

MULTI-SYSTEMIC CONSTRAINTS TO HELP SEEKING
PRIOR TO THE FINALIZATION OF A DIVORCE

by

KELLY M. ROBERTS

Bachelor of Arts in Communication Education
University of Central Oklahoma Edmond,
Oklahoma
1998

Master of Science in Family Relations and Child Development
With a Specialization in Marriage and Family Therapy
Oklahoma State University
Stillwater, Oklahoma
2002

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Dissertation Approved:

Dr. Christine Johnson

Dissertation Advisor

Dr. Brandt Gardner

Dissertation Chair

Dr. Sue Williams

Dr. William Doherty

Dr. Hugh Crethar

Outside Committee Member

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Abstract: Recent data from Minnesota family courts revealed that approximately ten percent of couples filing for divorce may still be open to reconciliation. This data, coupled with a burgeoning body of literature concluding that children experience better outcomes if raised in two-parent, intact homes, was the impetus for this interdisciplinary study. A literature review covering U.S. divorce law history and policy construction as well as a systems theory framework supported the research goal: To discover multi-systemic constraints to help seeking prior to finalizing a divorce. A grounded theory approach was used to collect data from: 1) a selection of Oklahoma family law statutes specifically covering divorce; 2) focus groups with family court judges in Oklahoma and Tulsa counties; 3) semi-structured interviews with fourteen family law attorneys; and, 4) semi-structured interviews with 39 divorcing persons who had children under the age of 18 and who had filed for divorce but not yet completed the process. A content analysis was conducted on each data set and four major findings were identified: 1) Oklahoma family law statutes are written so as to maximize child well-being yet minimize divorcing person well-being or divorcing person opportunities for reconciliation; 2) family court judges believe that opportunities for reconciliation are rare by the time they see a couple in their courtroom, and they are more concerned with the safety and well-being of children or a vulnerable spouse than adding “social work” to their already overloaded duties which includes pressure to close cases; 3) family law attorneys have widely differing views about their professional duty to raise the topic of reconciliation, and they believe that the variance in the opposing practitioner’s views or actions negates opportunities to work together toward this goal; and, 4) action and emotion that led to a divorce between marital partners, coupled with a divisive momentum that builds after filing and is propitiated by statutes, attorneys, friends, family members, and/or strains on psychosocial resources (e.g., finances, time, personal energy, or well-being), leave little, if any, possibility for reconciliation. Major and minor themes supporting each finding are provided and potential policy-related solutions are discussed.

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CHAPTER I

SETTING CONTEXT

Over the past decade, administrators within the U.S. Administration for Children and Families (ACF), social scientists, policy makers and family services providers across the United States (US) have turned attention to a burgeoning accumulation of research showing that children do better on a variety of outcomes if raised in an intact, two parent homes (National Healthy Marriage Resource Center [NHMRC], 2008). Thus far, the only exception to this overall summation seems to be a caveat wherein children do better if raised outside the environment of an extremely conflictual family (Musick & Meier, 2010; Amato, 2005). While child well-being is the primary focus for this human sciences collective attention, economic studies indicating that divorce quickly propels families into poverty is also of concern (Gadalla, 2008). The additional fiscal burden to federal and state governments is a factor of strong note as well (Haskins & Sawhill, 2009; Hepner & Reed, 2004).

Programming to strengthen marriages or potential marriages has been most pervasively provided in the premarital and marital stages of couplehood with interventions ranging from more preventative and educational to those that are therapeutic and more personally focused (Harrison, et al., 2011; Sprenkle, 2002). This is primarily because years of outcome studies show that doses of prevention have the most promising or lasting effects for couples, with decreasing impact as conflicted couples seek therapeutic help when their marriage is already in

trouble (Harrison, et al., 2011; Roberts, 2002). Even less promising, then, might be the potential for couples to consider reconciliation having already started the divorce process. This consideration is evidenced by recently published data showing that just over ten percent of divorcing persons (matched as a married couple by address on divorce court filing papers) checked boxes on a court reporting form indicating they would be interested in reconciling (Hawkins, et al., 2012; Doherty & Willoughby, 2011; Doherty & Willoughby, 2009). Professor Bill Doherty of the University of Minnesota states this data is currently being replicated through other venues, and the ten-percent statistic appears to be holding steady across geographic regions (personal communication, May 7, 2009).

Therefore, although research shows that the window for marriages to be salvaged decreases continuously as they get closer and closer to the point of filing for a divorce, there does seem to be small window of opportunity to keep the marriage intact, even after the legal breaking up process has begun. This consistent, yet small “slice of the divorcing data pie” is the premise upon which this study was built. The total numbers do not seem so slight, however, as approximately 0.74% of the US population divorces every year equaling approximately 2,260,000 persons (U.S. Census Bureau, 2006). This means that in the United States alone, over 1.1 million families are affected by the fallout from divorce each year and it follows that over 100,000 couples would consider reconciliation. When these annual totals are considered, researching the factors involved in couple reconciliation and related interventions seems to be a worthwhile endeavor.

Most certainly a significant difference exists, however, between divorcing persons responding to a checkmark on a piece of paper asking if the “...court offered a reconciliation service [they] would seriously considering try[ing] it” (Doherty & Willoughby, 2011; Doherty &

Willoughby, 2009) and those same people actually engaging in reconciliation services. The notion of help seeking is a complicated issue and can be divided into areas of thought such as: a) attitudes about seeking a particular service (Fournier & Roberts, 2003); b) behaviors within dynamic systems, such as those found between the couple, involved friends or family (Roberts, 2002), or members of the legal system; and, c) structural barriers preventing people from seeking services, such as particular laws, court rules, etc. (Spector, personal communication, July 31st, 2009). By identifying constraints to accessing services, it would then be possible to develop social, public or micro-level interventions that could be deployed and tested to see if reconciliation outcomes would result in a greater portion than the identified “10 percent group” expressing a desire to reconcile, and larger numbers of divorcing couples eventually keeping their marriages intact. Therefore, the research problem for this study was that some paired couples who have already filed for divorce believe that reconciliation is “still on the table.” However, the processes whereby most couples begin divorce proceedings leave little opportunity for information, resources and/ or intervention services getting through the various factions involved in order to provide real options for reconsideration.

Purpose of study

The purpose of this study was to utilize a qualitative approach to examine the main components of a “divorcing system” (i.e., divorcing persons, the attorneys, the judicial system) and investigate what processes, problems, policies and other barriers exist to keep couples from having options toward reconciliation. The results of this study will help inform policy makers, programmers and other involved individuals/systems regarding strategies toward helping couples who wish to reconcile have that chance. In order to reach the stated research goal several steps were needed; these steps made up the structure of this study. They were to:

1. Examine academic literature related to the research problem in order to consider contextual factors involved in the development of research questions;
2. Use a theoretical foundation to conceptualize a tripartite-system study in which to categorize potential individual, relational, and societal-level constraints;
3. Formulate and utilize a methodology to identify and track possible constraints so as to build an inventory of semi-structured questions for interview purposes;
4. Examine other sources of data to strengthen the validity of findings revealed within the interviews such as state marriage and divorce laws, court rules and regulations, or best practice lists utilized by divorce attorneys;
5. Code and compile all data sources;
6. From the coded data, develop a grounded theory to demonstrate all constructs that emerge;
7. And finally, discuss the findings, make suggestions for changes, and conclude with implications for policy makers and practitioners.

One key term utilized throughout this study, which could be unique to readers unfamiliar with family systems theory, was “constraint.” This term describes a negative feedback loop on any systemic level wherein behaviors or processes introduced to solve a given problem actually sustain the problem. An example of a constraint possibly existing within a divorcing couple is that of “silence, or less communicating.” Many couples opt to communicate less when their relationship is in arrears in order to prevent “things from getting worse.” In actuality, if the communication happens in a unique or more appropriate way than during prior interactions, then this behavior could help make things better between them.

This introduction has provided an overview of the research problem, the goal of the overall study, an outline of the steps taken to complete the study, and one key term definition. Chapter two will provide a literature review, theoretical foundation, and research questions for the study, and chapter three will delineate the research methodology.

CHAPTER II

LITERATURE REVIEW

A historical perspective of how marriage and divorce law has been shaped throughout the last century in the United States (U.S.) will be a helpful context to then understand how subject matter rules, public policy and complementary statutes have evolved alongside the progressive court decisions. Once a historical foundation has been established, a literary picture will then be painted with broad strokes of how current policy attempts to promote marriage or prevent divorce. Covering current policy trends designed to specifically strengthen a relationship prior to a couple entering marriage will complete the landscape. Other sections of this portrait will include how various states attempt to structure court rules, statutes or social services and programming to strengthen existing marriages and prevent divorce, especially those involving children.

To accomplish this goal, the discussion begins by covering the evolution of U.S. marriage law in a century-by-century format. At the end of each century section, a summary will include discussions over the main broad themes that specifically evolved as well as comments regarding familial, economic or other social implications. Current and specific profiles of statutes among various states or on the federal level that are shaped by recent political tides or specific administrations will follow this timeline demonstration in a “social engineering” section, with the effect they may or may not have had on couples in marital relationships. Finally, two

specific policy evolutions over the past decade that directly relate to the research questions within this study will be exemplified.

These two specific cases as a premise for the needs assessment leading to this study will then support the research questions grounded in an appropriate theoretical framework. Once this picture has been completed, the hope would be that these careful brush strokes will have illuminated the need for why this particular study fits within this current time in our history, and how the revelation of any findings might help to then shape the next step of future marriage or divorce policy yet to occur.

Historical Perspective

1800-1899. Although much could be gained from investigating a full human history of marital and divorce law, this particular research is related to policy and a contemporary view of laws generally in the United States, and specifically within the state of Oklahoma. And, while much of what our family law looks like today was shaped by English Common Law and then developed further in the Colonial Period, distinct themes emerged for a natural “starting point” for review related during the 1800s in the form of two phenomenon. First, the state of Mississippi passed a bill for the “protection and preservation of rights and property of married women” which granted married women the right to own property in their name, instead of being owned exclusively by the husband (State of Mississippi, 1839, p. 231). This was a landmark piece of legislation that set the tone for a plethora of women’s suffrage developments. And second, the “first amendment to the Constitution on the subject of federal control of marriage was introduced in the House on Dec. 11, 1871, in the 42nd Congress, by Mr. King of Missouri” (Congressional Digest, 1927). Thus, the beginning of some semblance of uniformity was now

being discussed in the nation's capital about where the federal government should rest on particular decisions that would trump states' rights to adapt to their individual family law needs.

Historically, the Union had been restored, states were beginning to develop their own courts and landmark decisions, and a social shift in marriage and divorce law aptly entitled, "From Yoke Mates to Soul Mates" by marital historian Stephanie Coontz (2006) was taking place across the country. In other words, marriage and divorce was no longer being considered a social arrangement of necessity in order to accomplish the work dealt by the hand of an agrarian or developing society. Rather, the emergence of "the individual" was taking place as well as the redefining of "the couple" within both the marital and divorcing relationships. The country had come alive with progressive, regressive and constant changing thought about what marriage should be and was writing those beliefs into the annals of American history, one state, federal or even local statute at a time. Therefore, this time in history punctuates the beginning of this literature review.

Three main questions were debated across the nation during the nineteenth century. The first was a question of women's rights. Besides the 1839 Mississippi decision, New York also passed "The Married Women's Property Act" in 1848, granting women the right to own property in their own name as well. The Congressional Edmunds-Tucker act (1887) forced "polygamist wives to testify against their husbands, and abolished the right of women in Utah to vote." And, the Supreme Court ruled, "a state has the right to exclude a married woman from practicing law" (*Bradwell v Illinois*, 1873). In other words, a theme was clear by these acts and the correlating historical narrative: the national and state lawmakers who were by and large all male, were struggling with the question of whether or not the principals upon which the nation was founded were indeed written and defended for womankind as well as mankind.

The second question was one of multiple marriages and multiple partners. This struggle for how to define the number of people involved in a marital relationship can be shown through a movement to strike down “the twin relics of barbarism (slavery and polygamy)” as stated in the 1856 Republican Party platform (Independence Hall Association, 2010). Laws at the state and federal level took action to settle this moral “numbers” issue as demonstrated in the Poland Act of 1874, the Morrill Anti-Bigamy Act of 1874, the Edmunds Act of 1882, and the stance of the Mormons in Utah to officially renounce polygamy through their 1890 Manifesto (Shanley, 2002; Simpson, 2007). Therefore, if the question of bigamy and polygamy wasn’t settled within this century, a social construct had at least been established: a marriage only had room for two people.

The third and final question debated during this period was one of uniformity and cohesion. In 1927, “The Congressional Digest” covered a “special feature” for their June-July issue. This special volume contained the “History of Efforts to Secure a Uniform Law on Marriage and Divorce” covering both Federal and State actions (p.1). The document records not only the 1871 amendment introduction that “proposed to prohibit the intermarriage of persons of the white and colored races,” but also covered a multitude of other actions taking place during the 1800s. These actions include the need for data collection as promulgated by the New England Divorce Reform League in 1887. Census taking had become an area of questioning as did the moral wrestling with who did or did not have rights within and outside the marital relationship. A question was also raised about how divorces would be handled in the “Territories” as opposed to the ratified and fully functioning states. And finally, a considerable amount of time and effort (1896-1901, 12 resolutions) went into actions giving Congress power

to legislate on marriage and divorce. However, of the twelve actions, nine “received no action in their committees and three were reported adversely (p.2).”

Thus, the “yoke-mates” were beginning to be considered, at least in some states, as soul-mates. Congress was realizing that federal level involvement was important when it came to family law in the new nation, and a moral compass of “one husband and one wife” was being legislated across the country, both in the states as well as the still evolving territories.

1900-1999. The turn of the century brought a tidal wave of attitudes and social involvement into the likes of marriage and divorce. What activity may have begun slowly as the states developed across the West was now in full force with the entrance of a full blown International Women’s Suffrage movement, the emergence of sexuality into the public forum setting a new standard for relationships, and the social scrutiny of whether or not the marriage could manage all that was expected of it (Coontz, 2006, p. 202). A survey in 1928 found that one-quarter of married American men and women admitted to having at least one affair (p. 202). Would divorce become a more pervasive policy discussion? Perhaps, but who could marry and how an individual gained or retained rights within that relationship was the main topic throughout the first half-century legislation.

1900 was a landmark year (Roberts, 2007), with all ratified states now holding laws for married women the “right to own property in their own name.” Following this sweeping precedent, other laws followed asserting individual freedoms and eroding previous discriminatory statutes such as: 1) Women first acquiring their husband’s nationality upon any marriage after 1907, then gaining the right to citizenship independent of their husbands much later in 1933 (Ritter, 2003); 2) Couples in various states being prohibited to use contraception, then having that law overturned nationally by the Supreme Court in 1965; and, 3) starting out

the century with interracial marriages being a contraband arrangement, to finally seeing that fall by the wayside during *Perez V Sharp*, tried in front of the Supreme Court (Lenhardt, 2008; Monahan, 1976). Finally, the Mormons were evidently fighting a continuous battle with their various populations across the country because once again, they officially renounced polygamy through a second Manifesto in 1904 (Driggs, 1990).

The latter half of the century ushered a divorce discussion into our nation's context. For example, "the first no-fault divorce law [was] adopted in California in 1969 (Schoenfeld, 1996)." Interestingly, the last state to adopt a no-fault divorce law was New York and this action was not completed until 2010 (Confessore, 2010).

Other developments included the introduction of more individual rights and assertions of freedoms within the marital relationship. These were manifested by overturning a law that prohibited couples from purchasing contraception (Lichtler & Massimino, 2002), married women being allowed to have credit in their name (O'Conner, et al., 1978), and "all 50 states ... revised laws to include marital rape" as a crime (Martin, et al., 2007).

Some of the biggest landmark decisions during the last half of the 20th century, however, included a broad-based and tumultuous discussion about "who" was allowed to be included in the "two people only" marital relationship defined in the previous century. States began jockeying for position over the topic of same-sex marriage, with Maryland becoming the first "state in the U.S. to define marriage as 'between a man and a woman' in statute (Pettinichio, 2012)." Several states began to amend their marriage statutes or constitutions, and in 1996 "President Bill Clinton [signed] the Defense of Marriage Act (DOMA) into law" which removed the "recognition of both same-sex marriage and polygamy," and "remove[d] any requirement that states recognize such marriages entered into in other jurisdictions (Schlafly, 2009)." In

essence, the pendulum of individual rights and freedoms for women and blacks had begun to swing back toward limitations again when marriage and divorce became focused same-sex couples.

2000-present. Although we are just slightly past a decade into the 21st century, activists on both sides of the political spectrum have made this portion of the century about same-sex marriage (Pettinichio, 2012). And, as laws make their way through the courts a view could be that the U.S. definition of marital law hardly includes any other discussions. Our nation is very close, however, to the well-known “Proposition 8” (Strauss v. Horton, 2009) out of California finally reaching the Supreme Court, having already been overturned by the federal appeals process. And if this happens, the national conversation may come back to cleaning up other marital and divorce laws that still need modification or updating. For example, as late as the year 2000, “Alabama became the last state in the U.S. to remove the ban on interracial marriage in its state constitution (Bridges, et al., 2002).” And, polygamy continues to be propitiated in five pieces of legislation covering 2000-2009 (Mason, 2010). In fact, by 2008, twenty-nine states outlawed the combination of same-sex marriages and polygamy through their constitutions (Rusin, 2012). Therefore, it might be safe to assume that although the same-sex marital debate is the pop-culture struggle of our current times, the polygamy legislation is the sub-culture marital issue still being resolved.

When considering the situations for people attached to these issues, it is easy to imagine that processes could become quite complicated when it comes to seeking and receiving a divorce, regardless of the social, programmatic, familial or economic implications. Same-sex couples can now adopt children in several states (Ritter, 2010), and depending upon which religious freedoms are claimed and how geography is defined, there are still instances of

marriages that are either self or ceremonially defined but may involve multiple members (Tenney, 2002). And, if any of those involved in legal same-sex marriages, or illegal polygamous marriages decide to move and seek a divorce in a different state, the pendulum about individual rights and freedoms may once again be influenced to move. The direction of that pendulum, however, remains to be seen as we currently have a Supreme Court comprised of healthy, moderate to conservative judges who should be ruling on some of these questions very soon.

Social engineering policy development

When considering national trends over marital and divorce family law historically, two reflections become evident. Statute construction is a pristine reflection of the complications defined by our U.S. society and the solutions created to solve those complications by the lawmakers elected within our society. It is also, however, a more muddled reflection of the minute nuances and plethora of activity showcasing just how creative policymakers can be when it comes to promulgating or preventing marital or divorce behaviors. These wide-ranging activities can be found in public awareness building or policy creation campaigns, financial policy development, implementation of rules and regulations related to starting or ending marriages, social programs service delivery, and even the way various agencies collect data (Lewin Group, 2004).

The main focus for this portion of the literature review will be centered on activities occurring within the last two decades, primarily due to the 1996 “Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) authorize[ing] the Temporary Assistance for Needy Families (TANF) program (Lewin Group, 2004, p.1).” Given the language of the four main goals of the TANF legislation, a large portion of this activity was based upon “[ending] the

dependence of needy parents on government benefits by promoting job preparation, work, and *marriage* (italics added).” While the collective of activity across the nation shaping marriage or responding to divorce isn’t completely centered around this TANF goal, it was the North Star, so to speak, guiding a lively discussion among policy makers, social scientists, faith leaders and active citizens to then drive the mentioned activities to at least some degree in almost every state in the nation (p. 3). An extremely large outcome of this TANF activity was the development and passage of the National Healthy Marriage Initiative (NHMI) from which an initial two-hundred million dollars of funding per year (for a period of five years) was released through a multi-pronged grant program from the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS).

However, TANF goals were not the only catalyst for an emergence of activity. “Campaigns, commissions, and proclamations” in many ways were driven by a national anxiety that came to a head when the 2000 census revealed once again that the social fabric of “marriage” was no longer a stable structure due to high divorce numbers (Lewin, 2004). For example, governors Mike Huckabee of Arkansas and Frank Keating of Oklahoma made public declarations about “reducing the divorce rate by one-third” (or more, depending upon which speech you read) (Hawkins, et al., 2009; Ooms & Wilson, 2004; Gallagher, 1999). At least five states formed commissions charged with bringing together diverse groups of invested parties to create grass-roots events, state-level legislation and education related to strengthening marriage and preventing divorce. And, proclamations were made in a handful of states for reasons ranging to “reaffir[ming] marriage’s special status as the foundation for healthy families,” “Marriage Week” and “National Marriage Day (Lewin Group, 2004, p. 3).” What the public

vocalizes is what drives a discussion at large, and by the turn of the century, “healthy marriage” was being discussed in every legislative body in the U.S.

Supporting the discourse on healthy marriage were two main premises. First, a burgeoning body of social scientific literature pointed to the fact that children do better if raised in intact, two-parent families as long as the conflict level was not extreme (Musick & Meier, 2010; NHMRC, 2008; Amato, 2005) and, the public and private economic and psycho-social burden of divorce at all levels is quantifying exponentially as these intact, two-parent households continue to demographically disappear over time. For example, one study published in 2008 cited the economic impacts alone within the U.S. were \$112 billion per year (Scafidi, 2008). Thus, the “pro-child, anti-expenditures” debate planks were strong enough to warrant a great deal of action across multiple states and systems to help find solutions to the problems created by dissolving marriages (Haskins & Sawhill, 2009).

Most of the solutions to these two areas of concern are to strengthen marriages along various stages of the marital developmental continuum, such as premarital education beginning in the public school system, incentives for premarital counseling and education, tax credits for married couples, programs to strengthen already existing marriages, etc. (Lewin, 2004). Prevention and intervention with willing partners in a voluntary fashion has comprised the majority of policy or program work because it is easier to build consensus around ideas that are less about “invading privacy of decisions” (privacy invasion is frequently cited during legislative debates) and more about “supporting couples who request that support.”

However, some policy initiatives have been created to attempt either a divorce delay, a program to help couples think through a divorce if there are children involved, or even processes whereby “final efforts” are encouraged in order to prevent an impending divorce. For example,

Utah Family Law Code 30-3-11.3 will go into effect in May of 2013 and mandates that divorcing “parents much attend a course if they have children (Hawkins, 2012).” In section 11.4, a “Thinking About Divorce” decision making booklet is being made available as part of the activities of providing “options available as alternatives to divorce; b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce...” etc. This Utah code is a clear shift from inviting married couples to improve their existing marriages to mandating that they consider all options before ending their relationship. Another example in place for last quarter-century is simply “mandatory waiting periods” after filing and prior to divorce finalization. These waiting periods run the gamut in time from expiring almost immediately (about three days) to approximately six months.

Along these same lines, an interesting example of ongoing research work contributing to evolving program development and training (Doherty, 2012) and potential support for policy efforts (OK-HB 2543, 2010) is a body of newly published data showing that about one in ten matched couples who had filed for divorce and were attending a parenting course checked a survey box stating that they were interested in reconciliation services (Hawkins, et al. 2012; Doherty, Willoughby & Peterson, 2011). Using due diligences social science database searches, no other similar study showing evidence of couples still interested in keeping their marriages together post filing was found, although these data sets may exist in various states and simply not be published. There are several reasons these data show policy promise: a) they provide evidence that “privacy invasion” is not necessarily a black and white distinction when it comes to divorcing couples; b) they offer insight regarding the nuances of how, when and where reconciliation services could be offered to divorcing couples in their marital reconstruction efforts; and, c) they suggest that understanding the processes within and among these potentially

reconciling couples themselves could help inform policy makers and programmers in making informed decisions about intervention services and programs.

Given the fact that there are approximately 1.2 million divorces or civil annulments finalized in the U.S. every year (U.S. Census, 2008), the data from the Minnesota survey suggest that there are potentially 120,000 couples who are on the brink of divorce but who would consider reconciling. Therefore, understanding the barriers at all levels which deter couples from freely rethinking their decision is crucial. The dimensions to understanding these barriers are several-fold and could include the couple's ability or understanding of how to seek help; the dynamics between them and their respective lawyers, families, children or other interested parties; and court rules or regulations that would impede a slow-down or suspension of the process while a couple sorts through reconciliation. Understanding a problem is the first step to solving it.

In summary, given the finding from the 2011 Doherty et. al study, the number of couples impacted on an annual basis, and the reality that policy makers are still searching for research-based ways to craft laws that will help strengthen and stabilize families, it then follows that the need for investigation into this problem is warranted. And, given the recently published Doherty et. al finding from a rare data set, additional inquiry will contribute to the body of knowledge in this area. Therefore, this chapter will be completed by introducing a theoretical approach to researching barriers to seeking reconciliation prior to finalizing a divorce. And, key research questions will be introduced in order provide a mission to the structure and approach of this study.

Theoretical framework

The human behavior of help seeking has been recently studied in a variety of ways (Eubanks Fleming & Cordova, 2012; Geller & Bamberger, 2012; Masuda, & Boone, 2011; Wimer & Levant, 2011). Indeed, based upon an extensive search utilizing PSYCHInfo databases, the topics and approaches to help seeking research have grown over the last fifteen years and are becoming more prolific in both diversity of study focus and subject selection. However, due to the multifaceted systems involved with a divorcing couple, a decision was made to further develop help-seeking constraint identification research that begun a decade ago (Roberts, 2002) with the development of a Help Seeking Scale (HSS). This scale was developed by identifying negative feedback loops, known as “constraints”, on multiple levels. The scale was then modified into a HSS Marital Education Form and administered in a state-wide survey (Fournier & Roberts, 2004). As specific and statistically significant findings were identified, adaptations to scale and approach were made. The scale was then utilized in a nation-wide survey to identify recruitment challenges for marital education programs targeting low-income couples (Gardner & Roberts, 2010).

The HSS development is only one possible outcome of the theoretical basis of this social research approach, however. The identification of a social problem, systematic investigation of multi-level constraints toward solving that problem, and utilization of research findings for developing policy is the premise upon which, conceivably, *any* social problem involving living systems could be approached. The HSS research process was, in a pop-culture sense, the “1.0” version of the application of the use of a constraint assessment model. That work proved the approach could be utilized and demonstrated one way for the research to be conducted. However, if the theory holds, then potentially any dynamical social problem could be defined,

the constraints could be investigated and detected, then those found could be tested for further validity or levels prevalence. The results, then, should inform family science professionals about directions to take to alleviate the problem.

A theoretical model using the same approach as the development of the HSS was constructed in 2009 during an advanced family theory course: Divorcing Couple Constraint Assessment Model. This “2.0” version will be tested by utilizing data collection methods other than those quantitatively collected via survey methods. In this section, the researcher will provide a primer of the constructs in the theoretical model, and then will describe how this theoretical approach will be applied to identify constraints which block couples who might otherwise consider reconciliation services from accessing them and potentially keeping their marriages intact.

One theoretical component of particularly importance in this study is that of the “constraint.” Understanding this component as a measurable construct, as well as a systemic phenomenon, is central to understanding the purpose of this study. In his 1999 article, “Toward a Theory of Constraints,” Douglas Breunlin summarizes this term by explaining that a constraint is the negative feedback side of Gregory Bateson’s cybernetic explanation. He writes:

“The formation and maintenance of problems in human systems can be examined in two complementary ways. The first asks why human systems have problems, and the second asks what keeps those systems from solving problems. Drawing on cybernetics, Bateson (1972) called the former positive, and the latter negative, explanation...Positive and negative explanation, therefore, are two sides of the same clinical coin, the former asking what causes a problem and the latter what keeps it from being solved” (Breunlin, 1999, p. 366).

Building upon this cybernetic explanation, a constraint can be defined as a process that keeps a system from change, hence keeping the problem from being solved. In this study the problem is

the lack of help seeking of Oklahomans in marital arrears, and the constraints are the factors that perpetuate the lack of help seeking.

An appropriate theoretical approach for examining this problem would be through the contextual lens of Human Ecological Theory (Bubolz & Sontag, 1993). This theoretical framework was chosen because it aligns well with a cohort-type sample population, considers timing as a factor, and recognizes a tripartite nature for the level of study including individual, relational, and societal dimensions. These three reasons, as well as supporting literature, are discussed in the following text.

First, this framework supports a regional or cohort philosophy by measuring constraints exclusive (or not) to Oklahomans. While other theories tend to support universalizing findings, this theoretical framework argues that approaching this problem on a broad-based level would invalidate the uniqueness of the selected sample population. Further, while this contextual philosophy might allow for a retest at a later time in a broader Mid-Western region, the theory's premise certainly would not allow the same questions to be asked of the extreme northeastern or southwestern United States. Although some concepts of the Human Ecological Theory would postulate that there are even more levels involved than the three chosen for this study (individual, relational, and societal), it is the closest fit with regard to family science theory, the express discipline of this research (Coontz, 2000; Goldhaber, 2000; Elder, 1998; Lerner, 1998; McGlade, 1999; Overton, 1998; Bulbolz and Sontag, 1993; Bonfenbrenner, 1979).

Glen Elder, Jr. (1998), a human developmental theorist, writes of the cohort concept as being an extremely valid research operative. He states that the "geographic setting...should be linked to specific places and their properties" and that "studies of these places would be informed by evidence on community-level processes and institution, service agencies, informal

networks, and modes of social control (1998).” He further purports that in making a case for “dynamic contextualism” research designs should follow “not only changes in the structure, composition, and organization of communities, but also in the individuals who reside there.” In conclusion, he writes:

“Consistent with this recommendation, a rural study of family economic distress (Conger & Elder, 1994) has brought evidence of the changing community and its institutions to an understanding of family and child adaptation and health (Elder, 1998, p. 963).”

Similarly, the goal of the current study is to bring to the state of Oklahoma evidence of timely and relevant constraints in hopes of better understanding couples and families and why they may choose not to seek help. One note regarding the “Divorcing Couple” dynamic and theory should be mentioned. Although the “couple dyad” creates and maintains unique dynamics within a marriage, the target population for this study was “divorcing individuals.” Information related to a dyad can still be gained during individual interviews, and the “individual” respondent allows for more open dialogue during the difficult time of a divorce process. Therefore, from this point forward in both the methods and findings section, the researcher will refer to the “divorcing person” although they are obviously a member of the “divorcing couple” level of the divorcing system.

Secondly, Human Ecological Theory also recognizes the “real time” consideration. This study will employ a cross-sectional design using married couples in the state of Oklahoma as a cohort, during a time when both policy makers and family professionals are focusing on areas of divorce-related legislation and programs to strengthen marriage at the crucial post-divorce filing period (Coontz, 2000; Goldhaber, 2000; McGlade, 1999; Elder 1998; Lerner, 1998; Overton, 1998; Bronfenbrenner, 1979). In Bronfenbrenner’s (1979) seventh definition of the basic concepts of Human Ecological Theory the timing element receives a main focus. He writes,

“First, development involves a change in the characteristics of the person (or cohort) that is neither ephemeral nor situation-bound; it implies a reorganization that has some continuity over both time and space (p. 28).” Contextual theorists argue that although there are never concretes or absolutes to findings in studies, there are relevancies that enable scientists to find patterns – evidences of both continuity and reorganization from which we can draw summations for action. Thus, although this study has the limitation of creating a “photograph of the social landscape” at this moment, there certainly may be patterns and derivatives applicable throughout history.

Several theorists have created models that include the “timing” element as one of importance for research considerations. Some of these models include Willis F. Overton’s “Bio/Social-Cultural Action Matrix,” the “Life-course Trajectories in Three-Dimensional Space: Life, Family, and Historical Time” model used in Elder’s explanation of this concept, Kurt Lewin’s “Psychological Space Landscapes Model,” C. H. Waddington’s “Phase-Space Diagram of Development” model, and Ford and Lerner’s “Model of Developmental Change as a Series of Probabilistic States” model. Each of these models shows the inclusion of “time” as a factor in framing the thought processes of a contextual or life-course phenomenon. A self-contained resource for these metaphorical explanations of historical relevancy consideration in research can be found in the Handbook of Child Psychology, 5th edition, 1998, edited by William Damon and Richard M. Lerner.

In terms of a “tripartite” nature derived from the contextualist worldview, the levels most generally seen within these theories can be broken down to support an explanation as to the formation of their use with this study. Human Ecological Theory contains levels usually termed as “environments” that consist of the totality of the physical, biological, social, economic, political, aesthetic, and structural surroundings for human beings and the context for their

behavior and development (Bubolz and Sontag, 1993). Other contextualists write of four levels which include the biological, personal, relational, and societal levels of consideration for individual or family development or operation (Elder, 1998; Lerner, 1998; Overton, 1998). Reductionistic collapsing of these levels to a further degree has been published in recent family science work showing a tri-level or “tripartite” nature of human developmental systems or relationships as shown by the work of Ted Huston in his May 2000 article entitled “The Social Ecology of Marriage and Other Intimate Unions.” In his work, Huston presents his “Three-Level Model for Viewing Marriage” in which the individual, marital or social network behavior context, and macrosocietal contextual levels are described as best approaching work in dealing with research about marital as well as other intimate unions (Huston, 1999; Huston, 2000).

R. Law used the phrase “mind-numbing complexity” when he spoke of dealing with constructs in a contextual problem such as this (Law, 1999). However, by applying the approaches described above, the constructs for this study can now be categorized. The aesthetic level has been eliminated, as it does not pertain to the focus of the research. The biological and physical levels have been combined into one constraint construct entitled “individual” or CI (Houston, 2000). The marital or social network behavior context has been renamed “relational” constraint or CR. The macro-societal, political, economic, and structural levels have been combined into a single “environmental/societal level,” or CE. Thus, there is now an established framework for the three levels of constructs in this study (See Figure 1).

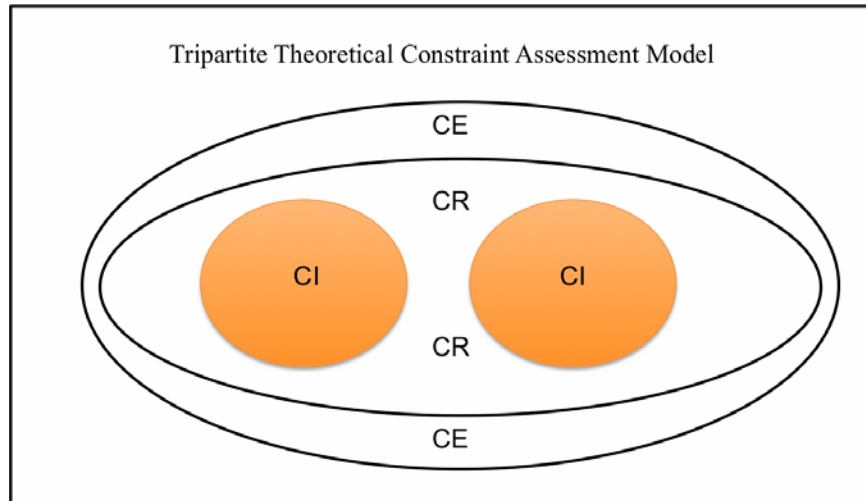


Figure 1. Tripartite Theoretical Constraint Model (Roberts, 2004).

This model can be used as a framework for any cohort during at any time and applied to a research study examining the three levels of constraint phenomena discussed in this section. In order to examine the constraints of each spouse there are two CI components within this model, however the model could be modified to accommodate other family members or individuals by adding the number of individual dimensions being studied.

Now that the foundation for the tri-partite level of constraint assessment has been made, it has to be applied to the research context at hand. In this study, there is a couple (a spousal dyad), four spouse-attorney dyads to be considered, and then external systems involved such as the judicial system, each attorney's own external systems and each spouse's external system, and their collective external systems. The tri-partite levels of constraints for divorcing couples are illustrated in Figure 2, the theoretical model to be tested in this study. As can be seen, the constructs are named after the systemic component and level.

The labels for these constraint assessment constructs are as follows: W-I= wife, internal level; H-I= husband, internal level; WA-I=wife's attorney, internal level; HA-I=husband's attorney, internal level; WA:D-R=wife attorney dyad, relational level; HA:D-R=husband

attorney dyad, relational level; HWAD-R=husband and wife's attorney dyad, relational; WHAD-R=wife and husband's attorney dyad, relational; SD-R=spousal dyad, relational; AD-R=two attorney dyad, relational; W-E=wife's external support system, external level; H-E=husband's external support system, external level; SD-E=spousal dyadic external support system, external; WA-E= attorney for wife's external support system, external level; HA-E=attorney of husband's external support system, external; AD-E= two attorney dyadic external support system, external (see Figure 2).

Within the context of the “couple divorcing system,” the Divorcing Couple Constraint Assessment Model depicts the pertinent theoretical constructs that were applied to the research questions for the current study. Based upon finding from an earlier help-seeking study (Fournier & Roberts, 2004) which showed the strongest constraint to couples seeking marital help prior to filing for divorce was “agreeing together to go to services,” and utilizing a grounded theory qualitative approach to identify and classify further constraints the following research questions were addressed:

1. After filing divorce, what couple dynamic constraints emerge keeping them from seeking help that were not present during the pre-filing period?
2. What familial or support systems constraints emerge post-filing?
3. What constraints outside the bounds of human relationships emerge after the post-filing period? (Possible examples of other systems include Oklahoma statutes, court rules or divorce procedures.)
4. As the divorce process moves toward finalization, how do constraints become more or less intense, or change in other ways?

5. Of the identified constraints, which seem to be the most problematic to overcome for the couple and/or either spouse individually?
6. What recommendations can be made to assist Oklahoma couples within a divorcing system who are interested in reconciliation?
7. Based upon the recommendations found in the data, what priorities or potential goals and objectives could be suggested to develop a blue-print for next steps toward solving this social problem?

Details of my qualitative approach, interview structure, triangulation of methods and other information on how this study was conducted will be covered in the following methods section, chapter three.

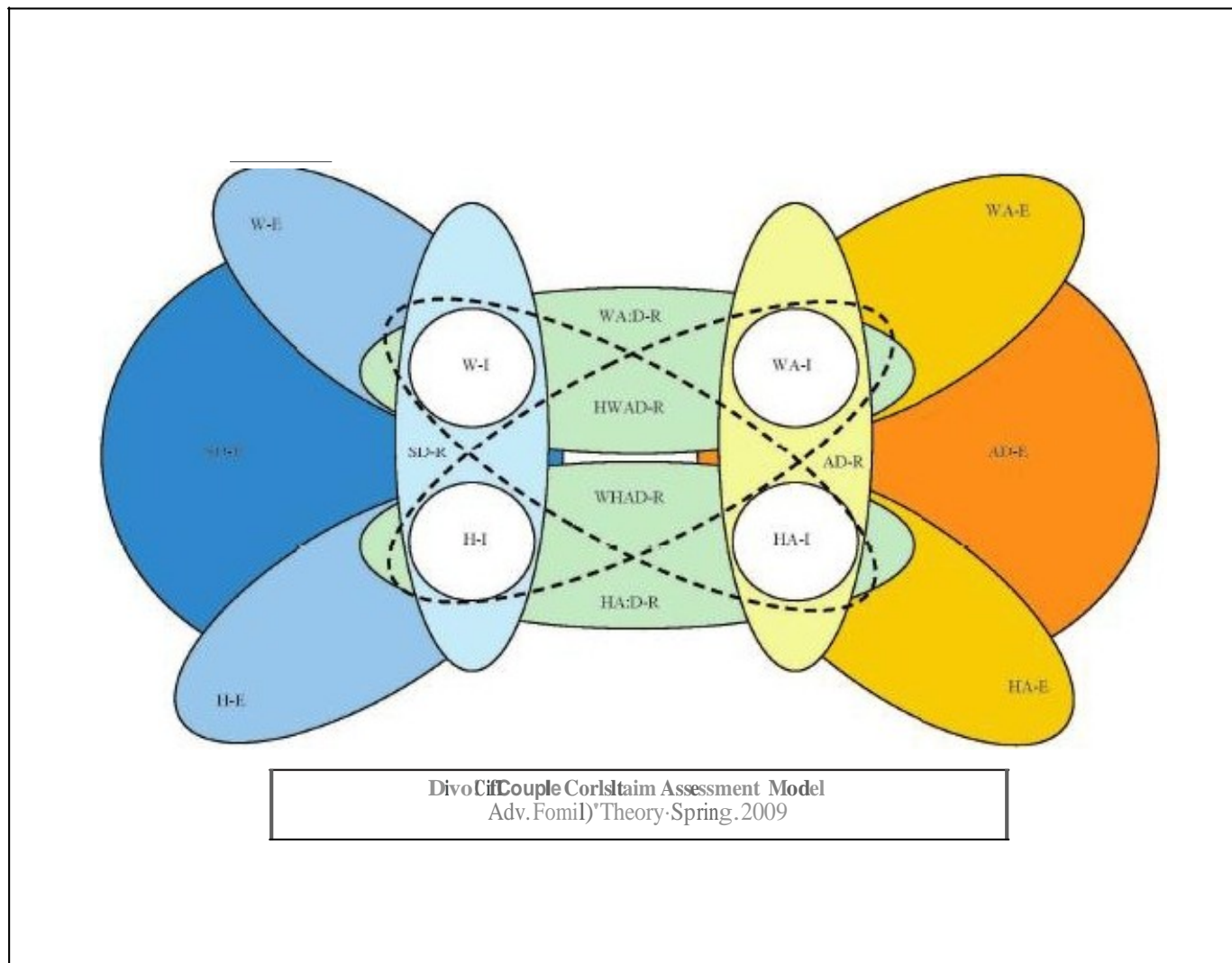


Figure 2. Divorcing Couple Constraint Assessment Model (Roberts, 2009).

CHAPTER III

RESEARCH METHODS

The purpose of this chapter is to provide a clear pathway on how this study was conducted of the individual, couple, familial and attorney, judicial and other systemic constraints to couples seeking reconciliation prior to finalizing their divorce. Although the larger research questions were included in the previous chapter, subsets of interview questions, content analysis frameworks, and the process of utilizing a grounded theory approach will be covered in this methods section.

The investigator began with a planning table that described which constraint level was examined alongside the subjects/ sample, qualitative approach, and data collection method. This “technique of methods triangulation, that is, using two [or more] methods to get at the same research question [while] looking for convergence in the...findings” (Hesse-Biber & Leavy, 2011, p. 51) was used because it has been shown to enhance the validation of the phenomenon sought by investigators. The study involved collecting and analyzing data from four sources: divorcing persons, their attorneys, family court judges, and family law statutes. Following the overview table, aspects of the research design for each source will be described in detail (e.g., sampling design, data collection methods, data analysis plans) as well as how data from the multiple sources will be synthesized. The chapter concludes with ethical considerations and limitations of the study methodology (Bloomberg & Volpe, 2008, p. 67).

Research Plan

Table 1 presents a summary of the various research components to the study.

Table 1.

<i>Constraints</i>	<i>Source</i>	<i>Data Collection Approach</i>	<i>Data Analysis Method</i>
Contextual levels	Family law statutes	Secondary data (statutes)	Content analysis using NVivo-software text coding
Judicial levels	Family court judges	Focus groups	Content analysis of audio files
All levels	Divorce attorneys	In-depth interviews	Content analysis of audio files
All levels	Divorcing couples	In-depth interviews	Content analysis of audio files

Table 1. Research component plant of study

Family law statutes. A content analysis was conducted on Oklahoma Family Law Statute Title 43, subsections 1 through 106 (Spector, et al., 2011). These subsections cover the main portions of the divorce code without moving into the child custody sections. In order to keep this study manageable, only the statutes and rules listed within the printed code related to divorce, property, filing rules, etc. were included. Child custody processes can set up hostile court environments and further drive couples apart due to the win/lose nature of their most precious possessions – their children. However, child custody proceedings are such a vast area of law and process that a stand-alone study on only that portion would be more appropriate.

A digitized version of this section of code was imported to the NVivo software application, and the text was coded for constraints at all levels. Those data were then will then recoded for main themes that completed the grounded theoretical construction.

Family court judges. Two focus groups comprised of family court judges were conducted: one in Tulsa County and one in Oklahoma County, respectively. The preliminary focus group questions are presented here, but questions during the process migrated slightly based upon the information gained from the statutory content analysis and the directions various judges took during their conversations. These questions and format were initially planned for the focus group:

1. Each participant will introduce him/herself with a false name but provide real data related to the geographical area of the state where they reside over their court. They will also be asked to provide their age (if they are willing) and the number of years they have held their current position. Gender will be coded by vocal descriptors.
2. Next an explanation of the study will be read from a prepared script, and a handout containing bullet points highlighting the main objectives of the study will be provided.
3. The interview portion of the focus group will begin by having the following stimulus questions ready to ask, along with follow-up questions, depending upon the responses received:
 - a. What has been your experience with couples who have mentioned reconciliation during divorce proceedings?

- b. What are your observations about the influence of attorneys related to this subject matter?
- c. How about your own beliefs? To what extent do you become involved in reconciliation discussions; and/or would you describe your judicial style to be more passive or active?
- d. What court rules and regulations do you believe impede reconciliation? Are there rules or regulations that might facilitate the process?
- e. Would you like any changes to be made on the statute, court process, or any other level related to this subject matter?

The recordings from the focus groups were then coded phenomenologically using constraint concepts noted in Chapter 2. The investigator reviewed the audio files three times each: 1) Step one for open coding and supporting quote documentation; 2) step two for coding verification and quote verification; and, 3) step three for a tertiary review in case codes were missed during the first two steps. Modifications to the evolving grounded theory process were then determined by the researcher and advisor. A few follow up communications were conducted with the judges in order to clarify questions raised during the coding phase.

Divorce attorneys. The third source of data for this study is divorce attorneys. One-hour, semi-structured, in-depth interviews were conducted with ten divorce attorneys, and two one-hour focus groups were conducted with a team of two attorneys. The researcher's prior experience with this particular population indicates that it takes multiple attempts to reach a divorce attorney, and they are reluctant to give more than a few minutes of their time via telephone. Family law attorneys were recruited by e-mail solicitation to members of the Oklahoma Bar Association Family Law section. The researcher is a member of this association

and therefore has access to the state-wide membership; the researcher has also attended section meetings in order to network with this group. Additionally, the co-authors of the annual Oklahoma Family Law Handbook agreed to assist with recruiting members of the Oklahoma Bar Association Family Law section by endorsing the importance and credibility of the study.

Interviews with divorce attorneys included these components/ steps:

1. Informed consent and context of the study.
2. Warm-up; getting to know the participant and establishing a trust relationship.

The “warm up” segment was deployed in the manner of “joining” techniques used in marriage and family therapy. For example, conversations about their travels to the study location, what a participant might be wearing that is interesting, the weather outlook, responses to something unique they offered during the greetings, etc. This step takes anywhere from three to ten minutes to complete.
3. Opening questions related to demographic context: how do they describe themselves, how long have they practiced law, what specialty divorce work do they conduct, if any? Etc.
4. Reconciliation questions: Once a level of rapport had been established, and based upon their history, the researcher then asked questions about what they can identify within their practice procedures, court rules and/or regulations, interactions with the clients themselves, or other dynamical processes that allow for, or disallow, the topic of reconciliation to be discussed.
5. If they were forthcoming with the information in step four, the researcher then proceed to ask them questions about their own opinions of personal barriers or conflicts they experience related to raising the issue or facilitating reconciliation,

their ability to practice with lesser levels of pay if a couple were to reconcile, their knowledge related to referral sources in case a couple does wish to reconsider, etc.

The interviews were digitally recorded, and then the audio recordings were reviewed repeatedly and coded in the same fashion as the judges' focus groups.

Divorcing persons. As noted earlier, the target population of this study was Oklahoma couples with young children who had filed for divorce but not yet completed the process. One-hour, semi-structured, in-depth interviews with 38 divorcing persons were conducted. The data source was enhanced due to eight matched divorcing pairs agreeing to participate. Because previous research has documented that rigidity regarding decision making processes sets in the further the divorce moves along (Schartz, 1997), and because the current study hoped to garner information during the early phase of a couple's divorce process, interviews with divorcing persons were conducted as close to the filing date as possible. And because persons divorcing from their second marriage contain different dynamics and contexts (Sweeney, 1995), only couples that were divorcing from their first marriage were included. The study also included only divorcing persons with children, as that population is more likely to be supported socially in their attempts to reconcile.

The plan for sampling divorcing individuals began with a systematic random sample design. Recent court filings in Oklahoma County and Tulsa County were sequentially investigated in order to gain mailing addresses for both spouses involved in a divorce. Because the criterion for participation was specific, some recruitment challenges arose early in the process. Respondents were to have filed for, but not completed, a divorce; have attorney representation; and have children under age 18 from the marriage. The original recruitment

protocol had to be revised because, after four weeks of mailing invitations to 225 individuals in both Oklahoma and Tulsa counties selected from open court case files, only nine persons had responded for interviews.

The goal for this component was to complete 40 total interviews, so the researcher supplemented the random sample and recruited a purposive sample by recruiting persons from “co-parenting through divorce” classes in both Oklahoma and Tulsa counties. The Oklahoma County class had 38 in attendance, and ten of those participants volunteered for the study. In Tulsa County, the class had 110 in attendance, and 26 from that group volunteered for the study. Although a total of 45 individuals from the random sampling ($n=9$) and purposive sampling methods ($n=36$) volunteered for the study, only 39 completed interviews. The remaining six were each called a total of four times over a two week period before being retired as “no response.” The couples were paid \$25 for participating in an interview, and \$35 if their spouses also participated. These funds were provided by a research account of the major advisor.

Based upon the study’s theoretical framework, semi-structured interviews were conducted using open-ended questions centered on the investigatory question of: “What keeps you from seeking (or accessing) reconciliatory or couples therapy services.” Each interview included these components/ steps:

1. Informed consent and context of the study.
2. Warm-up; getting to know the participant and establishing a trust relationship (see attorney interview “warm up” section).
3. Opening questions related to demographic context: how do they describe themselves, how did they meet their spouse, how many are in their family, etc.

4. Theoretical questions: What levels of the systems involved in their lives did or did not try to intervene and convince them to try to reconcile (e.g., themselves/each other; family of origin or close friends; attorneys; judicial; clergy; children; other)? What did those attempts look like? Did anyone react the opposite and try to convince them to divorce?
5. Detail questions: What are their bottom lines for agreeing or not agreeing to reconcile? Where does “falling in love” or “falling out of love” fit with their rationale? What other circumstances influenced their desire to seek their divorce? If they knew that research has shown that, years later, couples who decided against divorce are now happy, does that change their perspective now?
6. Final questions: What, if anything, would convince you to change your mind and give your marriage another shot? Are there questions that you had hoped I would ask? Is there information you feel you need at this point? Any final thoughts?

Interviews were digitally recorded then reviewed three times in order to code in the same fashion as described in the judge’s section. The recordings were coded for the constraint concepts noted in chapter two, as well as other concepts which are not part of the theoretical framework. As information was revealed during the course of the couple interviews, the interview protocol was expanded/ modified and the grounded theory was further developed.

Qualitative Due Diligence

The methodology described and followed provided not only a “triangulation of methods” generally required with a strong grounded theory approach, but actually resulted in a “quadrangulation of methods” based upon the four completed components (see Figure 3). Utilizing grounded theory as guidepost, the researcher was able to revisit questions that rose

from one component back to a previously completed segment, and go back again based upon the need for clarification (i.e., new vocabulary, citations of one population about another, references to problems with the law, and so on).

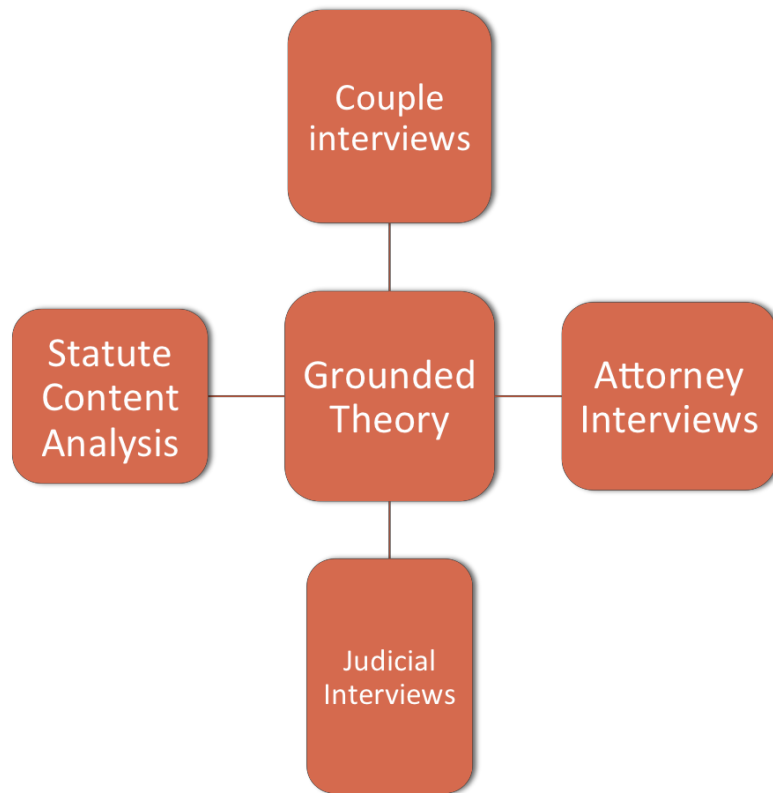


Figure 3. “Quadrangulation” of methods

Due to utilizing a multiple-source, multi-method approach, as well as building a grounded theory of constraints, it was important to conduct the research in a way that allowed for a full disclosure of the researcher’s own learning/ development during the process. To this end, the researcher wrote field notes after most interviews (86%) in order to record developmental thinking. Further, the research checked in with her advisor on approximately a bi-weekly basis in order to elicit feedback from a person outside the data collection process. The size and scope of this project did present a concern to the researcher so these steps were taken in order to keep

the healthiest perspective possible while involved in so many interviews with no other team members.

Regarding ethical considerations, this study investigated the topic of reconciliation at a time point wherein couples are at one of their reported lowest points of their emotional lives. Because the researcher is a licensed marital and family therapist as well as an AAMFT approved supervisor, she is equipped with skills and knowledge with which to handle unplanned moments such as emotional processing, the need for behavioral health referrals, or the provision of reconciliation resources. But being equipped with these skills did not remove the need to exercise care in the face of potential exploitation of couples who might feel financially strapped and agree to participate in the research study in order to receive the \$25/35 participant payment. Another ethical consideration was the relationship the researcher had developed with the two family law contact persons. They recently (within the last year) lost their daughter to a long battle with cancer and were unable to assist with some of the connections the research had originally planned through them. Other solutions were found, however, to compensate for this change in strategy.

In summary, the plan outlined in this chapter allowed the researcher to investigate constraints of divorcing couples from four sources (court statutes, family court judges, divorce attorneys, and divorcing couples) and addresses the proposed research questions.

CHAPTER IV

FINDINGS

The purpose of this multifaceted study was to explore four systems commonly involved during a couples' divorce process in order to identify barriers inhibiting the reconciliation of their marriage. The researcher believed that a better understanding of common barriers prior to the divorce finalization would help equip policy makers, social scientists, and family law professionals in identifying ways to modify or remove these deterrents. This chapter presents the key findings obtained from a content analysis of current Oklahoma family law statutes, two focus groups conducted with family court judges, 14 interviews and two focus groups conducted with family law attorneys, and 38 interviews with people who have filed but not yet finalized their divorce. Four major findings emerged from this study:

1. Oklahoma family law statutes are written so as to maximize child well-being yet minimize divorcing person well-being or divorcing person opportunities for reconciliation.
2. Family court judges believe that opportunities for reconciliation are rare by the time they see a couple in their courtroom, and they are more concerned with the safety and well-being of children or a vulnerable spouse than adding "social work" to their already overloaded duties which includes pressure to close cases.
3. Family law attorneys have widely differing views about their professional duty to raise the topic of reconciliation, and they believe that the variance in the opposing

practitioner's views or actions negates opportunities to work together toward this goal.

4. Action and emotion that led to a divorce between marital partners, coupled with a divisive momentum that builds after filing and is propitiated by statutes, attorneys, friends, family members, and/or strains on psychosocial resources (e.g., finances, time, personal energy, or well-being), leave little, if any, possibility for reconciliation.

Following is a presentation of the findings that emerged from each component of this study with details or quotes that support and illustrate each major and minor theme. These findings are reported in the order the data were collected, and each of the specific component findings are ordered axially within the tables and presented from the greatest preponderance to the least. The goal of striking a balance between the qualitatively desired “thick description” (Bloomberg & Volpe, 2008) and a reporting level of clarity required for a cohesive grounded theory summation (p. 102) was useful in the decision-making process during coding. During the coding and theme identification process, a conscious effort was made to allow each data set to speak for itself, and then during the theory-building process attention was given to ways the data sets spoke collectively.

Oklahoma Statutes

In order to sequentially generate a set of questions for each component while staying true to the grounded theory approach, a content analysis of the Oklahoma marriage and divorce statutes was conducted first. Therefore, questions discovered by the investigator while reviewing statutes could then be posed during the judges' focus groups. The information retrieved from both the statutes and focus groups could then be utilized to craft questions for the attorney

interviews, and so on. Additionally, if questions arose during a later component that were not addressed initially, original interviewees could be contacted for follow-up if necessary. Any follow-up questions discovered during subsequent components were addressed before closing that particular segment of data collection.

A 2012 copy of the Oklahoma Family Law Statutes, Title 43, § 101-611 was imported into NVivo™ 10.0 qualitative research software and analyzed by open coding textual selections for barrier variables (or nodes) using the constraint levels in Figure 2 as a reference guide. Given that a content analysis relies on the investigator to infer or derive meaning from the text, it is important to note that her professional experience included researching marital policy for the past twelve years as well as being a licensed marriage and family therapist for the past ten years. After the constraint levels were identified as nodes, these nodes were then secondarily open coded for themes (or attributes). A total of 15 unique nodes were identified at the system level and a total of 211 attributes were identified at the nodal level. The nodes and attributes were then cleaned and collapsed for redundancies or high similarities, and following this phase, the remaining nodes and attributes were axially coded for frequency. Once the frequencies of each major or minor theme had been hierarchically ordered, Table 2 was created to display the content analysis summary results (see Table 2).

Four major and eleven minor themes involving barriers at the spousal level were identified, as well as three major and eight minor themes at the attorney level. And, although a judge could also experience some of the barriers with which attorneys may struggle, a decision was made to omit redundant findings if the themes were either replicated at another level or expressed with a lesser degree of intensity. Therefore, because attorneys are also dealing with the bifurcated process of representing their own client while managing the potential opposing

maneuvers of the other party, the themes were summarily recorded under the auspices of the external or relational attorney levels.

Major themes at the husband or wife external level (H/W-E) include: 1) public processes as barriers resulting from statutory requirements in general; 2) statutory assumptions of “the right” to be represented by an attorney although a large portion of divorcing couples in Oklahoma represent themselves (pro se); and, 3) navigating the emerging rights of grandparents into the formula of their divorce. In addition, one major theme at the husband/wife internal level (H/W-I) was identified relating to a) the exhausting process which taxes all roles a divorcing person fulfills, and b) the internal dialogical barriers related to questioning themselves and their identities as each task unfolds through the statutory process. Major themes at the attorney levels include: 1) two differing system levels of the same “statutes promote divisiveness, not cohesion” finding (A-E and A-R); and, 2) problems related to the majority of laws focusing on children’s welfare during a divorce in lieu of statutes focusing on the dissolving marriage (A-E). In the following sections, a general discussion of each major theme will be offered along with one or two examples of the minor themes represented in Table 2.

Although most divorces take place without the inclusion of any charges resulting from a law being broken, the process is still quite public. Divorce filings are printed as public notices in newspapers, court records in most counties can now be accessed electronically via Internet database searches or in person by virtue of open records laws, and many of the required stages of a divorce process are mandated by statute. As each step is taken toward finalizing a divorce, more and more of a couple’s life is entered into the public forum via their growing case file and compounding court dates or deadlines.

Table 2.

Constraint Level	Major Theme	Sub-Theme
Husband or Wife – External (H/W-E)	Public process of statutory requirements create barriers for either spouse	<p>Statutorily required service of summonses or other publically served documents, depending upon the context, could create emotional, professional, or relational barriers for the person being served</p> <p>Public process of divorce such as public records requirements, public presence of other parties during court proceedings, or presence of multiple parties with investments in the case could prove humiliating or debilitating either emotionally or physically.</p> <p>Energy to manage formally cohesive structure to the new fractured structure of involved parties enforced by any temporary order requiring separation could subjugate divorcing persons to lower performance in other areas of their life, such as parenting or within the workplace.</p> <p>Responding to all potential statutory requirements could cause loss of time at work, resulting in a greater financial strain.</p> <p>Statutory requirement of early temporary orders and involvement of potentially multiple parties in child custody filings, not necessarily by design, propel spouses away from each other with each step of litigation.</p>
	Statutes are written with inherent assumption that divorcing individuals have ready access to attorneys	<p>Statutory language assumes people can afford to assert their rights through professionals.</p> <p>Many textual entries are related to repayment of any unnecessary costs, the theme of which assumes that divorcing persons are <u>professionals with attorneys who can navigate the law and advocate</u></p>

for their clients lost wages, time or hassles.

There are no statutes requiring judges appoint public defenders for divorcing persons so that their rights may be protected during a divorce case, should they express difficulty in navigating the process.

Grandparents' rights occupy a large portion of statutory content as well

Grandparents' rights laws in particular may be held at higher bay in court because grandparents, in general, tend to have more resources than new or mid-career divorcing persons. The more resources, the more ability to afford legal representation.

Husband or Wife –
Internal (H/W-I)

Personal identities and meanings of self or family roles are fractured by statutory requirements during divorce proceedings

Meanings attached to ideals such children, parenting, marriage, spirituality, family or divorce could greatly strain internal processes of regulation on the part of either spouse.

The process whereby statutory requirements account for the rights of all involved parties also account to erode many fundamental principals of individuals within our society: career, personal freedoms, physical/mental well-being, etc.

Attorney Dyad –
Relational (AD-R)

Structure of statutes promote divisiveness, not cohesion (A)

Additional parties with statutory recognition such as a guardian ad litem, OKDHS child welfare case manager, potential parenting coordinator, grandparents of the children for this marriage or a previous marriage, etc. leave little attention/energy for the petitioners needs. Hence, attorneys could potentially weigh down the system with motions or responses related to involved persons, or as a tactic to wear down opposing parties.

A large portion of statutes requires multiple communications between attorneys. This could be problematic if they have a professionally adversarial or discourteous relationship.

		<p>Motions related to disputed child custody or domestic violence can become especially burdensome and bring even more reports or parties into an already crowded case, thus dividing the attention of the attorneys to an even greater degree.</p> <p>Divorce statutes are written to presume quid pro quo, or unilateral moves on the part of each party (assumes conflict)</p> <p>Statutes are written so that every new item can/should/could require an opposing response. Further, one person in the relationship must file for the divorce with “cause,” which in many cases compels the other party to counter file with their own cause action.</p>
	Content proportion of law favors children’s interest and/or management of marital assets	<p>Majority of statute text deals with children and property; small minority of text deals with marriage of persons involved. Therefore, it follows that the majority of an attorney’s cognitions and energies are expended toward concerns related to children and proper management of assets and minority would be reserved for attending to statutory obligation of shepherding the marital relationship.</p>
Attorney-External (A-E)	Structure of statutes promotes divisiveness, not cohesion (B)	<p>Tasking and deadline statutes could get in the way of negotiation or progress due to requiring a burden on each attorney to stay updated on all filings and proceedings</p> <p>Statutes require a great many tasks to be managed for court due diligence, potential multiple parties involvement, and to protect their clients rights</p>

Table 2. Major themes and sub-themes, Oklahoma family law statutes

In working through the statutory text, it became clear to the researcher that points along the divorce timeline could be considered barriers to reconciliation due to the resulting emotional or dynamical toll. For example, the statutory “beginning” of the divorce process such as the required filing or required service of notice(s), depending upon the setting during the receipt of this information, was identified as an especially salient shock to a marriage:

“A summons may issue thereon, and shall be served, or publication made, as in other civil cases (43:105-D).” And,

“When new matter is set up in the answer, it shall be verified as to such new matter by the affidavit of the respondent (43:106-B).”

The luxury of utilizing a grounded theory approach affords a researcher opportunities to verify questions during later investigatory steps. Stories of being surprised by a filing received via in-person service while at work, or being counseled by an attorney to counter-file were indicated during the interviews with divorcing persons. These data validated initial statute coding related to hassles, unwanted surprises, and time and energies being drained to meet all requirements of the law.

The second theme was identified based upon what was not present within the statutes: the answer to the problem of having no attorney representation during a divorce. While annual court reports from Tulsa County show that between 20 and 37% of their divorce filings are managed *pro se* without either party employing an attorney (Tulsa County Court, 2010; 2011) and Oklahoma County judges cite anecdotally that “about 25-30%” of their filings are also *pro se*, statutes are written with the perspective that assumes the presence of an attorney:

“The court may in its discretion make additional orders relative to the expenses of any such subsequent actions, including but not limited to writs of habeas corpus, brought by the parties or their attorneys, for the enforcement or modification of any interlocutory or final orders in the dissolution of marriage action made for the benefit of either party or their *respective attorneys* (43-110:E [*italics added*]).”

In fact, the word “attorney” appears 93 times in the statutes reviewed. Further, this barrier is made more difficult by the fact that much of the statutory language explaining marriage, divorce and child custody law is written in terms so that only an attorney could interpret the statute. Finally, during the divorcing persons interviews, a full one-third of those cases reported sharing the same attorney to manage their divorce due to financial constraints, so that even many of those who retained an attorney did, in all likelihood, compromise some of their individual rights during the process.

Beyond the marriage and into the post-divorce processes, further litigation utilizing an attorney (or the lack of resources to employ an attorney) could cause additional strain on a co-parenting relationship because unless a law has been broken, there is no “right to an attorney if you cannot afford one.” Therefore, barriers such as power differentials for those who cannot access attorney services, imbalances due to only one spouse having an attorney or to sharing an attorney’s services, or the requirement of attorneys by virtue of court order such as guardians ad litem (GAL) or child attorneys when child welfare is involved, certainly exist.

Following the potential power differential barrier discussion, the fairly new additional statutes including grandparents’ rights to visitation of a child could also create barriers to reconciliation. With each addition of another party to a case comes less psychosocial resources to handle the stress. An entire section of grandparents’ rights in the statutes now allows for the benefit to children based upon the stability of a grandparental relationship, but this statute may shift case focus due to the grandparents’ unique positions of generally having more financial resources and thus the ability to hire an attorney:

“In determining the best interest of the minor child, the court shall consider and, if requested, shall make specific findings of fact related to the following factors:

- a. the needs of and importance to the child for a continuing preexisting relationship with the grandparent and the age and reasonable preference of

- b. the child pursuant to Section 113 of Title 43 of the Oklahoma Statutes,
- c. the willingness of the grandparent or grandparents to encourage a close relationship between the child and the parent or parents,
- d. the length, quality and intimacy of the preexisting relationship between the child and the grandparent,
- e. the love, affection and emotional ties existing between the parent and child,
- f. the motivation and efforts of the grandparent to continue the preexisting relationship with the grandchild,...(43:109-4E).”

While grandparenting statutes were drafted for positive reasons, they create barriers to reconciliation by virtue of shifting court attention and resources away from the marriage and on to other auxiliary issues. And, while all the areas listed to this point seem to have good faith intentions at face value, the inherent problems related to this project’s research question are certainly evident.

The last area identified did not come about through the initial coding but was raised during the interviews with divorcing persons and then verified against statutory requirements. These barriers are those that come along with the internal dialogue of a divorcing person when punctuated by a requirement of law. For example, the filing of the temporary order raises questions by each spouse about how they see themselves as parents, whether or not they believe they can be involved in the life of a child if they see less of that child, whether or not they will be able to meet obligations set forth by the temporary order, seeing themselves as a failure due to the temporary order being a law requiring a change in their family structure, etc.:

- “A. 1. Except as otherwise provided by this subsection, upon the filing of a petition for dissolution of marriage, a temporary order... shall be in effect against both parties pursuant to the provisions of this section:
- a. restraining the parties from transferring, encumbering, concealing, or in any way disposing of, without the written consent of the other party or an order of the court, any marital property, except in the usual course of business, for the purpose of retaining an attorney for the case or for the necessities of life and requiring each party to notify the other party of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made

after the injunction is in effect,...(Title 43:110-A).”

The results of this internal dialogue experienced by both spouses due to the reality steps that occur while going through the divorce process is that any external or projected hope of reconciliation shifts toward internally projected ideas of failure, change, and things happening to themselves and their family out of their own control. Therefore, each statute requiring action becomes a reminder of their personal and relational failures.

The main broad-based finding both at the Attorney-External and Attorney-Relational levels is the overarching structure of family law statutes promoting divisiveness, not cohesion. These barriers can be seen from the moment one party files, as attorneys are allowed to cite “cause” which may incite a reaction, to the moment when a last-minute petition to amend is filed so that a response must also be filed, even after an opposing party believed all business to be completed. The following statutes illustrate these points:

“The person filing the petition shall be called the petitioner. A responsive pleading shall be denominated a response. The person filing the responsive pleading shall be called the respondent (43:105-B)...

The respondent, in his or her response, may allege a cause for a dissolution of marriage, annulment of the marriage or legal separation against the petitioner, and may have the same relief thereupon as he or she would be entitled to for a like cause if he or she were the petitioner (43:106-A).”

From the moment a petition for divorce is drafted and filed, each subsequent statutory requirement has the potential to propitiate opposing momentum and erode trust between the two attorneys as well as the parties they represent.

The last major theme at the Attorney-External level highlights a proportion barrier. The majority of statutes having to do with the process of divorce are written to ensure the well-being of any children of the divorcing spouses, provide appropriate guidance related to equitable estate and/or asset division, direct other involved parties such as mediators, court appointed persons

(such as mediators, guardians ad litem, or expert witnesses to confirm or deny child abuse), address potential domestic violence, etc. A small minority of statutory content covers the marital relationship itself. Examples of statutes focusing on issues other than the marital relationship are:

“...May refer the issue or issues to mediation if feasible unless a party asserts or it appears to the court that domestic violence or child abuse has occurred...

...After a petition has been filed in an action for divorce where there are minor children involved, the court may make any such order concerning property, children, support and expenses of the suit as provided for in Section 110 of this title, to be enforced during the pendency of the action, as may be right and proper

...During any proceeding concerning child custody, should it be determined by the court that a party has intentionally made a false or frivolous accusation to the court of child abuse or neglect against the other party, the court shall proceed with any or all of the following... (Title 43:107-3B; 106-2C; and, 107-2D).”

In order to further demonstrate the vast amount of content within the overall statute content that is skewed parties other than the divorcing persons, the investigator ran word-counting analyses. After extracting conjunctions and combining forms of any word with the same root, Table 3 was produced. The top ten words or common phrases found in the statutes are listed in the first column, and the top ten words or common phrases derived from the investigator’s coding are listed in the second column.

The difference of focus is clear. The statutes used to manage divorce actions in court are focused on children, the individual identity of a divorcing spouse as a parent, and the mandatory requirements of that divorcing spouse. The common words used while coding for barriers focus more on those persons or systems involved in the lives of the divorcing couple and their requirements. More specifically, prevalent words in the statutes go from more external tasks with children being most prevalent; whereas, coding words for reconciliation barriers are more internal and relational foci, with children being just one of the parties involved.

Table 3.

Common Statute Words	Common Coding Words
child/children	involved
court	attorneys
support	parties/persons
order	rights
laws	divorce/divorcing
state	grandparents
parent	require
custody	statutory/laws
visitation	written
parties/persons	child/children
jurisdiction	majority

Table 3. Comparative word lists: Statutes versus coding language

Taking together the main and sub themes identified during the content analysis, the verification of these findings supported by later interview data, as well as the meta view offered by the summary word count in Table 3, the overarching finding for this component now clearly resonates: Oklahoma family law statutes are written so as to maximize child well-being yet minimize divorcing person well-being or divorcing person opportunities for reconciliation.

Judge's Focus Groups

Focus groups were conducted with family court judges in the two largest Oklahoma counties, the population of which comprises almost two-thirds of those living in the state. The first was conducted in Tulsa County with the outgoing lead family court justice and the incoming

lead family court justice, one male and one female. The “lead” position entails acting as the single point of contact for the family law division of the district court business and coordinator of any court rules or policy change implementation. The second focus group was conducted in Oklahoma County with two family court justices, one male and one female, who were noted as “the most well-versed” or “most willing to be helpful or knowledgeable” by the Director of Judicial Education within the Administrative Office of the Courts of the Oklahoma Supreme Court agency. Other identifying demographics have been omitted because although the Tulsa Court judges did not mind being identified, the Oklahoma County judges were less willing. Offering ages or years of experience would most likely reveal identities as the pool of judges is rather small.

Based upon the questions rising from the statute analysis, the planned study methodology, and questions raised in preliminary discussions with family law academics in Oklahoma, a semi-structured question route was drafted and the study was submitted for IRB approval (See Appendix A). After receiving IRB clearance, the focus groups were conducted in December of 2012 and January of 2013 during the least busy time on the family court annual calendar. Prior to the focus group in Tulsa, the investigator was allowed to attend and observe a typical required educational meeting held with parents who had filed for divorce led by another family court justice. The meeting was the first step of a mandated protocol series for divorcing persons with children in Tulsa. The goal of the meeting was to bring an air of solemnity to the divorce process, shift focus toward the child’s experience during the divorce, and share research related to psychosocial outcomes for children of divorced families. These families were then scheduled for a “co-parenting through divorce” class as required by that county’s policies.

The focus group was then conducted in the chambers of the presiding lead justice. Two weeks after the Tulsa County focus group was completed, the second focus group took place in the chambers of one of the two Oklahoma County justices. Based upon the information received in Tulsa, follow-up questions were added to the second group, and one follow-up question was then e-mailed to the Tulsa justices after the Oklahoma County meeting. All justices were forthcoming in their responses and answered all questions.

The focus group data was coded using the same approach as the statute content analysis. First the data were coded for levels of possible barriers to reconciliation. Then nodes were identified, and finally attributes of those nodal expressions were coded. Eight major and thirty minor themes were identified during this process (see Table 4). In the following discussion, each major theme will be illustrated by one or two quotes supporting their corresponding minor themes.

At the Judicial-External (J-E) level, justices express anxieties related to any policy changes for reconciliatory purposes. All four expressed concern at adding any additional work to their already overloaded positions. Further, they utilized the phrase “social work” frequently and were clear they wished to stay out of that role. They also opposed required counseling and voiced concerns about domestic violence at every turn. Their narrative, however, was contradictory in that many made decisions to delve into a social work role if/when they saw the need. And there was agreement across the board that the judges believe they do follow up or explore the possibility of reconciliation if they see any glimmer of hope during proceedings:

“I think we do everything we can to give people an opportunity to reconcile if they’re going to - I was hoping that it truly wasn’t necessary to get something else in place in order to get people to do that.”

“I think so many parts of what we do are having social supports or work added that I have a concern about that, that the judicial side is getting weighed down with social work program issues.”

“My concern about that - - is - - that this class is for everybody, 10-15% of the cases involve DV - - separate out those folks, managing our polarities, I want to see their (a tool used in OMI classes) screening device - - and one way we work in here is to talk about WAYS to screen for domestic violence, So - - sixty people in a class – you can’t do that effectively...I would worry about the DV.”

Differences in judicial beliefs or approaches could cause barriers, especially when differences in fundamental beliefs result in very different court policies between the two largest court systems in Oklahoma. If fundamental differences in judicial approach exist, then, even if policy changes were implemented at the state level, there could be difficulty in implementing new policy within various courts. In general, the Tulsa County justices believe that they are independently minded and adhere to the view that a policy should be good for the masses. The Oklahoma County justices believe that their work should be considered on a case-by-case basis, and what is good for one family may not be good for all.

“I think we have a good relationship with our attorneys. I do think we are very different than Tulsa County. I know that procedurally, we have different rules - they order mediation that we don’t order; we do not get involved in their cases at all; we do not see them unless their attorney sets a matter on their dockets. We do regularly, from time to time, require that a couple attend a co-parenting through divorce class, but it is a case by case basis; everything we do is case specific.”

“Five years ago, Claudia Arthrell [Director at Tulsa Family and Children’s Services] believed the Helping Children Cope with the Divorce curriculum needed updating, so we all went through the curriculum and provided feedback. The updates were implemented then they rolled that out.”

“We’re known as the United States of Tulsa [laughs at inside joke].”

A pervasive mindset among the judge participants is that couples are far beyond the possibility of reconciliation by the time they see them in court. While not discussing that, this view could create a bias or more closed perspective of the divorcing population. They did

discuss very rare instances where they observed a couple reconcile after completing almost all the steps required by law to end their marriage. They also mentioned the power of outside influences:

“By the time they’ve gotten to that point [temporary order] it’s far beyond anything that will help them reconcile, because they don’t file until they’re at the point where they believe there is no solution.”

“99% of the couples, before I see them on the temporary order, have already separated - wife has moved out...wife and children have moved out...”

“I can tell you; I see lots of outside influences, family involvement, friend involvement, that...empowers them to go forward with the divorce.”

Some of their dialogue focused not only anxieties about the thought of being required to fill a social work role, but on the philosophical notion that it is outside of their discipline and scope of practice. Fundamentally, they believe the role of a judge changes if one is placed in an “advocate” position rather than a referee position:

“The ones that should be open to reconciliation are maybe the invisible. Our role is not to encourage reconciliation. It’s to encourage a fair and partial process to solve the problems. If there are attorneys involved – we have an obligation to speak up, but for - - I don’t believe it’s my role to ENCOURAGE reconciliation.”

“I can’t do that - -we have to remember what OUR role is - - we’re not advocates [caps represent vocal emphasis].”

Both sets of judges spent some degree of time focusing on the lack of parity within the divorcing population. They expressed concerns that the judicial system is biased against low-income couples, both for the ability to navigate the process of a divorce and to have the opportunity for reconciliation due to their lack of resources:

“125% of poverty or below, plus DV [domestic violence], plus one more reason qualifies for Legal Aid [pro bono] legal counsel; my ideal court would have a

Table 4.

Constraint Level	Major Theme	Sub-Theme
Judicial-External (J-E)	Concerned about implementing any policy changes re reconciliation	<p>Dreads “more work” that reconciling policy might impose</p> <p>Highly concerned about intimate partner violence related risks</p> <p>Not in favor of required counseling as an option</p> <p>Believes she/he is already doing all they can to allow reconciliation if it’s a possibility; believe they are aware of signals from couples potentially wishing to reconcile</p> <p>Dislikes “carte blanche” policies; prefers to implement interventions on case specific basis</p> <p>Wishes to stay out of the “social work” role</p> <p>Worried about power differential if couples were required to attend classes together</p>
Judicial-Judicial (J-J)	Differences expressed by the two county “personalities” imply barriers to potential consensus on any policy change	<p>Tulsa court judges believe their views are unique compared to the majority of the other counties: “United States of Tulsa”</p> <p>History of Tulsa County includes ten-year, 100K program for family court programming; OK County has never had this kind of emphasis or resources</p> <p>OK County refers to multiple “co-parenting” divorce education classes (multiple curricula); Tulsa County has strong, evolving partnership with only one agency (single curricula)</p> <p>OK County believes the “case by case” approach is in best interest of divorcing couples and families; Tulsa County believes all divorcing</p>

couples with children should attend classes unless high-conflict or IPV

OK County justices see themselves as having a good working relationship with the attorneys; Tulsa County justices see themselves as having more distance in their attorney relationships

Tulsa County posits a developmental view of research supporting potential policy changes; Oklahoma County posits a “what we have is working well enough” view of potential policy changes

Judicial-Divorcing Couple (J-DC)

Believes couples are beyond reconciliation by the time they see them in court

Believes a large majority of couples are involved in affairs and this is the reason for going forward with the divorce

Observes many people involved in the decision making it harder to back out (friends, family involvement/influence)

Believes majority of couples are also physical separated by the time their case comes to court (separate residences)

Believes potential numbers are low: one judge recalls one case last year that reconciled; another recalled four from hundreds of cases.

Believes too much has transpired emotionally and legally for couples to reconcile by the time they visit judge.

J-E

Questions the role of a judge in the reconciliation process

Dislikes fact that social work is being added to judicial work in modern society although they acknowledge they ARE the social component of the court system

Believes some judges in rural counties wouldn't have same sensitivities as dedicated family court justices because they have to be “Jacks of all trades” (know all law; all case types)

		Believes some counties are more “hands off” and some counties are more “hands on,” therefore seeing difficulty in streamlining how judges might be involved in any reconciliation work even if it were their role
		“We are judges, not advocates”
J-E	Believes system is biased against low-income persons or couples which is problematic for divorce OR reconciliation	Couples with more money have more opportunities in court, get better attorneys, request more litigants
		Believes every low-income case should have a public defender assigned
		Pro se couples struggle with getting through the process and judges seek out resources to advise them but some cases don’t close for a year or more due to multiple challenges experienced by filers
J-E	Expresses extreme pressures in their work, difficult to manage the load at times	Low-income couples might have problems attending required classes and paying for required materials Feels inundated by number of cases and pressure to speed up process to close cases
		Dealing with continuing trend to do more work with less money
J-E	Extra parties involved complicate cases further	High number of “motions to modify” backlog dockets If a couple has Medicaid insurance for their children, an OKDHS rep must be present to sign off on paperwork related to medical care agreements for children

Table 4. Major themes and sub-themes, judges focus groups

public defender assigned to every judge. I'm much more...I would appoint a public defender more than other courts would..."

"Legal Aid & OCU [Oklahoma City University] have a Pro Bono clinic here every Thursday to help the pro se litigants, but there's nothing on a daily basis...well, there is this one man who basically hangs out in the hall and offers his mediation or consultation services for whatever they can afford..."

One major theme that served as an "opener" for both focus groups was the feeling of strong pressure to push cases through the courts as well as dealing with continuous budget cuts to do more work with less money. Some of the struggle was focused on attorneys slowing down a system the judges are supposed to be speeding up. These personal stresses on judges disallow the ability to focus energy on what they believe to be less critical issues such as reconciliation within a divorce court proceeding:

"How quickly we get cases to temporary order has changed - it used to be that 9 months in, only 40% of the cases had a temporary order, but now 4-6 weeks in 80-90% of the cases do."

"Frustrating for us...I believe, like xxx [name omitted], that half of our cases are motions to modify... Lingered fights are the worst. While an attorney's job is to continue this work, we're left with orders that were agreed or ordered two years ago, and they're a mess – and they weren't thoughtfully modified."

The final major barrier was identified as cases involved extra parties. While acknowledging that children are harmed during divorce, and some need representation or professionals looking out for their welfare, they vocalized this as sometimes a problem. Because each additional person in the courtroom complicates cases further, it follows that there would be less time or possibility to focus on the couple and putting the marriage back together:

"If they're on medical support, DHS has to be there because they'll never have the medical language right to support the children..."

"A child doesn't have to be harmed physically to be harmed; you don't have to see any physical scars; we know that because in approximately of the 50-74 ongoing cases we have at any time, we see child concerns...in almost all of them."

After conducting the two judge's focus groups and following up with final questions, one overarching theme emerged from the data: Family court judges feel that opportunities for reconciliation are rare by the time they see a couple in their courtroom, and they are more concerned with the safety and well-being of children or a vulnerable spouse than adding "social work" to their already overloaded duties which includes pressure to close cases.

Attorney Interviews

Once the focus group component had been completed, an application for human subjects research was submitted to the university IRB to cover the attorney interview data collection (see Appendix B). Participants for this component were recruited in four ways: 1) through an emailed solicitation to the Oklahoma Bar Association Family Law section; 2) by referrals received from respondents who did not want to participate but gave contact information of a colleague who did; 3) through recommendations by participants who had completed their interviews; and additionally, 4) the researcher invited three attorneys who were known through her work with the National Association for Relationship and Marriage Education (NARME) and through a family law class taken from the University of Oklahoma. Fourteen attorneys completed one-hour interviews, two of which were changed to a focus group format because two attorneys were present at the same time. One focus group was comprised of father and son law partners, and the other was comprised of husband and wife law partners.

The majority of these interviews were conducted by telephone; five were conducted in person. A total of four women and ten men were interviewed, and the respondents had a range of six to thirty-five years of experience practicing family law. Their average years of professional experience was fairly high ($M=19.66$, $SD=8.07$). All but two were licensed to practice law in Oklahoma. Two of the expert attorneys recruited were practicing law in Virginia,

but operate a resource center that distributes family law information on a national level covering all states.

Similar to the first two components, the attorney interviews were open coded for systemic barrier levels, nodes were identified, and attributes recorded. After collapsing the nodes and attributes to only represent unique elements, the results were axially coded to rank order their prevalence within the data. A table of the results was produced resulting in eleven major themes and seventy-two sub themes.

Once the results were completed, a meeting was scheduled with the longest practicing family law attorney in Oklahoma who is also a co-author for the family law textbook utilized within the three law Oklahoma law schools. The results table was reviewed in a Delphi-type interview, and all results were validated as “likely” although she personally disagreed with some of the perspectives provided. One more major theme was added as a result of that final interview related to the academic preparation of family law attorneys within the Oklahoma law schools. Those results were integrated, and the final results of the attorney interviews can be reviewed on Table 5.

It should be noted that many of the “one-hour interviews” lasted almost two hours. Further, these participants spoke more rapidly than the judges or the divorcing couples resulting in approximately 25% more text per every ten minutes recorded. Additionally, only one of the fourteen requested his/her identity to remain anonymous, and most expressed that they “didn’t care at all” whether or not their identities were shared in the summary report. These dynamics or attributes of the attorney sample may not be generalizable, but among those interviewed for this study, they were. Care has been taken to balance the need to accurately report the findings from this component with the need to offer a cohesive and “digestible” summary for the reader(s).

One of the most diverse attitudes among the sample is expressed in the first finding: attorneys hold widely differing views on whether the topic of reconciliation should be raised with a divorcing client. Their opinions fell into one of three camps:

1. Those who believe that it compromises the attorney-client contract to do or say anything other than fill the obligation they have been hired to manage;
2. Those who believe it is ethically appropriate to raise the topic of reconciliation only if the client “opens the door” on that topic first; and,
3. Those who believe it is not only their ethical obligation to raise the question of reconciliation with all divorcing clients, but those who implement such questions into their intake protocols.

Examples of quotes illustrating these findings follow.

“I make sure it’s [reconciliation] raised in every single case, when we’re talking about a divorce or a legal separation. It’s probably 50/50 whether the client or I bring it up first, but it is boilerplate checklist stuff for me – I would like to retire or die someday feeling like I never encouraged someone to get a divorce for my own financial interest. We as a firm, and I independently, do this in the initial interview.”

“I don’t know that I feel like it’s our responsibility to bring up the topic of reconciliation, but more of just bringing up the topic of ‘making the relationship work from here forward.’ ...I don’t usually talk about the topic of reconciliation – no.”

“I think that 5-10% might be open to those discussions...no more than that. You asked me a question – how do you ask the reconciliation question? Well, my question to you is, how do you get them to not be angry? You simply can’t be angry and have that discussion...uh, try THAT on with litigators! [laughs] [caps added for vocal emphasis]”

A second major finding mentioned by all but two attorneys interviewed (even among those with the least amount of legal experience) was that newly licensed or emotionally immature attorneys are problematic within the family law field. The opinions related to this

Table 5.

Constraint Level	Major Theme	Sub-Theme
Attorney-Client Dyad (A-CD)	Widely differing views on whether topic of reconciliation should be brought up with client	Some believe attorneys have an obligation to explore reconciliation; some don't believe it is their role to raise the topic
		Feel that colleagues views on reconciliation, referring for services, (social aspect) etc. are vastly differing
		Difficult to explore reconciliation unless it's bilateral
		Some raise reconciliation as part of their standard intake protocols
		Feel there is an ethics challenge to raise reconciliation if client hires them to manage a divorce
		The topic of reconciliation is never raised during parenting coordination and custody evaluation cases (usually high conflict)
		Some don't start with the assumption of divorce; they start with the assumption of, "Is there anything we can do to help save your marriage?"
		Believes other attorneys don't spend time talking about potentially keeping marriage intact (they are unique; unaware of colleagues who raise topic)
		Some believe clients who state at the beginning they want reconciliation are lying to avoid looking bad; view that most people have already made up their mind
		They watch for reconciliation "signs" and will bring it up if signs are observed

		Some believe clients only file to set a bottom line or get their spouse's attention, therefore they come in wanting to reconcile – not divorce
		Some keep “the marriage door” open for clients throughout the entire case
Attorney-Attorney Dyad (A-AD)	Belief that young attorneys introduce many barriers into the divorcing couple system	<p>More experienced attorneys get the job done well and quickly; if family lawyer is good, there should be less barriers</p> <p>Believes less experienced attorneys may start up their practice as family lawyers due to lack of funding (business start-up nest egg), which poses huge problems for the whole system.</p> <p>Suspicion and/or mistrust exists among young lawyers re listening to ideas or have discussions with opposing counsel.</p> <p>Young lawyers set the stage for more problematic custody hearings in later years.</p> <p>Less experienced attorneys may be led to family law because of the large number of cases, so younger attorneys managing more cases in inexperienced ways.</p> <p>Young attorneys need good mentors; mentorship was key to their development</p> <p>Concerns that bad mentors may steer young lawyers into bad habits and problematic mindsets</p> <p>Unlike doctors, therapists, or other professional groups, there is no post-graduation licensure professional licensure process attorneys</p>

		<p>must experience attorneys must complete before they are licensed. They only need to pass the Bar Exam.</p>
Attorney-External (A-E)	Processes and protocols of divorce case management create or serve as barriers	<p>Fine line between doing what is needed for the good of a client and keeping back adversarial information for potential reconciliation; there are ways to make process more or less adversarial</p> <p>Various counties have policies that help and/or hurt the divorce reconciliation process; judges are also very different, which makes potential for reconciliation different across the state</p> <p>Some attorneys start discovery with the petition filing, thus starting off in adversarial way which incites emotion; first temporary order hearing is “first battle”</p> <p>“Starting the divorce” is easy, all that’s required is “a filing fee and a couple of pieces of paper”</p> <p>Legal system is designed to be adversarial; entire contest is “positioning” – pushing apart rather than pulling together</p> <p>Support alimony precedents now put up more reasons for anger</p> <p>Courts experience pressure to move/complete cases to the detriment of couples potentially reconciling</p> <p>Malpractice is an unspoken ethics code that guides attorneys in “defensive practice” mode</p> <p>Shorter and shorter waiting periods hinder reconciliation; historically, waiting periods were longer</p> <p>Family court judges are the lowest ranking referees in the court</p>

		system; inexperienced judges are started in family court – this should be the opposite process. The most experienced judges should be in family court.
		Believes the family court process is set up in ways that are counterproductive to the goals of those they serve; “The entire system needs revision”
		Well-crafted pre-nups could help; some pre-nups include clauses that require couple to attend counseling sessions prior to a divorce action
A-CD	Key points within divorce process where reconciliation is more likely	<p>“If it’s going to happen, it needs to be quick” (at very beginning of process)</p> <p>After the temporary order is validated by the judge, some have observed the couples relaxing somewhat so they believe that might be a better time to raise the topic</p> <p>Prior to the temporary order, emotions are high so this is not a good time to discuss reconciliation</p> <p>If divorce is lengthy, couples sometimes become ambivalent while waiting for next deadline or hearing. This might be a chance to bring up the topic.</p>
A-AD	Belief that “the person of the attorney” makes all the difference in potential reconciliation	<p>Potential lack of trust between attorneys poses barriers</p> <p>If unaware, attorneys start “looking like” their clients (combative; paranoid; distrustful); good attorneys are aware of influence from distressed clients</p> <p>Some manage the process to keep adversarial feelings among clients less (foster good will); others manage process to incite high emotions</p>

or combative atmosphere (ex: start discovery at moment of filing petition)

Belief that Christian and non-Christian attorneys treat each other differently

A-E

Mediation services are widely differing, depending upon the provider

Mediators need to be licensed attorneys because some who are not certify agreements that are not in compliance with family law

Court appointed mediators may be adequate or may be very poorly skilled (referenced Early Settlement Mediation Services)

Mediation done by poorly equipped professionals can increase harm (example: not aware of power differential between spouses and favor one over the other)

A good mediator can make all the difference in helping a couple potentially reconcile by managing the process in good faith

Mediation may not be readily available in rural areas

A-CD

The couples themselves pose large barriers for reconciliation

Child custody is a huge barrier, incites extreme emotions; parents focused on “winning” rather than best interest of the child

Couples’ thought patterns are not normal during divorce; horrendous emotional experiences make for barriers to reconciliation

If one party wants a divorce, there will be a divorce

Attorneys believe most couples are not open to reconciliation

Perspective that most couples filing for divorce are already involved in other relationships

		<p>Clients feel powerless; belief that couples think “once the process has started, they can’t stop it”</p> <p>Couples cause irreparable harm prior to the divorce being filed</p> <p>Couples enter a divorce with vastly different perspectives about the problem areas, and attorneys feel there is nothing they can do to change those perspectives</p>
A-E	Collaborative Law model is not a widely utilized model in Oklahoma	<p>Collaborative Law enhances trust with opposing attorneys</p> <p>Fosters good will in the couple relationship</p> <p>Collaborative Law is problematic because if an agreement is not reached, both attorneys must leave the case and the client hires new ones with no history of the case</p> <p>If a Collaborative Law attempt fails, it often drains resources because new retainers are needed for new attorneys (it’s a gamble that some lose)</p>
A-E	Attorneys cannot recall any Continuing Legal Education (CLE) credits every being offered for topic of reconciliation at professional gatherings or conferences	<p>Have never seen CLEs offered for reconciliation discussions, counseling referrals, or other similar topics</p> <p>Belief that if CLEs were offered, attendance might be low because they are not offering ways to increase income</p> <p>“Reconciliation” is a lesser topic among professional discussions – not generally raised in networking or professional venues</p>
A-E	Widely differing views on statute ideas or current	<p>Believes laws haven’t created predictability, hence more anger (less safety) and less clear expectations; case precedents still taking place</p>

	statutes that help or hinder reconciliation	<p>Believes clear cut custody statutes help divorcing couples experience less anger; believes OKDHS child support tables are a good start</p> <p>Belief that laws to preserve the family are okay to implement</p> <p>Belief that covenant divorce could be an answer</p> <p>Believes our culture is a divorce culture, and you can't legislate a marriage culture</p>
A-E	Adding short "reconciliation component" to divorce education classes does not harm process	<p>Believe those who need it will use it; those who don't won't</p> <p>Sees that it could be helpful to give ideas to couples outside regular court context</p> <p>All attorneys interviewed agreed it was a good idea or saw no harm in the idea</p>
A-E	Believes Oklahoma law schools do not place a priority on family law which could pose as barrier to managing clients well	<p>"Family law at OU is a stepchild;" the family law professor retired and they did not replace that position with another family law professor</p> <p>OCU has adjunct family law professors, no full-time commitment</p> <p>Perspective that University of Tulsa doesn't emphasize family law</p>

Table 5. Major themes and sub-themes, attorney interviews

finding dealt with family law as a less costly start up business, the lack of mentors for new attorneys, the lack of trust in working with new attorneys because of their reactive behaviors, and the frustration with new attorneys who cause what the more experienced attorneys deem as unnecessary litigation or court-related maneuvers:

“When somebody comes out of law school - and they take their first [corporate] job...and they don't like it, then they hang up their shingle. And by far - the majority of those lawyers practice in family law - or sometimes in criminal defense. Because other things - like personal injury or other things requires you to have a nest egg so you can front certain costs or risk - civil litigation requires you to have more experience or corporate contacts, so there are other areas that don't allow you to come fresh out of law school and start practice without experience or mentoring. So what you find is those people without that experience don't know what they're doing, and they don't know how to handle the other lawyer or know any of the issues, and it really can be disastrous.”

“We're talking about doing a job, that in the end, the result - if you quantify it - is going to be 5% on one side or the other between what we started with to what we finished with...so the lawyers job should really be to get the parties through the process as quickly as possible. But there's a suspicion with young lawyers about whether they should be open to negotiating and talking with the other side.”

Like the judges, attorneys struggle with balancing the duties of managing their cases appropriately with serving their clients' interest. Several issues were raised under the umbrella of barriers created or those that are already in place due to general court operating procedures and the environment of the court system:

“The problem with rule [xx.x] is that it requires you to get everything from every party, even if you really don't need all that information. So I could say, ‘Do you know how much he makes? Yes. Do you think he's hiding any money? No.’ But I still have to request all the information even though the wife may already have it and know it. And it ends up costing an extra thousand dollars just to do this...if we get a case and they don't have any money, they just want to someone to help them along the way - well, I have to tell them, look I can't take a case for less than two grand, because \$1,500 of that is mandatory work I have to do.”

“I can take a ten million dollar divorce case and when I say I need a week to work through this, they give me a hard time, but upstairs if they have a ten million dollar criminal case they say, ‘You have a month to get through this.’ And THAT's the real world of family law practice [caps added for vocal emphasis].”

“You know, we have the standard that in family law we’re prohibited from taking contingencies [a portion of the winnings] in order to keep the process from becoming adversarial. So the INTENT is good, but in the court we’re only taking teeny tiny steps toward being actually helpful within the system. So for instance, it’s not called ‘divorce’ anymore, it’s called ‘dissolution of marriage,’ so I don’t really know how many people that helps feel ‘less adversarial’ [laughs]. The system itself is not really conducive [to reconciliation]. Another example: in a divorce action you no longer have a plaintiff and a defendant, you have a petitioner and a respondent. It’s not ‘Smith v Smith,’ it’s ‘In re The Marriage of Smith’ - you know, and they try to change some of the verbiage...but I don’t think it’s necessarily the verbiage that makes the process more adversarial. ‘It’s the *act of putting on evidence* to essentially PROVE your side, and that’s the difficult. I think that’s how courts are built to work. And, that’s something we have to try to work around in domestic courts. Trying to ‘prove your point’ is not something that is beneficial for ANY relationship or helpful for any relationship.”

“The discovery process is absolutely sadistic today; let’s not forget that discovery is not just reams of paper and nasty-grams, but they include depositions as well. A verbatim transcript is made, and you ask questions with no holds barred.”

Several of the attorneys with the most experience offered their opinions as to where they believe key points along the divorce process continuum would hold the greatest opportunity for reconciliation. This was not a barrier finding but a “more open/ lowered defensive” finding that arose during the interviews as barriers were being identified:

“Right before filing, right after filing, right after temporary order, and when they’re realizing how much money this is going to cost them - at points of ‘hopelessness,’ those are AS good of opportunities as right after filing or after the T.O. [temporary order].”

“Because parties are fighting when they start - and they get over to court, and the judge puts the Band-Aids on, and so now they can take a breath - - sometimes they are so upset by the TO, they’re ready for round two - but there is a period of time where if you can step back, lick your wounds a bit, and think...there IS an opportunity for some work on reconciliation.”

A good deal of reflecting about themselves took place during the attorney interviews, as well as their own views in relation to other colleagues. Pervasively, the theme of “the person of the attorney” was mentioned in relation to barriers hindering reconciliation. Those interviewed

believe, like the judges, that it takes a special person to properly and gracefully practice family law. Many believe they are one of the few that handles divorce cases with the appropriate care they deserve. And, they believe that some of their colleagues, by virtue of their personalities or belief systems, are hindrances in their own right to a potential reconciliation. These beliefs foster a lack of trust for many of their colleagues, especially when managing divorce cases:

“There are very few I trust...very few I trust.”

“I think the truth is...that if their lawyer is good, it should actually be LESS adversarial - - at least, up until the point of trial.”

“I spend a lot of time - I deal with clients who come in very distressed, well most of them are very distressed, and I look at them and tell them, ‘It’s going to be okay.’ Because they’re either going to bend to you, or you’re going to bend to them - and you don’t want to start looking extremely distressed and viewing the world as they do during that hard time in their life.”

Many of those interviewed believe that the couples, or individuals, themselves are the greatest barriers to reconciliation. They commented on the divorcing person’s mindset, on the belief that they’ve already “checked out” of the marriage and “checked into” another relationship. A good deal of their time is spent observing a divorcing person’s behavior, and their belief that a divorcing person could be his/her own greatest barrier is illustrated in these quotes:

“I think of bitterness, anger, more emotions than anything else in terms of barriers.”

“I find that in those cases, typically, the parents are focused on winning their case - they’re typically pretty bitter and pretty hostile. They’re more interested in winning their litigation case more than focused on the best interest of the children, unfortunately.”

“You know...when you have a guy who has a girlfriend already, and the damage is already done, well there’s really nothing you can do about that - so that’s probably the number ONE barrier to reconciliation.”

“I believe if a person tells you they’re open to reconciliation, most of the time they’re lying. It’s as simple as that. They say that to save face, but they don’t mean it.”

Collaborative Law, a model wherein both parties agree beforehand to adhere to the steps of completing a divorce through a less adversarial process, was mentioned in about one-third of the interviews. There were mixed opinions about the efficacy of the model, with some attorneys supporting it and others opposing it. However, the overarching theme of “Collaborative Law not widely utilized in Oklahoma” and “has mixed reviews” did arise during discussions of reconciliatory barriers:

“The collaborative approach is designed to encourage working out a fair resolution; it has taken off in Tulsa but not in OKC; it’s premised upon the model that the parties will not go to court, they will hire experts to jointly get them through the process, so this leaves things open much more for discussions.”

“There’s not to be hiding and gamesmanship, so when you commit to that as a lawyer - you need to follow through, right? And not encourage your client to play games and fail to disclose. When I’ve done collaboratives, I thought the other lawyers were forthcoming - when we reached resolution, we had ... the facts...there was nothing hidden.”

“If the parties reach significant disparity, and they can’t reach an agreement, then [according to Collaborative Law rules] they have to hire new lawyers...and you have a power issue, because the spouse who is in the lower economic strata, then the other one can just say, ‘Well, we’ll just go to court,’ so the one who doesn’t have any money can’t hire a new lawyer at that point. So, I just think it’s a bad model. It’s not an appropriate way to resolve matters. I’m a strong proponent of mediation, but not that collaborative model.”

As a follow up question to an attorney expressing his lack of ability to refer to services or manage a reconciliation discussion well, the investigator asked if he had ever attended training during a continuing legal educational (CLEs) opportunity on this topic. The interviewee replied that he had never seen any CLEs offered over that topic. After that interview others expressed similar opinions and mentioned that they doubt those types of workshops would be well

attended. Thus, the lack of CLEs over the topic of reconciliation was also found to be a barrier theme:

“I completely agree with that - I can't think of a CLE that I've ever seen that broached the topic of clients reconciling, or how to handle that. If you think a client may want to reconcile, or might have the opportunity to, I've never seen a CLE on that topic.”

“To me it would be appropriate, but to those people I was just telling you about, they might feel that would be inappropriate. We tell people, ‘we’re not counselors,’ and I think some attorneys feel like ‘we’re not the proper person,’ but we [the two within the focus group] do feel that way.”

“No – I’ve never heard that...in fact, that would be really interesting to see if someone offered, ‘How to navigate reconciliation,’ to see if anyone even showed up for that [laughs].”

When asked about their views on statutes or rules that could help the reconciliation process, or current statutes/policies that hinder reconciliation, there were widely varying views. The views were so different, that the major theme was simply that opinions differed greatly in this area. When reviewing all the interview data from the attorneys and judges, questions asking about what is problematic seemed, by and large, more easily answered than questions related to solutions for reconciliation:

“Policy - maybe; statute, I wouldn't think so. Statutes work mechanically, but I don't think the law is a really good way to handle it when you're dealing with a relationship issue. There's a divorce culture when you see ‘clusters’ of friends or acquaintances, people who have a relatively healthy marriage, but their friend gets a divorce, then the next thing you know...THEY are getting a divorce - because they're spending time together, or hanging in out in clubs...but, bad company corrupts good character. Whatever it is to keep the culture family friendly/unity and happiness, that's the key - if you can legislate that, then that's the key.”

“I liked the idea of covenant marriage when it came up, and I think it could catch on if the churches in our state really got behind it.”

“I think you've really raised an important issue and that is, ‘Government control over people's lives.’ Does the government have a strong interest in the preservation of the family such that it can control our behaviors to try to preserve the family? I think it does. And so I think that laws that are aimed at trying to

preserve the family would probably pass muster, uh, if they're carefully drawn. But my faith leads me to the place where 'it's none of the government's business, and those things should be handled in the church and not the government,' and the movement in our governmental arena is going to contrary to the preservation of the family, that I think it's naive to think it's going to turn around and go the other direction."

"I actually saw a pre-nup the other day that required they attend six sessions of counseling before they could get a divorce - they actually named the number of sessions which I thought was pretty good."

During the time when these interviews were taking place, Drs. Ron Cox and Matthew Brosi at Oklahoma State University were working on a newly enhanced curriculum for the "co-parenting through divorce" courses offered by the Family and Consumer Science division of the Oklahoma Cooperative Extension Service county offices. At the same time, the Oklahoma Marriage Initiative was investigating the possibility of adding a short segment to the same curriculum on the topic of reconciliation. Because these actions were being taken, the opportunity was afforded to ask the attorneys about their opinions of the additions being considered for the curriculum. Over half were asked this question, and all either agreed that it "wouldn't hurt" or that "it might be helpful":

"I don't see any reason why that shouldn't be added. I mean, I think that could be a good idea...It would be pushy if it were dominating a significant amount of time, but just a brief, 'If you're interested, here are the resources,' I think would be fine."

The last major theme was based from only one interviewee as mentioned in the opening remarks of this section. However, because of this particular interviewee's years of practicing law and her authorship over the past several years of the Family Law textbook, Handbook, and Statutes with Case Notes utilized in the family law classrooms of Oklahoma, the researcher believed the comments carried enough weight for recording. The barrier to reconciliation she cited was that the Oklahoma law schools do not prioritize Family Law in their programs:

“Family law at OU [University of Oklahoma] is a stepchild. When xxx retired, and he’s still teaching some, but they have no interest in hiring a family law professor position, and at OCU, you have xxx, - so, those courses, have been taught by practitioners for a long time - I was an adjunct from 86 to 96, then xxx took it over, so neither one of the law schools feel like family law - the practice of family law - is really very important.”

The transcripts from the attorney interview were lengthy, and the researcher had a great deal of text to code. There were sub-themes and fragments of interviews that may still be useful if opportunities for additional analyses are afforded. For example, there was dialogue about the opinions of court-ordered mediation services. Opinions about whether or not attorneys would come to the table when having reconciliation policy talks were offered. And, the variability of courts, personalities of judges, and rules were frequently inserted as humor or sarcasm to color more salient remarks. However, for the purposes of this study, the barriers and major themes recorded were the most pronounced and fit best with the major finding provided at the beginning of the chapter: Family law attorneys have widely differing views about their professional duty to raise the topic of reconciliation, and they believe that the variance in the opposing practitioner’s views or actions negates opportunities to work together toward this goal.

Interviews with Divorcing Persons

Questions constructed from the previous three components, as well as the basic research questions presented in chapter three, were integrated into a semi-structured interview instrument and submitted for IRB approval (see Appendix C). Of the 38 participants, twenty-five resided in Tulsa County or just outside its borders, and 13 resided in Oklahoma County or just outside its borders. Eighteen males and twenty females were interviewed; this included eight matched (currently married) divorcing couples. The ages of the respondents ranged from 22 to 49 years old, 65% were Caucasian and the remaining 35% were comprised of a fairly even mixture of Latino and Black. One participant reported being from Nigeria and one reported being Chinese.

Their average length of marriage was 8.33 years, with a range of 2 to 20 years. One couple and four individuals reported being in their second marriage, although two of those individuals reported they were in their second marriage to the same person. Income data was not collected, but the majority of participants worked in blue collar, farming, and service-oriented positions. Only six participants reported working in professional capacities or degree-required positions. All members of the sample had children ($M=2.28$), and about one-fourth reported having at least one stepchild in the home.

Twelve interviews were conducted in person and the remaining were conducted over the telephone. One interview had to be stopped before it was complete due to a poor cell phone service connection. Three interviews were completed in two or more phases, as the respondent was attending to other tasks during the call, thus somewhat compromising the flow of the interview questions. The target population was divorcing persons who were raising children (18 and under) and using attorneys. Although some respondents reported sharing attorneys, which compromises the dynamic of this study to a degree, overall the target population was accessed.

After all interviews were completed, the resulting data was coded for barrier level, main themes, and sub-themes like the previous two components, then axially coded and ranked for prevalence of findings. A distinction noted between this sample and the attorney sample was that saturation was reached earlier in the coding phase for divorcing persons, with a total of eleven major themes and forty-eight sub themes identified. This could be the result of the researcher having over ten years of experience in treating conflicted or divorcing couples (thus, more easily collapsing the data) or the participants having less experience in the legal field (possible redundancy due to newer learning). Or, it could be due to the dynamic exemplified by

the commonly known quote within the marriage education field: “There are many ways to exist in a positive relationship, but there are only a few ways relationships deconstruct.”

Although there were fewer sub-themes noted than in other findings, the most pervasive barrier to reconciliation identified within the sample was the presence of an extra marital affair. Many of those interviewed reported that they or their partners had had multiple affairs, and at some point they had reached their limit of what they were willing to accept. Many adhered to a social exchange position in that they were willing to put up with affairs until after they had completed a degree or gotten a raise and could more easily live on their own. Even intergenerational themes of affairs emerged. And although many reported only beginning affairs after filing for divorce or separating, the presence of an affair seemed to further limit the possibility of reconciliation:

“I was training someone at work while the third affair was going on, and I was pregnant, and during the ten weeks I was working with her she was really a support and gave me the attorney referral.”

“It started in our 20s, and I was like...look, you've got to stop. WHY are you doing this? But it did stop, then it reoccurred in our 30s, then by that time, he had done it so many times, and we're both 45 now - I kept forgiving him, because I didn't feel like I was financially stable enough to take care of our children...by then we had five children.”

“I'm not sure, but I think she was...she was having an affair with her boss. All Facebook stuff...that's all she did when she came home, she'd sit right there on that couch and she had her iPhone and her iPad, on one lap and the other, she'd sit and text and just e-mail...until bedtime.”

“Especially his mother - she told me that her mother had been cheated on and stayed with her husband, and my husband's father had cheated on her - and she stayed with them, and that I should stick it out because they had all dealt with affairs and gotten through it.”

The next highest-ranking barrier seemed to be that of complementarity creating an unbearable imbalance. One respondent would report feeling isolated while they observed their

spouse having friends or other kinds of social support. When couples are stressed, the more negative dynamics are amplified and this seemed to be pervasive among the sample:

“His parents were supportive until I filed for divorce, then they started saying I hadn’t tried, and needed to stick it out...”

“ ‘I’m thinking on it; I’m prayin’ on it [the divorce];’ She’d start getting’ closer to church, then that’s what she’d say.”

“They [her parents] just hand her money, and go help her pay her rent...they just bail her out.”

“He [son] said, ‘Dad, you’ve gotta get away from her,’ and my older daughter told me that, too.”

A common emotional lynchpin for couples under stress was to play the “I don’t know if I ever loved you” card. Those slowly arriving to the realization they may “not love each other” is also a common narrative. This loss of romantic love seems to have emotional punch for the recipient of that message, while it has emotional power for the giver of that message. To declare love is gone, or to question love, is a major rejection and fosters adult attachment problems. Besides the mantra of “love,” concerns about how the union started in other ways were also raised – such as pregnancy, unsure about the decision, or while abusing substances. Doubts wrapped around the “legitimacy” of a union are unnerving, and this sample was no exception:

“She said, ‘I don’t know if I ever did love you.’”

“We were forced together by his mother, but then the minister said, ‘Yes, you probably need to...’”

“I was told that we weren’t ready and shouldn’t have gotten married.”

“Two weeks before we arranged the wedding she said she didn’t have the associates degree that she told me she did; maybe she thought she would lose her job, but- I don’t know...”

“I had gotten pregnant, and it was never really working...”

Some barriers to reconciliation seemed to arise after solutions were attempted but did not work. For example, a pervasive theme throughout these interviews was the fact that one or both spouses tried counseling but “it didn’t work.” Another theme was that one person wanted to attend counseling but the other either only went a few times or decided not to go. Either way, their attempt and failure to heal the problems with the solution of accessing outside help was cited as a reason they could not repair the marriage:

“Yes, I did. He was affiliated with the VA, and PTSD - he could get counseling for that, and I tried to suggest marriage therapy - anything...and he was not open to any of that.”

“I asked her to go to counseling, and she said yes, but when I got to Arkansas, then she refused.”

“He was simply not interested - I tried almost on four occasions...at one point he just refused and said it was stupid.”

As one might expect, evidence of troublesome relationship dynamics within the marriage that eroded the quality over time was also a major theme. One person also cited the focus on their children as eroding their relationship:

“It was no one specific event, it just one of those things where one day you just look up and you're just parents, just roommates.”

“There wasn't a whole lot of time where it was just the two of us, but even when it was just the two of us, you kind of look at each other and don't have a whole lot to talk about.”

“There wasn't anything in common, except maybe for movies or television. But, I mean, you can sit with anybody and watch a TV show.”

“That’s the main thing that I will tell our friends that are married who don't have kids yet, when they're getting ready to have them, you know, ‘just make sure [you] keep your bed your bed, and make sure to always make time for each other,’ because I think that was just the slow...ending to it all, was the fact that we kinda let the kids take over, like going between [sleeping in-between the parents] for a little bit, then there was that space, you know, where the size of the kid ...it

just became a canyon, to the point, where they were in-between so much - that you, you just didn't see it coming.”

Two main themes, which were similar because of escalating dynamics, were that of power struggles during the child custody arrangement phase of the divorce and the one- upsmanship during the discovery or estate-settling phase, and attorneys seemed to play a role in the escalation. Extreme and volatile emotions contributed to making these both strong barriers to potential reconciliation:

“Whenever he [the attorney] was talking to my ex-wife, he would say, ‘Oh – you’re letting him off too easy, you should go for more custody, you could get more money from him,’ he was trying to convince her to do that so she got more money; then he’d do the same thing with me - like playing a game of chess with yourself, just weird...”

“The gloves are off...the gloves are off, I’m going for full custody. Uh, she’s abusing the children. I called the police...she had my daughter down in a full headlock. She tried to hit my daughter with a spoon. Things have escalated.”

“We actually just had a meeting with him [the attorney] on Thursday - he supported my decision, but gave me other options like waiting to file or other options if I need them, but he was supportive for me - just wanting to push for it [more assets].”

One barrier that existed by lack of definition was relationship with friends, peers or co-workers. By and large, all interviewees seemed to express the same mantra: most of their friends were supportive of their choice to stay, or to leave, their marriage. Therefore, the barrier comes in the form of friends not getting involved. A few outliers recounted interactions with friends who asked them to give their marriage a second chance, but most reported friends staying out of the way.

OUTLIER: “Said they would keep the kids for a week while they took a vacation together; suggested free marriage counseling, etc.”

“I wouldn't say anyone tried to tell me to go one way or another.”

Table 6.

Constraint Level	Major Theme	Sub-Theme
Husband-Wife Relational (HW-R)	Presence of an extramarital affair within the marital relationship	Spouse who was not involved in affair was unable to forgive spouse who was (number of affairs = between 1 or 2)
		Spouse who was not involved in serial affairs was unable to forgive spouse who was (number of affairs reported = between 3 and 24)
		Presence of an affair within the relationship proved too difficult to overcome, even through marital counseling
		Presence of an affair exacerbated already difficult, distant or conflictual relationship, serving as the “tipping point” barrier to reconciliation
Husband-Wife External (HW-E)	Lack of support or imbalance of support by family, friends or community-groups	Spouse who was not initially involved in an affair began one after separation or after official filing
		One or both spouses feel isolated from their family members, either due to them living out of state or out of the country
		Adult or older children side with one parent, urging them to get out of unhappy marriage
		Emotional or financial resources provided by one in-law or the other became power cited reason for lack of influence; housing with in-laws cited as unbalanced or unfair perspective toward marriage
		One spouse attended church and continued to urge other spouse but was met with repeated refusals
		Extreme differential in level of support reported across domains. For example, his employer supported them, hers didn't. Her family supported them, his didn't. His family lived close, hers were on

another continent, etc.

Lack of couple connected to any positive community groups; Feelings of isolation in all areas and only being able to “depend on themselves”

During divorce, one spouse was supported financially by family money to hire attorney while the other didn’t have this resource which created greater resentment

Families may cut off communication after filing or after finalization of divorce which creates more feelings of loss on part of outside spouse

In-laws (grandparents) are used as intermediaries for exchanging children during custody arrangements and some spouses feel this is unfair

HW-R	Emotional state at point of divorce or separation generates doubt or regret as to legitimacy of marriage from the very beginning	<p>One or both spouses reflect whether or not they were “actually in love” when they got married; reflect doubts re: understanding “what love was”</p> <p>Felt pushed into marriage; felt they couldn’t back out because there was too much relational or financial capital invested to back out</p> <p>Got married because of pregnancy, and now believes that was a wrong decision</p> <p>Identified themselves as “too young” when they agreed to get married</p> <p>“Should have known better” thinking related to marrying a citizen from another country to establish U.S. citizenship, a person they <u>“knew”</u> had a violent temper, a person they met while abusing</p>
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substances, etc.

After the marriage, new personality traits or new information was revealed that changed how they viewed whether they should have been married

HW-R	Problematic experiences with marital counseling or marital education	One or both couples did not wish to attend premarital counseling
		Couple established history of attending enrichment or counseling services, church sponsored events, etc. but the effects would only last for one or two weeks after completion
		One person within the relationship refused to attend services, regardless of the level of anxiety of the other spouse or their attempts to convince them to go
		Reports of seeking marital help right before filing for divorce as simply a “check off the list”; one spouse reports other was not invested in counseling and never intended to allow it to work
		Reports of feeling judged or condemned by a counselor in session, thus prohibiting engagement of the process; being told what their role within a marriage was, or that their extramarital affair was wrong
HW-R	Relationship dynamics eroded slowing and over a long period of time, leaving no desire or will for reconciliation	Multiple and repeated small problems created distance in relationship that were never addressed until it was too late; “silence” killed the marriage
		Repeated marital transitions slowly eroded and stressed the relationship: changing jobs, changing friends, moving
		What was identified as a very small problem during early marriage

		grew continually over the course of the marriage such as money issues, power dynamics
		Poor and eroding communication cited as key problem; inability to raise problems or work through even small issues created environment of hopelessness
HW-R; HW-E	Process of child support/custody arrangements creates ill will or exacerbates already problematic divorce	<p>Fathers reported feeling humiliated during supervised visits; they reported feeling powerless to convince anyone who did have power that they were a good father</p> <p>Children become stressed and vocalize missing one spouse or act out. This in turn influences feelings of the need to “end the divorce as quickly as possible” to get relief for both parents and the children.</p> <p>Transition into custody arrangement creates stress of new schedules on all family members and creates potential areas of blame or misunderstanding for spouses.</p> <p>Spouses feel that custody arrangements are the key reflection as to whether they are “winning” in the divorce; custody arrangements or support become one area of greatest contention and this exacerbates feelings of anger, sadness, and hopelessness</p>
HW-R	One-upsmanship abounds during divorce process	<p>The feeling of quid pro abounds during a negatively charged divorce; spouses feel they “have to respond” to a move on the part of their spouse in order to protect themselves</p> <p>When the divorce filing is served, or additional documents, spouses are surprised or hurt by the information contained therein and feel compelled to “hurt back”</p> <p>Spouses attach meaning to various actions and moves on the part of</p>

		<p>their spouse during the divorce. Some moves are considered fairly benign, others are considered “the lowest possible move,”; barriers may be of varying degrees or intensities depending upon meaning</p>
HW-E	Friends generally prove to be small or non-existent barriers	<p>Friends are generally cited as “supportive but not intrusive”</p> <p>Friends are generally cited as validating feelings of needing to leave the relationship over validating feelings of needing to reconcile</p> <p>Friends express feedback most in the form of wishing the divorcing person relief</p> <p>Minority of reports include friends intervening and taking steps to sit down and discuss potential reconciliation with divorcing couple (2 of 38 interviews)</p>
HW-E	Spiritual issues and or rational woven into reasons for divorcing	<p>Constant communication with a spiritual mentor affirms divorce if reconciliation wasn’t possible</p> <p>Affairs are considered excusable reasons for divorcing</p> <p>Spouses are “unequally yoked” (different spiritually) therefore the vision for reconciliation isn’t easily considered</p>
HW-E	The career context varies greatly during a divorce	<p>Some employers consider divorce to be an open issue for discussion and support and have urged spouses to reconcile or to complete the divorce</p> <p>Some employers believe personal business should not interfere with job performance and should not be discussed at work</p> <p>Employees “live through the divorce” with the divorcing person, and report that “they all” need relief, or to finish the divorce so the</p>

Husband-Wife Internal (HW-I)	Behavioral health or physical health issues exacerbate feelings of potential reconciliation	employment system can move forward Depression, alcoholism or other substance abuses, other diagnosed mental illnesses are reported as being barriers to rational conversations, planning meetings, or conversations about reconciliation Some physical health issues are seen as insurmountable barriers (paralysis, impotence, fertility, possible sexual orientation issues, autoimmune diseases, etc.)
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Table 6. Major themes and sub-themes, divorcing persons interviews

“They didn’t tell me what to do, but didn’t disagree either.”

“They were disappointed, but understood because we had tried to work it out.”

Some respondents had spiritual contexts within which they operated. Their spiritual advisor, pastor, or perhaps a spiritual reason was cited as factor for going forward with a divorce, or for not intervening, etc.:

“They say, ‘I’ll keep you in my prayers,’ or sometimes go out to dinner with them, but they don’t try to sway my decision one way or another.”

“I was in a bad situation, I knew that – it’s my spiritual belief that I believe in marriage, but I had to do what was right for my daughter.”

“You [know] what’s funny, not a single person in that church stepped forward and said one thing - not, ‘What can we do to help?’ or anything. I grew up in that church, so that was very shocking to me...very shocking. I had to go through my own trauma because of that.”

“He was a Christian, but then he turned to Internet icky-ism, and I didn’t turn to church very often because I came from a very strict religious background.”

Because most respondents were working, there were many career-related narratives interwoven into the interviews. Some mentioned that their fellow employees never knew they were going through a divorce, while others mentioned that co-workers or bosses were key to supporting them through the process. So, the existence of work-related barriers was context-dependent. For some, they existed. For others, they did not:

“I had a really heavy work schedule, two jobs, that was always a problem.”

“They’re not sad about her and I, they’re like ‘are you sure the kids are going to be okay?’ It’s kind of funny because that’s been a universal theme...family, friends, work... Yeah - top to bottom, it was always kids, kids...kids, kids, kids...never really any concern about me and her...”

“My boss was nice enough to help us find a marriage retreat, but it ended up being very religious - but neither of us are very religious - - it got better for a while, but then faded.”

Finally, one of the more frequent themes that was always coded as a barrier to reconciliation was mental health issues, substance abuse issues, or other behavioral problems within the eroding marital relationship. Many times, stories of behavioral issues came toward the end of the interview:

“She’s just not very stable, I think. She’s 37, I’m 49, maybe that has...I don’t know, it shouldn’t. But...”

“I lost about 25 pounds during this time, couldn’t eat, couldn’t sleep, I’m going to a counselor.”

“We are in huge debt. She covered it up and hid it from me, several times...”

“He was always calling me names and treating me bad, and telling me what to do and how to do it; (investigator: “felt controlled?”) A little bit - he denies that – I’m kinda mean, he is mean.”

“I would drink more, primarily because of the direction of our relationship; it was how I handled the mistakes - I committed something - started drinking.”

This “behavioral or mental health issues” barrier was also revealed during an attorney interview that was submitted as a critical incident report to the institutional IRB and is detailed at the end of this chapter. The affective change when divorcing persons began telling stories of their emotional angst/ experiences and feeling at the end of their emotional rope was certainly compelling for the investigator. Qualitative research is fraught with questions of “the position” of the researcher(s), but it was only during the times of interviewing those going through a divorce when they described their emotional state that the interviewer was compelled to debrief after that day’s work. She sought consultation from her former clinical supervisor for emotional support twice during the divorcing persons interviews and once after the critical incident report.

In conclusion, the barriers identified during the divorcing persons interviews overall bring together the theme introduced at the beginning of this chapter: Action and emotion that led to a divorce between marital partners, coupled with a divisive momentum that builds after filing

and is propitiated by statutes, attorneys, friends, family members, and/ or strains on psychosocial resources (e.g., finances, time, personal energy or well-being), leaves little, if any, possibility for reconciliation.

Critical Incident

During the interviews with attorneys, one critical incident was reported to the IRB office. No further action was required for follow up on the investigator's part, but the incident does illustrate how serious and challenging the work with divorcing persons can sometimes be. While discussing mental health challenges related to couples who are in high-conflict divorces, one of the longer-term attorneys relayed this story which was associated with the theme being discussed as well as her own personal life:

“Well, you're talking to a mom who had an adult son who went through two divorces, and killed himself two weeks ago...and Thursday, a week ago, so it was my - well, he killed himself 16 days ago...and, Thursday - a week ago, my first day back in the court house, I went over to a temporary order hearing, and I represented a man in that case...and he came to the courthouse before I did, but then he left, he called my assistant and told her that his stomach was so upset that he had diarrhea and he had soiled himself and he had to go home and change his clothes, and then HE killed himself.

I know - - that, that's not the only client, the only case I've had where someone has killed themselves...it's happened at least three or four times in my own career. I had a fellow kill his wife because he decided she was better dead than gay. I had a wife whose husband kill himself in the kids' playhouse out back, uh - it's just...HORRENDOUS, but I do know the thought patterns go awry, and I don't know how you get them back. It's a very sad thing to me - that the emotional agony of a soured relationship can cause thinking to go awry...I don't know how you can change that.”

In chapter five, a synthesis of the findings from chapter four will be offered, and then a discussion on next steps, limitations of the study, and suggestion for policy or other corrective action to remove some of the barriers which prevent reconciliation from being an easier process during a divorce will be outlined.

CHAPTER V

ANALYSIS, INTERPRETATION, AND SYNTHESIS OF FINDINGS

The purpose of this multi-faceted study was to identify constraints or barriers that keep divorcing couples from reconciling prior to the completion and closing of their case. The supporting evidence for this study was a finding showing that up to ten percent of matched divorcing couples were still open to reconciliation even after filing for divorce (Hawkins, et al., 2012; Doherty & Willoughby, 2011; Doherty & Willoughby, 2009), and this study filled a gap in the knowledge base because research describing the reconciliation barriers post-filing is marginal to non-existent within social science literature. During the literature review, no research was found specifically attempting to identify and describe barriers to reconciliation, although some studies suggested potential barriers as secondary information related to other study foci (McCurry, 2005; Robert, 2005; Shanley, 2002; Marchand & Hock, 2000). . Hope for a better understanding of various statutory or policy-related structures and human systems surrounding a divorcing couple, identification of common and specific perspectives or policies that create challenges to potential reconciliation, and the emergence of ideas on how to improve the chances of reconciliation were the goals for this project.

Need for this study was essential in order to clarify the exact problems to be addressed by the research questions and to identify specific information in developing solutions to relieve those problems. If the resulting information can be utilized to help inform or influence planning

or implementation of changes among any or all of the systems investigated, then the overall purpose of this study will have been realized.

This research used a grounded theory approach within a bounded time period and geographic location to conduct a content analysis on Oklahoma state family law statutes, conduct focus groups with two sets of family court judges, and conduct semi-structured interviews with 14 attorneys and 38 divorcing individuals. The data were coded, analyzed and organized by component findings. After this step, the first five research questions depicted at the end of chapter two were considered:

1. After filing divorce, what couple dynamic constraints emerge keeping them from seeking help that were not present during the pre-filing period?
2. What familial or support systems constraints emerge post-filing?
3. What constraints outside the bounds of human relationships emerge after the post-filing period? (Possible examples of other systems include Oklahoma statutes, court rules, or divorce procedures.)
4. As the divorce process moves toward finalization, how do constraints become more or less intense, or change in other ways?
5. Of the identified constraints, which seem to be the most problematic to overcome for the couple and/or either spouse individually?

Answers to these first five questions were moderately to largely satisfied by the findings presented in chapter four. Additional barriers existing within the attorney, judge and statute components, which were not originally considered during the methodology phase, were also found. When considering the initial “Multi-System Constraint Assessment Model” which

shaped this study, overarching findings from each component (and presented in chapter four) demonstrate that:

1. Constraints exist at relational levels *among* those involved within all the identified systems largely related to context-specific conflicts or differences;
2. Constraints exist *between* levels and are largely related to perspective-driven anxieties about taking on more responsibility or trusting others within the divorce completion process; and,
3. Constraints exist *across* all levels that perpetually become more intense or difficult to overcome as a divorce nears completion.

In the following section, the researcher will synthesize findings from the four data collection components and summarize barriers among, between, and across all levels of the “divorcing person” systems studied. After each of the synthesis discussions, policy or programming implications of these phenomena will be provided. And to conclude, limitations of this particular study will be delineated, and then recommendations for further related research will be offered.

Constraints among those involved

Barriers existed among the various systems many times in the form of internal dialogues or externalized questions about their capacity to deal with more “something.” Judges expressed feeling pressure to keep caseloads moving quickly although budgets to support their work have been shrinking, and they conveyed feeling concern or fear over changing protocols related to divorcing couples lest a domestic violence issue somehow slip through their fingers and endanger a divorcing spouse or their children. They expressed that it takes the right kind of person to practice family law, and that some judges in smaller counties have to manage all types

of cases, therefore they are not as sensitive to family court-specific issues as judges from larger counties. And, they questioned the philosophical notion of adding “social work” to their role of referee.

Attorneys also expressed philosophical views about their own roles, such as struggling over whether or not it is appropriate to raise the issue of reconciliation with a client who hired them with the goal of divorcing their spouse. And like the judges, they also believed that the “person of the attorney” was key to whether a barrier to reconciliation was more likely to exist. Beyond echoing the judge’s comments, however, they further expressed that younger or less-developed attorneys may be drawn to family law as a start-up funding stream for their new businesses and that lack of mentorship, as well as lack of maturity, could create strong barriers. Finally, they expressed that they had not seen any continuing legal education (CLE) credit ever offered related to helping their clients reconcile, nor did they believe a workshop would be well attended even if it were offered.

Barriers among the divorcing persons seemed to be the most angst-ridden due to their worn down psyches. Many expressed being at the “end of their emotional ropes” due to fall out from extra-marital relationships, a long history of conflict, or prolonged distancing and emotional cut-offs. A theme of “recreating history” seemed to be present as divorcing individuals recalled that there were unsure if they were ever “in love,” which demonstrates a process similar to John Gottman’s “Distance and Isolation Cascade” (Gottman, 1993). Divorcing persons recounted feelings of extreme abandonment (or other extreme feelings such as anger or fear) that compelled them to react in “one-upsmanship” by fighting for resources or better parental positions in the final decrees. Along these same lines were high levels of blaming their spouse for issues that had piled up during their marriage and doubts about whether their spouse

would be open to any discussion of reconciling. Finally, many expressed feelings of guilt or blame initiated by their spiritual or religious views.

These data bring about numerous implications thus offering the possibility for numerous policy related changes. Therefore, only examples of each area will be provided. Barriers could be removed from judges by:

1. Streamlining family court systems so that the inundating numbers of “motions to modify” are handled by mediators, arbitrators, parenting coordinators, or other specially trained professionals other than family court judges. Or, have these cases completed with recommendations so that judges only have to review and affirm the recommendations or send them back for revisions.
2. Appointing highly qualified and specially trained family court justices to preside via closed circuit cameras in courtrooms in remote geographical areas in order to alleviate less-equipped judges from the burden of practicing outside their scope of knowledge.
3. Holding an annual judges conference on the topic of examining where the justice role ends and a social work role begins. Include various models of court systems utilized across the country that implement case managers or other social work related roles to assist pro se couples or divorcing couples with social programming needs. The Tulsa Family Court utilization of a case manager should be part of this demonstration. Document ideas on how to free up judges from the growing strains of playing “social worker” to the benefits of utilizing court personnel to meet identified needs.

4. Forming an intimate partner violence (IPV) family court task force to identify all areas of the caseload process where IPV could be an issue (e.g., required co-parenting through divorce classes). Once these areas are identified, solutions for any discovered problems should be offered and signed off by the judges and then implemented.

If judges avoid getting involved in potential reconciliation discussions or dynamics because they already feel pressure from caseloads, or if they feel philosophical resistance to breeching that topic, then taking steps toward relieving these pressures is important. Successful pressure relief could shift perspectives and abilities of the judges to address currently documented, but unmet, reconciliation needs.

Barriers could be removed from attorneys by:

1. Encouraging law review or other law-based journal authors and editors to address the question of appropriateness of professional roles, specific ethics issues in supporting discussions of reconciliation, and other clarification of professional duties relative to the topic;
2. Developing and pilot testing CLE workshops on aspects and guidance about reconciliation discussions with support and input from family law section members; and,
3. Beginning serious discussions at Family Law national meetings about mentorship models, fostering trust among opposing divorce attorneys and discussing the professional limits of that good will, and raising questions about whether a post-graduate experience such as that required by medical doctors, behavioral

therapists, engineers and other professionals be implemented into the licensing process for new attorneys.

If attorneys were equipped with training either during law school or in a post-graduate situation on how to competently manage reconciliation opportunities, they might struggle less when these opportunities present themselves. Further, if research is conducted related to cost effectiveness or salary impact of attorneys who implement these protocols into their practice and results show minimal negative impact, or income to be equal or higher, then this could have wide-spread implication as well. Generally these policy changes are not best made via top-down or bottom-up approaches, but rather “yes, both” strategies.

Barriers could be removed for divorcing couples by:

1. Providing education in the most “gentle” way possible along several points of the divorcing process continuum. Educational guides that include reconciliation options could be provided at the point of filing for a divorce (see Hawkins & Fackrell, 2009);
2. Implementing concise/brief reconciliation options into all “co-parenting through divorce” or “divorce education” courses offered or required in Oklahoma counties (see finding that attorneys, judges, and divorcing persons are all amenable to this idea);
3. Working with the Oklahoma Marriage Initiative to test the implementation of “Couples on the Brink” (Doherty, Harris, Mayer & Peterson) program utilizing “discernment counseling;” working with Couples on the Brink team members to create any appropriate modifications for the Oklahoma population being served; utilizing the new state law implemented November 1, 2013 allowing public

service announcements on the topic of marriage to include education about this program or other reconciliation information; and,

4. Working with leaders of the Oklahoma Counseling Association (OCA), the National Association of Social Workers, Oklahoma (NASW-OK), the Oklahoma Association for Marriage and Family Therapy (OKAMFT), and other licensed behavioral health professional (LBHP) organizations to provide training and opportunities to work with Oklahomans participating in the “Couples on the Brink” Program.

Constraints between those involved

Barriers existed between the various systems many times in the form of externally vocalized questions about differences of perspectives, views over the way issues surrounding divorce were being handled by other systems, or frustration with extra duties or parties involved which create extra work for their specific role. Evidence of blaming or finger pointing frequently illustrates barriers between various systems involved in the divorce process. And, although the natural policy approach is to author laws protecting those most vulnerable during a divorce process (i.e., the children of divorcing parents), a barrier clearly emerges regarding the “absence” of laws addressing needs of emotionally vulnerable divorcing persons (see Figure 4).



Figure 4. Top 100 words in Oklahoma divorce statutes

Judges expressed thoughts about the differences between the various “county court styles.” Marked differences of style were detailed between Oklahoma County and Tulsa County family courts. Their perspective is that most couples are beyond reconciliation by the time they ever see them in court, and judges believe that extra parties involved related to child welfare, Medicaid representation, or other issues exacerbate already high emotions.

Attorneys vocalized concerns about the widely varying effectiveness of mediators (differences between privately hired attorneys and state-provided or court-mandated mediation services) having an impact on potential reconciliation. Like the judges, although probably more than the judges cited anecdotally, they believe that most couples are beyond reconciliation by the time they reach their offices. And, the issue was raised that in general, Oklahoma law schools do not emphasize family law and are not invested in full-time faculty to develop this area or keep up with the changing needs of the discipline.

Couples often cited lack of information provided to them by their attorneys or lack of options after having reached the divorce process, such as Collaborative Law or supportive/safe discussions about reconciliation. They also cited problems with marriage counseling related to either treatment “not working” or one spouse having different motivations or desire to attend the services. And, they occasionally cited power differentials created through the divorce process if one spouse had family support/resources when the other spouse did not.

When considering blame “direction” between systems, neither couples nor attorneys cited judges as barriers to reconciliation; both couples and attorneys cited each other as potential barriers to the reconciliatory process, and judges cited couples, attorneys, and extra parties involved as barriers. It should be noted, however, that both couples and attorneys did agree that the judges almost never brought up the topic of reconciliation, so although this could be coded as a barrier of omission, it was not cited externally during the interviews.

Barriers could be removed for judges by:

1. Exploring county by county differences in a series of judges conference meetings with lead representation from each major county or region; identifying areas of agreement would then turn into the first steps toward synchronizing family court protocols across counties;
2. Seeing data demonstrating couples’ openness to reconciliation even after having filed for divorce could help remove the perspective barrier of “most/all couples are beyond the point of no return” by the time they reach a courtroom;
3. Beginning a dialogue at the court administration level on the finding that barriers are intensified with the addition of extra parties into divorce cases, but advisement regarding starting at the appropriate level should be sought; and,

4. Creating a “pending until further notice” category for divorce case files of couples reconsidering their decisions. If these cases can be partitioned out of the “case productivity” numbers by the courts, then perhaps judges will feel less pressure to move them along.

Barriers could be removed for attorneys by:

1. Examining the question of “why mediation varies to such a great degree” within Oklahoma and creating plans to improve access and quality of mediation services across the state to divorcing couples, especially as it relates to the statutory allowance of mediation provision;
2. Publicizing through discipline-related channels the benefits of asking about reconciliation of all persons who file for divorce. Providing attorneys with a fact sheet or informational resource they can provide interested parties;
3. Setting up an initial meeting with the deans of all three Oklahoma law schools to discuss the problem of family law faculty investment and identify solutions to alleviate this barrier.

And, barriers could be removed for couples by:

1. Creating and pilot-testing language to be added or modified on “clients’ rights” literature given to a person filing for divorce. This message should include their right to raise the topic of reconciliation or vocalize “slowing down” the divorce if they have second thoughts in spite of their position along the divorce process continuum;
2. Working with the Collaborative Law movement to create plans for raising awareness about this model option in Oklahoma; and,

3. Identifying the main reasons couples cite marriage counseling not working for them and addressing the greatest findings with the LBHP professional organizations.

Constraints across those involved

Barriers crossing all systems include those identified mostly at the statutory level or meta-process level. For example, one overall finding noted that a majority of all statutes related to the divorce process focus first on the rights and care of children and then grandparents. The only mention of “the existing marriage” prior to the finalization of a divorce is found in one half of a sub-section suggesting that the waiting period could be waived “if the parties voluntarily participate in marital or family counseling and the court finds reconciliation is unlikely (143-107:1D).” Thus, this extreme absence of any statutory support for a reconciliatory attempt is a silent testament to the need for consideration of such a law(s). Historical, legal and contextual support for this type of legislative action was offered in chapter two of this study. Examples of primary or minimal impact laws would be:

1. Legislating the mandatory provision of a divorce book or educational guide to all divorcing couples in Oklahoma, such as the one noted earlier by Hawkins and Fackrell (2009);
2. Legislating a “reconciliatory trial period” as a legal agreement to be entered prior to the temporary order being certified, but with the protection of the divorce filing, thereby creating a legal means to prohibit resource scavenging (e.g., draining bank accounts or charging up debt) between couples. This agreement would differ from a marriage separation agreement in that there would be a plan and intent of attempting to reconcile, as opposed to the more neutral position of a

separation only.

3. Another option for legislation would be mandating divorce education classes for couples. Currently there is no state-wide law for this requirement, only a few county court policies. This legislation was drafted but not passed during the 2012-2013 legislative session.

Two of these three recommendations already have traction in Oklahoma or other states.

However, there is no record the researcher could find for a legal “reconciliatory trial period” status for married couples, so such legislation would likely be the more difficult and take longer to develop.

The final and most difficult barrier, as identified by the researcher and as validated by all four data collection components, is the momentum-building force pushing couples away from each other as soon as the divorce process starts. This is especially true of couples who are both represented by attorneys. The most experienced attorneys literally shook their heads in a resigned fashion when talking about this phenomenon, the judges vocalized being at a loss as how to change this dynamic, and the couples vocalized such an emotional toll because of this dynamic that they felt powerless to change it. To help explain how the power of this time-line develops barriers some offered metaphors such as “wedge” or “force” (see Figure 5). Others offered catastrophic solutions such as “starting from scratch,” or “ditching our whole system for something new.”

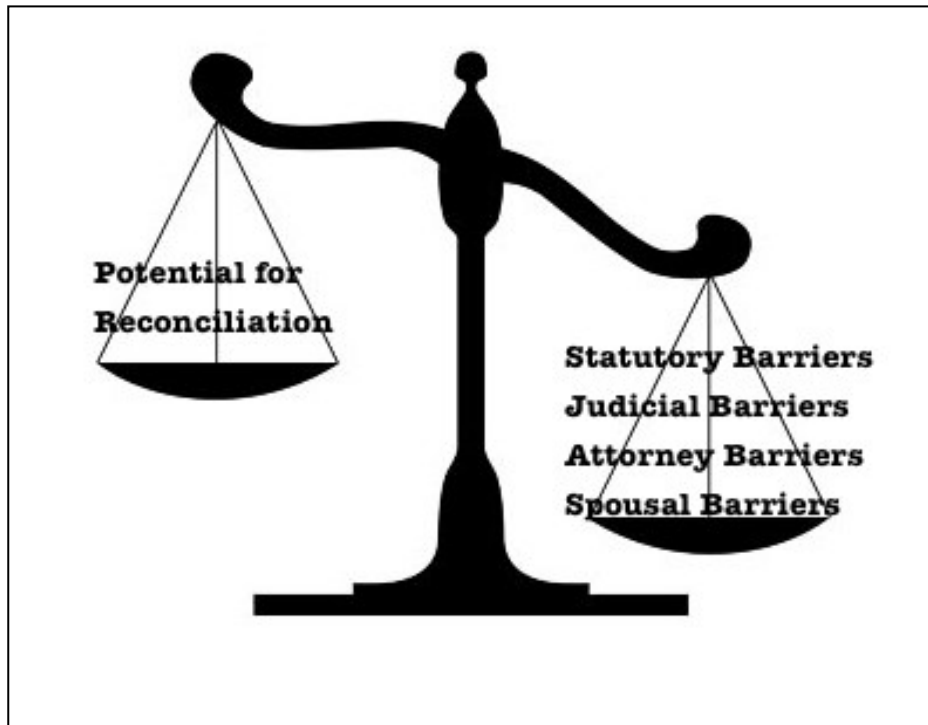


Figure 5. Representation of force between potential for reconciliation and existing barriers

While scrapping the entire family law court system might seem tempting to some parties, manageable solutions might come in the form of steps such as:

1. Dedicating a day at the capitol to bring invested legislators together to talk about this “dividing momentum” issue; including opportunities to explore real and unique solutions;
2. Employing efficiency professionals, social psychologists, or organizational psychologists to examine the dividing momentum issue and propose solutions; or,
3. Identifying a family-friendly small county to pilot test (using private funding) a model designed to reduce the dividing momentum and share this learning through family law channels.

Alfred North Whitehead said, “The art of progress is to preserve order amid change, and

to preserve change amid order.” He might have stated it another way: “The best policy changes are those that accomplish better results without freaking people out.” Good ideas, creativity, and innovation can only be implemented into large systems such as the family courts or family law if those involved believe the changes are inspired and can be managed while still taking care of the families needing action. Therefore, change at even the greatest level or within the most complex organization can take place if careful, creative, and methodical processes are maintained along each step of the way.

Study limitations

One of the greater limitations discovered during this study was assumptions made during the methodology phase. The researcher assumed that if divorcing couples hired attorneys, then they would each be represented. This was not always the case, and a sub-section of the divorcing persons sample seemed to be fairly open to working with their spouse and satisfied with the use of only one attorney. Methodology can only be flexed to a certain degree before it becomes a different study. Therefore, the limitation of time and realization of this phenomenon prohibited the researcher from asking more in-depth questions about what worked and did not work when both spouses utilized one attorney.

A second limitation was due to the scope of the study. The researcher believes that if this study had been reduced in scope, greater time and more in-depth analysis could have provided even richer results. In other words, a large study for one doctoral student can become a limitation for the research community if it proves so vast as to not be managed well. It is the opinion of the researcher that had it not been for active guidance of her advisor and committee, the size of this study could have been a very real detriment to useful findings. And, it is the researcher’s view that most future research related to the topic of reconciliation barriers among

divorcing persons should be done with interdisciplinary teams as to reduce the learning curve toll on a single investigator.

Additionally, as a product of limiting further tasks, pro se couples were not interviewed. Although they only represent somewhere between 25 and 37% of divorcing couples in the two counties studied, this is a large segment of the divorcing population. Barriers to reconciliation could be very different for couples handling their own divorces as opposed to couples employing the services of attorneys. Along these same lines, mediations were not interviewed and based upon the findings, a mediation component could have proved salient to the overall model.

Finally, the overall results would likely have been slightly different if NVivo software had been used to code all four components. Importing the audio files and coding within the program would have also allowed for a few additional analyses to investigate comparative groupings between the components.

Suggestions for future research

The results of this study seem to create additional unanswered questions about barriers to reconciliation. For example, if stark differences were identified between just two county court rules or policies, how many could be identified among several counties? And, if stark differences were found among the components addressed, then it would follow that differences would have been found among pro se couples or mediators/mediation had they been investigated. For example, we already know by the findings that mediation is paid for by some counties but divorcing persons bear the cost in others. Further, some attorneys only utilize trained mediators who are also lawyers. Others, however, utilize mediation services and could find themselves with someone who is a behavioral health professional. The results of this study certainly become

a roadmap to more research possibilities.

Another major meta-theme emerging from this study was the pervasive mistrust among and between the judges and attorneys. The view that “we do certain tasks but others do not, therefore we know better” was interesting. There seemed to be an element to this theme pointing to the perspective that “there are only a few I trust” or “only a few I work with” in the family law context especially within the attorney population. But within the judges population, there seemed to be such an independent county-by-county view that best practices appear to rarely, if at all, be implanted into court processes on a state-wide basis.

Other questions naturally rose to the surface and beg investigatory attention such as the finding that there are currently no CLEs which cover the topic of reconciliation, although attorneys doubt they would attend if they did exist. When discussing the results of this study, committee members wondered aloud about taking divorce out of the court system altogether, and moving it more toward an administrative courts process in order to alleviate the “wedge dynamic” that is so pervasively described within this data. Some also wondered about the demand of family law professors within law schools. For example, do schools outside Oklahoma have active family law programs or recruit students specifically because of their family law professors?

Exploring the details surrounding this finding and many others could serve as the compass for many productive years of further research. Some questions may be easily answered, while others could involve large investigations over the course of several years. Most keenly, however, the researcher believes that high degree of emotional distress being experienced by so many divorcing couples begs careful description, thoughtful intervention consideration, and

diligent testing in order to provide relieve during this difficult time.

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APPENDICES

APPENDIX A

Question Route: Focus Group with Family Court Judges

Informed Consent:

Review informed consent aloud while participant reads along silently. Included in the informed consent will be: a) A summary of the study including the reason the results will be helpful; b) an explanation of what the participant will be asked to do; c) an idea of the type of questions that will be asked; d) general good practice clauses such as “how their identity will be kept confidential,” “how the data will be stored,” “how the results will be reported in aggregate form, and any quotes will not be linked to identifiers,” “how they may stop the interview at any time, skip any question they would prefer not to answer or withdraw from the study completely,” “when the study will be completed and how they can obtain a copy of the final report,” and “ask if they have any questions before we begin.”

After the participants have elected into the study, I will then begin the following process, asking the questions in this order:

- A. Warm-up; getting to know the participant and establishing a trust relationship. The “warm up” segment will be deployed in the manner of coming “joining” techniques used in marriage and family therapy. I will utilize my contacts to determine the right amount of joining (if any) that should take place.
- B. I will ask each judge to introduce themselves by using a pseudonym, then for demographic purposes only ask them to define the type of court over which they reside (rural, urban, suburban). I’ll also ask them to estimate the number of divorce cases over which they preside weekly or monthly, and how long they have been a sitting family court judge.
- C. I will then provide the following questions during the remainder of the focus group time:
 - 1) What has been your experience with couples who have mentioned reconciliation during divorce proceedings?
 - 2) What are your observations about the influence of attorneys related to this subject matter?

- 3) How about your own beliefs? To what extent do you become involved in reconciliation discussions; and/or would you describe your judicial style to be more passive or active?
- 4) What court rules and regulations do you believe impede reconciliation? Are their rules or regulations that might facilitate the process?
- 5) Would you like any changes to be made on the statute, court process, or any other level related to this subject matter?
- 6) How do you feel the involvement (or lack thereof) of a court appointed referee such as a mediator, or sometimes an arbitrator, works within your divorce cases? What reconciliation efforts or barriers do you see related to this particular dimension of your work?

APPENDIX B

Semi-Structured Interviews with Family (Divorce) Attorneys Protocol & Question Prompts

1. Review informed consent aloud while participant reads along silently. Included in the informed consent will be: a) A summary of the study including the reason the results will be helpful; b) an explanation of what the participant will be asked to do; c) an idea of the type of questions that will be asked; d) general good practice clauses such as “how their identity will be kept confidential,” “how the data will be stored,” “how the results will be reported in aggregate form, and any quotes will not be linked to identifiers,” “how they may stop the interview at any time, skip any question they would prefer not to answer or withdraw from the study completely,” “when the study will be completed and how they can obtain a copy of the final report,” and “ask if they have any questions before we begin.”
2. After the participants have elected into the study, I will then begin the following process, asking the questions in this order:
 - A. Warm-up; getting to know the participant and establishing a trust relationship. The “warm up” segment will be deployed in the manner of “joining” techniques used in marriage and family therapy. I will utilize my contacts to determine the right amount of joining (if any) that should take place. As a licensed marriage and family therapist, and long-time American Association for Marriage and Family Therapy approved Supervisor, it is my professional identity and skill-set to know how to “join” with clients, research subjects, and the population at-large. As requested by the IRB office, an example of “joining” would be:
 - a. Commenting on the décor of a particular office;
 - b. Making introductions and familiarizing yourself with each other’s professional perspectives;
 - c. Commenting on the weather, a current event, or about a particular landmark in the area, or other small trust-building behaviors.
 - B. I will ask the participants to introduce themselves by using a pseudonym, then for demographic purposes only ask them to define the type of geographical practice they have (rural, urban, suburban). I’ll also ask them to estimate the number of divorce they handle each year, and how many years they have practiced.
 - C. I will then provide the following questions during the remainder of our interview time:

Once a level of rapport has been established, and based upon their history, the researcher will then ask questions about barriers to reconciliation –

1. What can you identify within your practice procedures that allow for, or disallow the topic of reconciliation to be discussed with your divorcing client?
2. What about court rules and/or regulations you must follow? Talk about the potential for, or barriers to, reconciliation related to them.
3. What about your own interactions with the clients themselves, or other dynamical processes that allow for, or disallow, the topic of reconciliation to be discussed? Where do you see opportunities? Where do you hindrances or barriers?
4. How about your personal beliefs? Do you feel it is part of your job to accommodate the discussion of reconciliation? If so, how does this play out in your practice? If not, where do you think that discussion belongs – if anywhere?
5. Does the concern about reduced pay relate at all to an attorney's willingness to talk to their clients about reconciliation?
6. What about your personal knowledge of referral sources if a couple suggests they might wish to get back together? What about your colleagues? How knowledgeable are they about services for couples?
7. Would you like any changes to be made on the statute, court process, or any other level related to this subject matter?

8. How do you feel the involvement (or lack thereof) of a court appointed referee such as a mediator, or sometimes an arbitrator, works within your divorce cases? What reconciliation efforts or barriers do you see related to this particular dimension of your work?

APPENDIX C

Semi-Structured Interviews with Persons Going Through the Divorce Process: *Protocol & Question Prompts*

Pre-Interview Protocol:

3. Review informed consent aloud while participant reads along silently. Included in the informed consent will be: a) a summary of the study including the reason the results will be helpful; b) an explanation of what the participant will be asked to do; c) an idea of the type of questions that will be asked; d) an explanation of how their identity will be kept confidential, how the data will be stored, how the results will be reported in aggregate form and quotes will not be linked to identifiers, how they may stop the interview at any time, skip any question they would prefer not to answer, or withdraw from the study completely. Participants will be told they may request a copy of the final report once the study is completed. They will then be asked if they have any questions before the interview begins.
4. After the participants have elected into the study, recording will begin and I will then initiate the following process, asking the questions in this order:
 - D. Warm-up; getting to know the participant and establishing a trust relationship. The warm up segment will be deployed in the manner of “joining” techniques used in marriage and family therapy. As a licensed marriage and family therapist, and long-time American Association for Marriage and Family Therapy approved Supervisor, it is my professional identity and skill-set to know how to “join” with clients, research subjects, and the population at-large. Examples of “joining” would include:
 - a. Commenting on the décor of a particular room/ office;
 - b. Making introductions and familiarizing yourself with each other;
 - c. Commenting on the weather, a current event, a particular landmark in the area, or other small trust-building conversation.
 - E. I will ask the participants to introduce themselves by using a pseudonym. Then, for demographic purposes only, I will ask them to define the type of geographical area within which they live (i.e., rural, urban, suburban).
 - F. I will then provide the following questions during the remainder of our interview time:

Interview Questions and Prompts:

Once a level of rapport has been established, and based upon their history, the researcher will then ask questions about barriers to reconciliation.

Theoretical questions:

1. Okay, now I'm going to ask you a series of questions about various groups of people that might be involved in your life right now, and how they may – or may not have – talked with you about your divorce. I'm interested in knowing about who may have tried to intervene or convince you (or your spouse) that you should reconcile. First, let's start with any family members. Did this occur, and if so, what was that like?
 2. (After follow ups to question 1) How about any close friends or people who work with you?
 3. Did your children try to intervene in any way?
 4. How about messages from your attorney? Did you discuss reconciliation during those meetings? What did that look like?
 5. How about the judge? Did they ever bring up the question of reconciliation?
 6. Finally, let's talk about your spouse. What kinds of discussions, or when, did you talk about reconciliation.
 7. Anyone else in your life such as a clergy, or other person try to mediate or encourage you to reconcile? If so, what did those attempts look like?
-
3. Now lets flip these questions around. Did anyone react the opposite way and try to convince you to divorce? Talk about how that particular process played out.

Detail questions:

4. What are your bottom lines for agreeing or not agreeing to reconcile? Where does "falling in love" or "falling out of love" fit with your rationale? What other circumstances influenced your desire to seek the divorce?
5. If you knew that research has shown that, years later, couples who once considered divorce but decided against it are now happy, would that change your perspective now?

Final questions:

6. What, if anything, would convince you to change your mind and give your marriage another chance?
7. Are there questions that you had hoped I would ask? Is there anything else you would like to share? Any final thoughts?

APPENDIX D

Oklahoma State University Institutional Review Board

Date: Tuesday, March 26, 2013
IRB Application No: HE1321
Proposal Title: Multi-Systemic Constraints to Help Seeking Prior to the Finalization of a Divorce - Phase 3: Semi-structured Interviews with Practicing Family (Divorce) Attorneys
Reviewed and Processed as: Exempt

Status Recommended by Reviewer(s): Approved Protocol Expires: 3/25/2014

Principal Investigator(s):
Kelly Roberts Christine Johnson
7318 E. Covell Road 139 HES
Edmond, OK 73034 Stillwater, OK 74078

The IRB application referenced above has been approved. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in section 45 CFR46.

[The final versions of any printed recruitment, consent and assent documents bearing the IRB approval stamp are attached to this letter. These are the versions that must be used during the study.]

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be submitted with the appropriate signatures for IRB approval. Protocol modifications requiring approval may include changes to the title, PI advisor, funding status or sponsor, subject population composition or size, recruitment, inclusion/exclusion criteria, research site, research procedures and consent/assent process or forms.
2. Submit a request for continuation if the study extends beyond the approval period of one calendar year. This continuation must receive IRB review and approval before the research can continue.
3. Report any adverse events to the IRB Chair promptly. Adverse events are those which are unanticipated and impact the subjects during the course of this research; and
4. Notify the IRB office in writing when your research project is complete.

Please note that approved protocols are subject to monitoring by the IRB and that the IRB office has the authority to inspect research records associated with this protocol at any time. If you have questions about the IRB procedures or need any assistance from the Board, please contact Dawnett Watkins 219 Cordell North (phone: 405-744-5700. dawnett.watkins@okstate.edu).

Sincerely,

ftL__fi.

Shelia Kennison, Chair
Institutional Review Board

VITA

Kelly Marie Roberts

Candidate for the Degree of

Doctor of Philosophy

Thesis: MULTI-SYSTEMIC CONSTRAINTS TO HELP SEEKING PRIOR TO THE
FINALIZATION OF A DIVORCE

Major Field: Human Development and Family Science

Biographical:

Education:

Completed the requirements for the Doctor of Philosophy in your Human Sciences at Oklahoma State University, Stillwater, Oklahoma in December, 2013.

Completed the requirements for the Master of Science in Family Relations and Child Development at Oklahoma State University, Stillwater, Oklahoma in 2002.

Completed the requirements for the Bachelor of Arts in Communications Education at the University of Central Oklahoma, Edmond, Oklahoma in 1998.

Experience:

Graduate Medical Education Faculty Member, Integris Health, Oklahoma City, OK
2012-present

Clinical Instructor, Oklahoma State University, Stillwater, OK
2004-2012

Director, Oklahoma Marriage Initiative Service Delivery System, Public Strategies, Inc.
Oklahoma City, OK, 2002-2004

See full vita for comprehensive experience

Professional Memberships:

American Association for Marriage and Family Therapy

National Council on Family Relations

American Academy for Communication in Healthcare