Professional self-care while working with high conflict families

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High–conflict parents are identified by multiple, overlapping criteria:

- high rates of litigation and re-litigation,
- incidents of verbal abuse,
- intermittent physical aggression,
- ongoing difficulty in communicating about and cooperating over the care of their children at least two to three years following their separation.
High conflict families in family law (con’t)

- Probably most characteristic of this population of ‘failed divorces’ is that these parents have difficulty focusing on their children’s needs as separate from their own and cannot protect their children from their emotional distress and anger or from their ongoing disputes with each other.”

When do we work with high conflict families?

- Mediation
- Family law/divorce proceedings
- Parenting coordination (PC)
- Social investigation
- Guardian ad litem (GAL)
Prevalence of personality disorders in high conflict cases

- No empirical data on the actual prevalence of PD in high conflict divorces, but in looking at the diagnostic criteria of most personality disorders, it is clear that people with PD are over represented in high conflict family law cases.
Personality Disorder
DSM–V definition

- An enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual’s culture. This pattern manifests in two of the following categories:
  - Cognition: perceiving and interpreting self, others and events
  - Affectivity: range, intensity and appropriateness of emotional responses
  - Interpersonal functioning
  - Impulse control
- The pattern is inflexible and pervasive across a broad range of personal and social situations
- The pattern leads to clinically significant distress or impairment in social, occupational or other important areas of functioning
Emotions in High Conflict Families

- Fear
- Grief
- Shock
- Contempt
- Betrayal
- Anger
Fear

- Definition—an unpleasant emotion caused by the belief that someone or something is dangerous, likely to cause pain, or threat
- Losing money, home, children
- Being alone
- Being shamed, judged
Grief

- Definition—deep and poignant distress caused by or as in bereavement
- Loss of expected future as an intact family
- Loss of money, time with children, security, companionship
Shock

- Definition—a sudden upsetting or surprising event or experience
- No one ever gets married with the expectation that it will end in divorce.
- Most people go through a period of disbelief that their marriage is over.
- Denial is infrequent, but possible
Contempt

- Definition– the feeling that a person or a thing is beneath consideration, worthless, or deserving scorn.
  - “My ex-wife is a b####!”
  - “He was a liar and a low-life loser!”
Betrayal

Definition—an act of deliberate disloyalty.

Some people actually were betrayed financially or through infidelity or dishonesty.

Others simply feel betrayed because promises to love “until death do us part” were broken.
Anger

- Definition—a strong feeling of being upset or annoyed because of something wrong or bad
- Clients in high-conflict divorces and other post-final judgment proceedings almost always feel anger towards their ex-spouse
- Unresolved anger acts a fuel to the ongoing conflict
Impact on us personally and professionally

- We are professions, yet we are also human beings who are affected by our client’s tears, angry outbursts and demands fueled by desperation.
- It is imperative that we are aware and monitor the impact that working with high-conflict clients has on our professional and personal well-being.
Just in working with these clients, we know their children are at-risk. A major part of their social environment, their divorced parents, are in constant conflict and therefore not providing the care and support the children need to grow emotionally. We often feel helpless in making real changes with these families, and we are often left wishing we could do more to help the children.
Many of these cases may involve parental alienation, and we may feel helpless in doing anything to stop it. As a mediator or parenting coordinator, we are limited in our role in regards to making recommendations that may significantly impact the alienating parent. The role of a Guardian ad Litem or Social Investigator is more appropriate, and this can be cost-prohibitive for many families. As a result, we are left watching a good parent face constant roadblocks to having a relationship with his/her child.
Mediators and Parenting Coordinators have rules of practice that outline circumstances that we must remove ourselves or decline cases based on our ability to handle the case.

Our psychological and emotional well-being are important factors influencing our ability to handle a case.
Mediation and Parenting Coordination Rules

Rules for Qualified and Court-Appointed Parenting Coordinators
Rules for Certified and Court-appointed Mediators

RULE 15.030. COMPETENCE
(b) Circumstances Affecting Role. PC’s shall withdraw from PC role if circumstances arise that impair PC’s competency.
(c) Skill and Experience. Decline appointment, withdraw, or request assistance when circumstances of case are beyond PC’s skill or experience.

Rule 10.640 SKILL AND COMPETENCE
A mediator shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the mediator’s skill or experience.

RULE 15.060. IMPARTIALITY
(c) Influence. A parenting coordinator shall not be influenced by outside pressure, bias, fear of criticism, or self-interest.
(f) Withdrawal. A parenting coordinator shall withdraw from a parenting coordination process if the parenting coordinator can no longer be impartial.
RULE 10.330 IMPARTIALITY
(b) Withdrawal for Partiality. A mediator shall withdraw from mediation if the mediator is no longer impartial.

Rule 10.620 INTEGRITY AND IMPARTIALITY
A mediator shall not accept any engagement, provide any service, or perform any act that would compromise the mediator's integrity or impartiality.

RULE 15.070. CONFLICTS OF INTEREST
(a) Generally. A parenting coordinator shall not serve as a parenting coordinator in a matter that presents a clear or undisclosed conflict of interest
RULE 10.340 CONFLICTS OF INTEREST
(a) Generally. A mediator shall not mediate a matter that presents a clear or undisclosed conflict of interest.
(b) Burden of Disclosure. The burden of disclosure of any potential conflict of interest rests on the mediator.
(c) Effect of Disclosure. After appropriate disclosure, the mediator may serve if all parties agree. However, if a conflict of interest clearly impairs a mediator’s impartiality, the mediator shall withdraw regardless of the express agreement of the parties.

RULE 15.110. MARKETING PRACTICES
(e) Additional Prohibited Marketing Practices. A parenting coordinator shall not engage in any marketing practice that diminishes the importance of a party’s right to self-determination or the impartiality of the parenting coordinator...

RULE 10.310 SELF-DETERMINATION
(d) Postponement or Cancellation. If, for any reason, a party is unable to freely exercise self-determination, a mediator shall cancel or postpone a mediation.
Assessing our coping strategies: Professionally

- Burnout—a psychological syndrome in response to chronic stressors on the job
  - overwhelming exhaustion (regularly feeling depleted emotionally and physically)
  - Feelings of cynicism and detachment from job
  - Feeling ineffective and nonproductive at work
Components of burnout and work with high-conflict

- Overwhelming exhaustion—Most mediators, PC’s, family law attorneys, social investigators and GAL’s will agree that high conflict clients suck the emotional and psychological life out of you.
Components of burnout and work with high-conflict (con’t)

- Feeling of cynicism and detachment from job—it is easy to begin to view clients negatively (selfish, unmotivated, etc) and wonder what is the point of even trying to do your job.

- Cynicism can lead to detaching from your clients (not wanting to take their calls or deal with their issues.)
Components of burnout and work with high-conflict (con’t)

- Feeling ineffective and non-productive—many high conflict clients are non-compliant with recommendations or legal advice, don’t want to respect the boundaries of professional relationship and have unrealistic expectations about your ability to help them.

- High conflict clients are quick to blame their mediator, PC, attorney, social investigator or GAL when they don’t get what they want.
Maslach’s Burnout Inventory – developed in 1981 by Christina Maslach and it has been validated across many populations and demonstrated reliability as a burnout self-assessment measure.
Assessing our coping skills: Personally

- How does working with high conflict clients affect our close relationships, sleep, parenting skills, hobbies, anxiety levels, mood, quality of life?
- When we are experiencing symptoms of burnout at work due to high conflict cases, we are at risk of increased alcohol use, mood disorders, anxiety, stress-related medical issues (high BP, cardiac problems, GI problems, poor sleep, weak immune system)
Signs we need work on coping

- Self awareness
  - Routinely assess our satisfaction with our work
    - Clients, work load, work/case distribution
  - Ask yourself: Am I always irritable at work? Do I put off returning phone calls or scheduling meetings with certain clients? Am I getting sick too much?
Signs we need to work on coping

- Loved ones comments of concern
  - Are friends telling you that you seem more stressed out and not available to socialize?
  - Are family members commenting that you look tired? Are always cranky? Working late too much?
  - Are your staff or coworkers avoiding you because you are irritable with them?
Why do we need self-care?

- When we work with high-conflict clients, we soak up some of their emotional pain (anger, sadness, grief etc.)

- Like a sponge can only absorb so much water, before it needs to be wrung out, we also need to take steps to let go of our clients emotional pain.
Self Care

- Case Consultation– Talking about difficult cases with trusted peers helps us to get a different perspective.
- High-conflict clients can make us feel crazy, incompetent or lazy due to their own emotional state, inability to respect boundaries or unrealistic expectations of us.
- Talking with colleagues can keep us grounded and even help us problem-solve ways to manage these clients more effectively.
When we are chronically psychologically, emotionally or physically stressed, our body produces too much cortisol (a stress hormone) which needs to be released or we are at risk of developing depression, obesity, insomnia, heart disease, headaches and digestive problems.

Physical outlets

- Aerobic exercise is the best way to reduce the levels of cortisol in our body.
  - Brisk walking
  - Bicycling
  - Jogging
  - Swimming
  - Sex
- 20–30 minutes of aerobic activity at least 3 times a week
How do you let go of work after hours?

- Do you answer work phone calls from home? Do you check work emails? Do you routinely stay up late to finish up reports or prepare for court?

Do you work in an environment where it is expected that you work 50+ hours/week?

Do you feel guilty if you take a day off just for you?
Our clients will work us into the ground if we let them.

Set limits on how many hours you will work a week and under what circumstances you will work more as an exception.

Set limits with coworkers/colleagues and clients about your availability after hours

Give your self permission to “switch off” and be present with your loved ones after hours
Many of us wear multiple professional hats (mediator, mental health professional, attorney, GAL, PC etc.)

Wearing some of those hats is more stressful than others

We need to look at how we are spending each day and determine if we are happy with the distribution of our work.
General Health

- Do we prioritize going to the doctor for annual check-ups?
- Do we try to get enough sleep?
- Do we try to eat relatively healthy?
- Do we address our health when our body tells us something is wrong?

Self care involves taking care of our body as well as our emotional and psychological well-being.
Ask for feedback

- We are not always objective in self-assessment as our thoughts and feelings can cloud our ability to assess. (This is why doctors don’t treat themselves or why therapists don’t counsel themselves.)
- Those that love us and know us well are in a good position to give us feedback about how it appears we are coping with life personally and professionally.
How do we pat ourselves on the back for a good job? Do we allow ourselves to take time to do whatever we want?

Are our rewards unhealthy? Wine, fried foods, donuts may feel like an indulgence and are fine to enjoy infrequently. It is important to also reward ourselves with food/drinks and activities that are good for us.
How do YOU practice Self Care?