use it in traditional lawyering. Clients use it ‘oh yeah, if I don’t get this, I’m going to take you to court’. Like they do that stuff all the time. And we don’t hear that in collaborative. And every now and again we do and . . . I’m like ‘yeah, that’s not where we are going. If you remember your participation agreement and why you are doing this’. (MHP-Lacy)

A similar argument could be used to address the issue of timing of the process. Both the literature and the study findings identified the pace of the process to be an important factor. A concern of Salava (2014) is that without court-imposed deadlines, CD could be held up by one party. The risk to going too slow is the potential that clients will be pushed into a “settlement for settlement’s sake” (LP-Lisa), and not a settlement for the clients’ sake. However, one can

propose that a part of the responsibilities of the collaborative professionals is to ensure the process moves along and they should discourage any unwarranted delays in the best interest of the clients.

One of the issues discussed in literature is the cost of collaborative practice. The research seems to suggest that the fees charged in CD were not significantly different than fees charged in a traditional adversarial approach, and are likely less than the cost of trial litigation (Paetsch et al., 2017; Wray, n.d.). One participant agreed with this: “so the cost is not more [in] collaborative, it’s certainly not less, I don’t believe it’s more” (MHP-Lacy). Nonetheless, research did show that clients themselves felt that the cost was high (Lande, 2011; Macfarlane, 2005), however one of the participants note that this is not unlike access to legal representation for many things, not just divorce: “I think everybody struggles with legal fees . . . when there are [legal] issues” (MHP-Lacy). It is evident from literature and the findings of this study that there is a financial barrier for some families to access CD. The findings of this study describe how current professionals are working to address this barrier including *pro bono* and low-cost models: “there is extensive pro bono and low bono programs in [province] that, truly, if you want access to collaborative, you can have that. Um, particularly through the low bono and fixed fee models” (LP-Lisa); “We are starting to . . . learn a little bit about low cost collaborative and streamline collaborative” (FS-Financial Pro). One finding from the data was a suggestion that if the government is pushing for consensual dispute resolution outside of court, perhaps in the future they will cover some costs of CD like is currently done with some mediation services: “There’s mediation affiliated with all the courts in Ontario now. You can get subsidized mediation for a certain length of time. And I think collaborative had not reached its potential in

[that] way” (LP-Lynne). The findings indicate that the collaborative community recognizes that the issue of cost is an important one to address.

Two primary ethical issues noted in literature are regarding the disqualification clause in the participation agreement and informed consent (Alba-Fisch, 2016; Lande, 2011; Macfarlane, 2005). The findings of this study did not identify any concerns with these two ethical issues, especially when clients are screened effectively for suitability for CD. Even though the literature identified a concern that the disqualification clause may put undue pressure on clients to stay in the process (Macfarlane, 2005), the findings of this study support other literature that suggests that collaborative professionals believe the disqualification clause is necessary and beneficial for to the CD process (Delgodi, 2008; Keet et al., 2008; Lande, 2011; Tesler, 2008). As well, the findings support literature regarding the importance of thoroughly explaining and obtaining informed consent (Isaacs, 2005; Macfarlane, 2005). The findings acknowledge that informed consent is handled differently in the CD process, specifically when it comes to confidentiality. Information may be shared between professionals, but it is at the professionals’ discretion and is only in the best interest of the clients.

The findings of this study make important contributions to the current literature available about CD. The findings both support and challenge current research, and offer rich descriptions of CD as experienced by professionals. This study provides insights into both what is experienced and how it is experienced, which is helpful information for anyone looking to understand what it may be like to develop a CD practice.

Findings in Relations to Gaps in Literature

The lack of available research on the topic of CD has already been identified. This study uniquely focuses on the interdisciplinary team for which there is little other research available.

Current anecdotal research discusses the theory and goals of using an interdisciplinary team, however there is a lack of scientific research to investigate that team approach. This study contributes to knowledge around the experience of being a professional on the team. There is further research needed in this area, for example, to investigate and assess the contribution of team members and client experiences with the team.

This study contributes more generally to the gap in available research on CD. As noted in the literature review section of this study, there are a limited number of scientific studies available in the area of CD. This study contributes to the scientific literature and gives direction for further research. This study can be used to compare and assess future findings in scientific studies in the field of CD.

There is ample opportunity for further research in CD using both qualitative and quantitative approaches. At this point it is difficult to make any conclusive determinations about the benefits and limitations to CD without further corroborating research. While this study adds to the gap of literature available about CD from the perspective of professionals and practice approaches, there is still much research to be done from the client perspective.

Future of Divorce

The findings from this study indicated that the professionals believe that CD is a field that will continue to grow. “It is growing leaps and bounds right now internationally . . . jurisdictions where they are using true interdisciplinary models are flourishing” (LP-Lisa). LP-Alia points out the government is showing change towards CD approaches to family law:

In terms of the future . . . and I kind of see this already, is that collaborative practice really has started to, um, started to shift family law culture a little bit . . . it’s been

included in the *Family Law Act*, you know, there's talk about including it in the *Divorce Act*.

The laws that govern divorce are changing, and CD is one way to meet that change. Bill C-78 received Royal Assent on June 21, 2019 and is set to come-into-force on July 1, 2020 (Waxman, 2019). This law specifically “imposes a duty on divorcing spouses to protect children from conflict that arises from their family law proceedings and try to resolve matters outside of court through ‘family dispute resolution processes’” (Waxman, 2019, p.1), which includes CD. This is an opportunity to develop collaborative communities, and for professionals to engage in training and skill development and prepare to approach divorce in this new way.

The growing need for consensual dispute resolution options under law will require professionals trained in such options. Yuval had interesting thoughts about this particularly in terms of social work:

Yeah it's my mission now to bring it into the social work field . . . We need to get them in school being a collaborative professional being part of their professional identity or something that they could do, so they are comfortable to pursue that.

This supports Gamache (2015) who sees the future as:

the power of integrating therapeutic services with legal, financial, and child-focused processes external to the court system. . . will create many opportunities for family therapists, their educational institutions, and professional bodies to step forward and engage directly with divorce at the level of the family, to support the therapeutic professionals who are committed to creating therapeutic services that can improve the lives of millions of children and families experiencing separation and divorce. (p. 386)

CD is thought to be a growing field in all three of the disciplines involved.

Due to the changes occurring in legislation and the increased understanding of the impact of divorce on families, it is foreseeable that all the disciplines will have more opportunities to engage in CD in the future.

Relevance for Social Work

A unique feature of the profession of social work is that it uses two simultaneous approaches to helping people. Social workers strive to help individuals, families, and groups to cope with problems or issues they face, and at the same time attempt to change societal factors that create or contribute to people's problems (Morales et al., 2010). This study identifies the ways in which social workers can use CD to support both these approaches to helping families. Acting as MHPs or child specialists on CD cases enables social workers to assist the individuals and families who transition through divorce in a more peaceful way while developing long term skills for healthier communication and conflict resolution. Also, CD can be a mechanism by which social workers can help change how divorce is handled in society. As divorce becomes a more common practice in society, there is need for it to be less adversarial and more normalized in order to reduce its negative long-term impacts. CD offers this option and has potential to create healthier individuals and families post-divorce which would ultimately be contribute to a healthier society.

The practice of CD supports the purpose and values of the field of social work. The purpose of social work is to enhance human well-being, development of use of scientific knowledge, development of resources and skills for people, and the overarching priorities of dignity and worth of persons and achieving social justice for all (CASW, 2005a; Miley et al., 2013). This study contributes to scientific knowledge, to social work research and to the area of CD. This study establishes that it is the goal and priority of CD to increase the well-being of

individuals and families who go through the divorce process, in particular for children who are often the most vulnerable parties to divorce. CD does this by providing a team of skilled professionals to the family and equips the family with long term skills for healthy relationships. Social justice and individual dignity were areas of importance identified in this study and are the first two values listed in the CASW (2005a) Code of Ethics.

The findings of this study indicate that CD supports the values within the CASW (2005a) Code of Ethics. The literature (Alba-Fisch, 2016; Gamache, 2015) and the findings indicate that CD is a client centered approach and values self-determination. This aligns with the Code of Ethics Value 1: Respect for Inherent Dignity and Worth of Persons. The participants of the study felt that CD supported Value 2: Pursuit of Social Justice through providing clients with equal treatment and protection under the law, and challenges injustices by reducing conflict or power inequities in the divorce process. There is concern regarding access to justice in terms of the cost of CD but the findings note that professionals are trying to make CD more financially accessible to clients. CD also supports Value 3: Service to Humanity by working to address the overall interests of the family, rather than one individual, and does so by reducing conflict and promoting the skill development of clients. The essence of CD was identified as *integrity* and thus fits with Value 4: Integrity in Professional Practice. CD is led by the clients' values rather than the professionals; however, the professionals' personal values are often motivating factors for becoming involved in the practice of CD. Finally, CD requires specific training and development of professional skills and competency in order to practice this approach. This training addresses the issue of confidentiality in ways that are specific to the CD process and serve the best interest of the family involved. This professional competency and practice support

Values 5 and 6 of the Code of Ethics. As such, CD is a practice that aligns well with the approaches, purpose, and values of the profession of social work.

Study Limitations

All efforts were taken to ensure a quality study was undertaken, however there are limitations that should be considered. The first limitation is that there is a dearth of literature on the topic of CD, especially in terms of a social work perspective, which limited the literature review and comparison of findings from social work research. However, this limitation supports the need for this study and identifies the gap in literature that provides opportunities for future research.

Another limitation to this study was the limited perspective of the participants. All of the participants were actively involved in the practice of CD at the time of the study. It would have been helpful to include the perspective of individuals that have lived experiences working with CD but have chosen to leave the practice of CD. This may have helped to provide a broader view of the practice of CD.

A final limitation identified is that the writer, as researcher, may potentially introduce personal bias, assumptions, or judgments into the process. Even though the researcher made every effort to achieve bracketing through analytical memos, audit trails, and a making a disclosure statement, it is possible that the researcher's personal worldview impacted the bracketing efforts. Finlay (2008) (as cited in Cooney, 2012) "warned that novice researcher commonly misinterpret [the bracketing] process as identifying and setting aside presuppositions, thus underestimating the complexity and discipline of the phenomenological attitude as a whole" (p. 24).

Suggestions for Future Research

The opportunity for future research of CD is plentiful. The current literature is limited and in particular, there is little research regarding the full interdisciplinary team approach. Future research could look at the different team models being used and perhaps compare the full team approach with a partial team approach, such as lawyer only. As well, it is important to tackle the issues of cost of CD. Future research could look at the low cost, fixed rate, and *pro bono* models of CD in efforts to increase access to the process. Research could also be used to identify the impact of standardization in terms of professional qualifications, terminology, and team approaches across regions. It would also be helpful to study the other perspectives of CD such as professionals who have chosen to quit the practice of CD and clients who have utilized CD. It would be interesting to study clients years after their CD to understand the long-term benefits, if any. Finally, further research regarding CD and the profession of social work could help future social workers decide whether to become involved in the practice of CD. Ultimately, there is still much research to be done in the area of CD.

Conclusion

Divorce is becoming a societal norm with approximately 40% of marriage in Canada ending in divorce (Douglas, 2008). The conflict arising from divorce is pervasive and affects the entire family (Amato, 2000; Hartman et al., 2011; Jolivet, 2012; Poortman & Voorpostel, 2009; Rappaport, 2013; Roubinov & Luecken, 2013; Winik, 2015), and has a particularly long-term detrimental impact on children (Cartwright, 2006; Greif & Deal, 2012; Harman et al., 2016; Sarrazin & Cyr, 2007; Uphold-Carrier & Utz, 2012). Interventions that reduce conflict throughout the divorce process, and beyond, would be of benefit for the entire family and would help children to grow into secure and productive adults. The judicial system is recognizing the

need to prioritize the best interests of children and resolve issues outside of the adversarial court process (Divorce Act, 1985; Bill C-78, 2018, Waxman, 2019).

CD is a relatively new approach available to families going through divorce that can reduce conflict and decrease the negative impacts. There is a dearth of literature regarding CD, and this qualitative study provides an in depth understanding of the phenomenon of CD as it is experienced by collaborative professionals, including lawyers, financial specialists, and mental health professionals, who have participated in CD cases. The findings give rich and thick descriptions of the experience of professionals and identify key themes of the essence of practicing CD. There is still much research to be done regarding the practice of CD, however this study begins to inform social work practice, as well as areas of law and finance, as a potential practice area for professionals and a resource for families experiencing divorce conflict.

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Appendix A

Participant Recruitment Email

Erin McLeod is a graduate student at the University of Regina, Saskatchewan who is pursuing her Master of Social Work Degree. Erin is conducting a thesis project titled: *An Exploratory Study of the Collaborative Divorce Process from the Perspective of Collaborative Professionals*.

She is looking for volunteers to take part in her study, which would include collaborative lawyers, mental health professionals, and financial specialists.

As a participant in this study, you would be asked to participate in an interview regarding your experience as a member of an interdisciplinary team that has participated in collaborative divorce cases.

Your participation would involve one interview of approximately 60 minutes.

The criteria volunteers must meet is:

- Be in good standing and registered with your professional regulatory body;
- Have taken interdisciplinary collaborative practice training;
- Have participated on full team collaborative divorce cases that included lawyers, mental health professionals, and financial specialists.

For more information about this study, or to volunteer for this study, please contact:

Erin McLeod

elsaesse@uregina.ca

Appendix B

Participant Responses and Information

Discipline	location	years experience	inclusion criteria	confirmed	Date of Interview	modality	length of Interview (min)
Financial	Oakville ON	7	yes	YES	Feb 25 at 1pm	Zoom	92
Financial	Saskatoon, S	7	yes	YES	Mar 11 at 330pm	phone	49
Financial	Toronto, ON	3	yes	YES	March 11 @ 2pm		54
Lawyer	Vancouver, B	20	yes	YES	March 11 @ 12pm	phone	62
Lawyer	Fall River NS	13	yes	NO	Thanked		
Lawyer	Toronto, ON	17	yes	YES	March 11 @ 10am	Zoom	76
lawyer	Saskatoon, S	3	yes	NO	Thanked		
Lawyer	Vancouver, B	16	yes	YES	March 19 @ 1pm	phone	54
Lawyer	Saskatoon, S	13	yes	NO	Thanked		
Lawyer	Toronto, ON	8	yes	NO	Thanked		
Lawyer	Toronto, ON	12	yes	NO	Thanked		
Lawyer	Vancouver, B	13	yes	NO	Thanked		
Lawyer/MHP	Saskatoon, S	5&3	no	NO	Thanked		
MHP	Vancouver, B	15	yes	YES	Feb 25 @ 11am	Zoom	82
MHP	Toronto, ON	10	yes	YES	Mar 11 at 8am	phone	48
MHP	Vancouver, B	17	yes	YES	Feb 25 @ 4pm	Zoom	57
MHP	Toronto, ON	8	yes	NO	Thanked		

Appendix C

Interview Questions

1. What is your understanding about collaborative practice and collaborative divorce?

Prompt: Why did you become involved in collaborative practice?

Has your understanding or approach changed over time?

2. What do you see as the essence of your role in a collaborative divorce case?

Prompts: How does the nature of your role fit with your personal values?

And professional values?

3. Can you speak about how the collaborative divorce has developed in your community and region over time?

Prompts: What type of team models are most commonly used?

What type of team models do you have experience with?

What type of team model do you recommend?

4. What is the relationship between yourself and other collaborative professionals working on the same case?

Prompts: What do you see as the essence of the roles of the other collaborative professionals?

How do the roles played by the different professionals mesh?

Are there common team issues that arise?

5. In what ways, if any, is working for a client in a collaborative divorce case different from your usual professional role?

Prompts: What has been your experience with client participation?

What does it mean to be an advocate for your client in a collaborative divorce case?

6. Can you generally describe the dynamics and climate of team meetings with clients?

Prompt: Do you have any other observations about dynamics or interactions?

7. Is there anything about the collaborative divorce process that raises concerns for you?

Prompts: Do you see any ethical issues arising from your practice of collaborative divorce?
Have you noted other issues?

8. How do you measure “success” and “failure” in a collaborative divorce case?

Prompts: What does a “good” outcome look like?
What does a “poor” outcome look like?

9. What do you see for the future of collaborative practice?

Prompts: What are your thoughts about training available for collaborative practice?
What do you see are the barriers for getting other professionals involved with collaborative practice?

10. Would you like to receive a final copy of the thesis?



Participant Consent Form

Project Title: An Exploratory Study of the Collaborative Divorce Process from the Perspective of Collaborative Professionals

Researcher(s): Erin McLeod, Graduate Student, Faculty of Social Work, University of Regina (306) 749-7642, elsaesse@uregina.ca

Supervisor: Thesis Advisor: Bonnie Jeffery, Faculty of Social Work, 306-953-5311, bonnie.jeffery@uregina.ca

Purpose(s) and Objective(s) of the Research:

- The purpose of this thesis project is to explore an area of interest using qualitative research methods for the completion of a Master of Social Work degree.
- This project will enable the researcher to develop skills in data collection, data analysis, data interpretation and presentation of findings in a final thesis based on data collected from participant interviews.
- A final thesis will be written that will include a discussion on how the data from the interviews was managed and the presentation of findings and outcomes. The thesis will also include initial exploration of the limitations of the project, contribute to a richer understanding of collaborative divorce, and identify how the findings may relate to social work practice and future research.

Procedures:

- If you volunteer to participate in this study, you will be asked to take part in an interview. During the interview you will be asked to discuss your experience related to the research questions. An interview guide will be used by the researcher to guide the discussion. The results of the interviews will be used to write a final thesis paper for a Master of Social Work degree.
- The entire interview will take approximately 60 minutes and will be conducted at a time and a location that is convenient for you. This can include telephone or video conference interviews. The interview will be audio-taped and the researcher may take notes during the interview process to ensure that the data gathered will be reported accurately. Please feel free to ask any questions regarding the procedures and goals of the study or your role.

- You are free to decide to not answer any question during the interview. No negative repercussions will occur if you decide to terminate the interview, do not want your interview to be used, or decide not to participate in this project.

Potential Risks:

- There are no known or anticipated risks to you by participating in this research. There is no physical risk from taking part in the interview. However, if you need help dealing with issues raised during the interview, you will be given a resource list with contact information for a variety of mental health support resources available to you. You may contact these service providers in the event that you could benefit from discussing these issues with a professional counselor. If you choose to contact a counseling agency or program in your community, you are responsible for any costs that may be incurred upon accessing these services.
- You are free to withdraw from the research project at any time and this withdrawal will not affect your academic status, and/or access to, or continuation of, services provided by public agencies such as the University, hospitals, social services, schools, etc.
- The researcher will not provide any information to authorities unless required by law. For example, if anything you tell the interviewer indicates that a person under the age of 18 is in need of protection, the interviewer shall have to report this to Child Welfare authorities.

Potential Benefits:

- There are no direct benefits to you by taking part in this study. However your participation may help with advancing the researcher's learning through the completion of a Master of Social Work degree and will contribute to the knowledge base of your professional field.

Compensation:

- No remuneration is provided for participation in this project.

Confidentiality:

- All of the data collected will be kept in strict confidence. The digital audio recording and any other data will be kept in computer files that are protected by a password and a firewall on a secured computer. All of the paper data will be kept in a locked filing cabinet in the thesis advisor's office.
- Your name or other information that could tell others who you are will not be recorded on the interview audio tapes, computer or paper files. Only the researcher and the thesis advisor will be allowed to view the transcript data. The computer files will be labeled with a number code that only the researcher will see. The consent forms will be stored separately from other data collected so that it will not be possible to associate a name with any given set of responses. Please do not put your name or other identifying information on any documents except the consent form.

- When the final thesis is written, your name or any other information that could tell others who you are will not be used. Although direct quotations from the interview may be used, you will be given a pseudonym, and all identifying information such as the name of your workplace and position will be removed.
- Because the participants for this research project have been selected from a small group of people, it is possible that you may be identifiable to other people on the basis of what you have said.
- The computer files and any other information or data collected will be securely stored in a locked cabinet in the thesis advisors office in Prince Albert, SK and will be destroyed after five years.
- All information will remain strictly confidential and available to only the researcher, the course instructor and members of the University of Regina Research Ethics Board that reviewed this protocol, and other regulatory authorities for the purpose of monitoring this study, unless required by law.

There are several options for you to consider if you decide to take part in this project. You can choose all, some or none of them. Please put a check mark on the corresponding line(s) that grants me your permission to:

I grant permission to be audio taped: Yes:___ No:___
 The pseudonym I choose for myself is:_____ Yes:___ No:___
 You may quote me using only my pseudonym: Yes:___ No:___

Right to Withdraw:

- You may withdraw from the research project for any reason, without explanation or penalty of any sort. Should you wish to withdraw, your data will be deleted from the project and destroyed, if desired.
- Your right to withdraw data from the study will apply until the data has been analyzed. After data analysis, it is possible that some of the data will have been written into a final assignment and it may not be possible to withdraw your data.

Questions or Concerns:

- Contact the researcher(s) using the information at the top of page 1;
- This project has been approved on ethical grounds by the U of R Research Ethics Board on DATE. Any questions regarding your rights as a participant may be addressed to the committee at (585-4775 or research.ethics@uregina.ca). Out of town participants may call collect.

Consent:

Your signature below indicates that you have read and understood? the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project. A copy of this Consent Form has been given to me for my records.

_____	_____	_____
<i>Name of Participant</i>	<i>Signature</i>	<i>Date</i>
_____	_____	
<i>Researcher's Signature</i>	<i>Date</i>	

Appendix E

Research Ethics Board Certificate of Approval



Research Ethics Board Certificate of Approval

PRINCIPAL INVESTIGATOR
Erin McLeod

DEPARTMENT
Faculty of Social Work

REB#
2018-256

SUPERVISOR: Dr. Bonnie Jeffery

TITLE: An Exploratory Study of the Collaborative Divorce Process from the Perspective of Collaborative Professionals

APPROVED ON
January 24, 2019

RENEWAL DATE
January 24, 2020

APPROVAL OF
Application for Behavioural Research Ethics Review
Interview Questions
Participant Consent Form
Recruitment Email

Full Board Meeting

Delegated Review

The University of Regina Research Ethics Board has reviewed the above-named research project. The proposal was found to be acceptable on ethical grounds. The principal investigator has the responsibility for any other administrative or regulatory approvals that may pertain to this research project, and for ensuring that the authorized research is carried out according to the conditions outlined in the original protocol submitted for ethics review. This Certificate of Approval is valid for the above time period provided there is no change in experimental protocol, or related documents.

Any significant changes to your proposed method, procedures or related documents should be reported to the Chair for Research Ethics Board consideration in advance of its implementation.

ONGOING REVIEW REQUIREMENTS

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for the renewal and closure forms:

<https://www.uregina.ca/research/for-faculty-staff/ethics-compliance/human/ethicsforms.html>

Chris Street PhD
REB Chair
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