
Psychology, Family Relationships, and the Law

Symbiotic Partners: Psychology and Family Law as Symbiotic Partners

By Mark Baer, Esq.



In traditional marriage vows, two people promise before God and witnesses, to be “loving and faithful, in plenty and in want, in joy and in sorrow, in sickness and in health, as long as we both shall live...” Unfortunately, the average American marriage lasts only six years—and that is most certainly not because one of them dies during the first six years. Like it or not, if the marriage vows were to be updated to reflect modern times, the vows would more likely read something along these lines: “I, ... take you, ... to be my wife/husband; and I promise before God and these witnesses to be your loving and faithful husband/wife for *as long as it makes me happy or otherwise suits my needs.*”

Even though divorce is so prevalent in our society, the emotional toll of a dissolving marriage usually devastates spouses. In fact, dissolution of marriage is one the most stressful events a person can experience in their lifetime, and impacts the spouse that makes the announcement as well as the spouse that receives the announcement, albeit in different ways. Even a spouse who is merely considering ending the marriage, or one who anticipates such an announcement, experiences a significant degree of emotional pain and pressure.

As a practicing family law attorney, I have observed at close range the emotional effects of a marriage’s breakdown. For example, I’ve seen the anguish which a husband endured in an effort to remain in a bad marriage because he was so attached to his daughter—he knew that he would not be able to see her on a daily basis if he were to separate from and/or divorce his wife. I’ve also seen situations in which a spouse anticipates that the marriage may be ending while doing little, if anything, to repair the marriage—all the while suffering from disabling panic attacks stemming from the tension.

(On one occasion, I had a client who kept calling off his divorce proceeding because he said that his wife would not have sex with him anymore if they were to divorce, and that sex with her was by far the best sex he ever had! Ultimately, the sexual pleasure was not enough to maintain the marriage and he divorced his wife.)

Now that I have addressed the obvious fact that divorce is quite common in our society, and that it causes the parties to suffer emotional symptoms of some sort, I would like to cover one of the leading causes of divorce, and why I think that therapists could benefit from the current (dismal) economic climate.

I find that money issues are often a significant factor in divorce. Generally, the spending habits of one or both partners are protested, or the loss of earnings of one person is condemned by the other. Interestingly though, when the financial issues stem instead from the decline of the economy in general, marital partners tend to make a greater effort to remain in an unsatisfactory marriage. I believe this is largely because the cost of maintaining two households is obviously greater than the cost of maintaining just one household. In the current economic climate, a couple may recognize that their standard of living has already declined, and see no likely improvement in the foreseeable future. Under those circumstances, the couple may consider that the even lower standard of living anticipated after the dissolution of their marriage is an even worse prospect than remaining in their unhappy marriage.

This lose/lose situation will probably create more work for mental health care professionals, in my opinion. It is always my hope that with proper counseling, many of those marriages can be saved, even as the economy recovers. However, a great number of those marriages will inevitably fail once a spouse perceives the economic impact of the divorce to be less traumatic than remaining in the marriage.

Let me state now that I believe *all* individuals going through the divorce process should receive some form of psychological care.

In my opinion, if both parties going through the process receive treatment, they will heal that much faster, and move forward with their lives, instead of remaining stuck in the past. Furthermore, the sooner that they enter into psychotherapy, the more it will help them in the divorce process from a legal standpoint. The reason I say this is because emotional conflicts tend to get acted out with legal demands and confrontations, which obviously leads to escalating legal fees and costs. Any money people think they may be saving by not seeking mental health treatment is being spent instead in the court system, which all could have been avoided had they worked through their emotional issues in therapy to begin with. Moreover, after having spent great sums on litigating emotionally charged conflicts leveled against their spouse, individuals will not have still not dealt with their underlying mental health issues.

All of this is the basis for my contention that a symbiotic relationship exists—or *should* exist—between family law attorneys and mental health professionals.