



Scott T. Taylor

Family Lawyer & Mediator

Singing the Blues

Category: Mediation & Collaborative Divorce

“Cause breaking up is hard to do.” Not only the title of a classic hit single by singer songwriter Neil Sedaka, but also the gloomy refrain sung by many spouses when relationships fail. Just how depressing was the subject of a recently released Statistics Canada report which studied the emotional consequences of marital breakdown. And if you believe the report’s results, it appears that “breaking up” is much harder on men than women.

According to the report, men were much more likely than their spouse to suffer depression in the two years following the end of the relationship. There was also a fascinating discovery made when newly divorced or separated men or women were compared to their married counterparts. The statistics revealed that while both sexes experienced periods of depression, newly divorced or separated men were much more likely to “sing the blues” than the women in similar circumstances.

Not surprisingly there have been a variety of excuses and explanations offered by therapists and counsellors to explain the apparent differences between the sexes. These include the proposition that men, unlike women, are much less willing, or able, to seek help from professionals, or others, to help heal the emotional wounds caused by marriage breakdown.

There is no way for me, or anyone else, to know for certain the actual reasons behind the differences. However, regardless of the reasons or the differences, the study simply confirms what I already know, having witnessed firsthand the disturbing impact of separation and divorce on both my male and female family law clients. Namely, the process of separation or divorce can be emotionally devastating regardless of your gender.

In my opinion the real significance of the Statistics Canada study is to highlight the emotional damage inherent in our adversarial legal process, the impact of which can devastate divorced or separating couples. Particularly, when attempting to resolve

“hot button” issues such as child custody. I have long advocated changes to divorce legislation to remove the “winner take all approach”, changes, which sadly, successive federal governments have failed to implement.

Now the good news, despite the governments reluctance to legislate meaningful changes, there are steps that you and your spouse can take to minimize the collateral emotional harm to both you and your children, resulting from lengthy contested court proceedings. The process is called Collaborative Divorce and its practitioners are both trained mediators and family lawyers.

The key difference between the collaborative process and the traditional legal process is that the collaborative focus is to attempt to resolve matters without the need of court intervention, usually by means of informal meetings between the parties with the assistance of their counsel. In fact, one of the central tenants of the collaborative process inspires the parties to work towards a negotiated resolution. That’s because, if either party decides to commence, or continue, court action, both collaborative counsel are required to remove themselves from the file.

Another vital advantage of the collaborative process is the potential involvement of various therapists and counsellors to work with the parties, and children, to address any emotional issues arising from the end of the relationship.

My advice is simple. If you and your spouse are contemplating, or currently experiencing, separation or divorce, don’t rely on the courts to resolve your differences. Don’t make “breaking up” any harder than it needs to be. There are alternatives to litigation which deserve your serious consideration. After all, you don’t want to become just another statistic “singing the blues.” 🎷