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Women's Perception of Separation/Divorce in Portugal: A Sociodemographic Profile

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This article focuses on the personal experiences of Portuguese women regarding separation and divorce. The sample included 96 women, with at least 1 child, who responded to an inventory that addressed conflict, dysfunctional conjugality, emotional experiences, social support, and adaptation to divorce. Higher levels of conflict and marital dysfunction in litigious divorces were found, as well as more conflict when different lawyers were employed. Those women who were satisfied with alimony and visiting rights reported less conflict, fewer negative emotional experiences, and greater social support. Level of education and duration of separation influenced women's perceptions. Implications for intervention are addressed.

KEYWORDS *divorce, subjective experiences, women*

The changes that have happened in Portugal over the last decades, in terms of social, economic, cultural, and religious levels, as well as values, have been profound, mainly after the revolution of April 1974. Naturally, the family faced a determinant influence both due to these transformations as well as the changes in the law that have happened since then. From a rural country before 1974, Portugal became a more developed country in economic terms, with an increase in urban population. A strong middle class emerged. Family relationships became more diverse and power within the family became more equally distributed. Equal opportunities between men and women became a more tangible reality. Economic independence increased for men as well as for women, with a more profound meaning and reach for the latter. The values have significantly changed and cultural diversity conquered its way in.

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On the other hand, individualism, competition, and access to immediate gratification have grown. Sharing and cooperation have become less emphasized values. Family relationships changed in the direction of more freedom. With the introduction of contraceptive methods, sexuality started to be seen in a different light and became more dissociated from procreation. The power of the Catholic Church decreased as a more critical and anticlerical culture emerged. Faith and religious beliefs grew in a less dogmatic, but more personal sense and became valued in a more intimate way. The number of practicing Catholics decreased drastically. The relationship of the individual with marriage and divorce took a different approach. Rather than a survival need, marriage tended more and more to become a relationship based on affection. Marriage stopped being for “forever” and lasts only as long as it is worthy (Torres, 1996). It is also important to note that the legal boundaries set on divorce, which were at their peak after the signature of the Concordata, were now abolished. Divorce, previously litigious, full of sanctions and blame, gave way in favor of no-fault divorce. From 1974 onward, marital incompatibilities were grounds enough to ask for divorce (Delgado, 1996).

In Portugal, the National Statistics Office (Instituto Nacional de Estatística [INE]) shows that around 65% of divorced women had only basic education. If we add to this situation the fact that divorce implies an increase in expenses for both parents due to their new living arrangements and the fact that quite often women do not receive alimony, it is easy to understand the financial frailty that arises in a significant amount of families after divorce. One in three women fall into poverty as a result of divorce (Fagan & Churchill, 2012)

DIVORCE IN PORTUGAL

Divorce is a phenomenon that affects a growing number of families in the world. Divorce rates have been growing in a steep way since the 1960s in the Western world. In Portugal, the most significant growth period occurred after the revolution of April 1974 for two main reasons: the law reforms of 1975, which revoked the Concordata, allowing for divorce in Catholic marriages; and the modernization and progress, as well as economic, social, and cultural evolution that took place in the meantime and that interfered in the way married life was perceived (Torres, 1996).

Until 1975 the great majority of divorces regarded marriages celebrated under civil law, whereas separated couples (not divorced) were mainly from religious marriages (Delgado, 1996). After 1975, following the changes in the Concordata, the number of separations is still greatest among those married in the Catholic Church. Nevertheless a significant increase in divorced couples also occurred among them (Delgado, 1996). In a study focusing on

the years between 1968 and 1974, Delgado (1996) concluded that divorce rates for that period were not significant, overall, in Portugal. This study also concluded that divorces happen mainly in the coastal districts. On the other hand, inland districts show very low divorce incidence rates. The Minho region in the north of the country shows low incidence rates as well, although slightly higher than those from the interior. Delgado pointed out that different incidence rates of divorce can be explained by the weight carried by religion and the influence of canonical law in Minho and the far inland. There seems to be a north–south dichotomy, with a prevalence of lower rates in the north, which is more traditionalist and religious in opposition to the south, which is more open to multicultural influences, less conservative, and less religious. After the Concordata revision in 1975, divorce became the predominant type of split-up in Catholic marriages (not surprisingly, as this is still the most predominant type of marriage in Portugal), following the geographic tendency. Data from INE (2010) show a growing number of divorces in Portugal, mostly after 1990. The ratio of divorces to weddings has been increasing gradually at a steady rate. Between 1990 and 1999 the percentage of divorces have doubled. In 1999 one out of every four weddings ended up in divorce. The national divorce rate has been growing since 1975. The demographic statistics show an increase in the percentage of divorces in the last 10 years, which grew from 12.6% in 1989 to 26.0% in 1999. After 1994, the percentage was higher than 20%, which means that one in every five weddings inland end up in divorce. However, between 1996 and 1999 in the greater Lisbon area, this percentage varied between 32% and 35%, meaning that one out of every three weddings ends up in divorce. After that, in 2002, the tendency was reinforced with a significant increase of 46.8%, the greatest increase since 1977. In the 1980s, mutual consent divorces were predominant (67.8%), and litigious divorces dropped to 31.5%. Between 2000 and 2007, there was another 33% increase in the divorce rate. Weddings, on the other hand, decreased 27% during the same period (INE, 2010). Between 2005 and 2009, the divorce rate increased from 2.1 to 2.5 per thousand habitants (INE, 2010). In an international perspective, in 2002 the divorce rate in Portugal (2.7 per thousand habitants) was similar to that of European countries that had higher indicators of divorce, taking into consideration the proportion between divorce and the resident population. By matching up the results and the type of living area, it can be concluded that divorce is essentially a phenomenon of the big urban centers, despite the fact that the figures have strongly grown in the rural areas, approaching the figures found in middle-sized towns. In the last 10 years, there has been an increase in divorces among those married between 0 and 4 years, from 12.2% in 1999 to 19.7% in 2002. The percentage of divorce is higher in the Lisbon and Vale do Tejo regions. Here one out of every three marriages ends in divorce. However, in the north of Portugal the ratio of divorces to weddings has doubled over the past 10 years, with a higher rate

of no-fault divorces in opposition to litigious ones (INE, 2010). In 2001, for every 100 marriages there were 100 divorces and in 2010 for every 100 marriages, the number of divorces was 77. Delgado (1996) pointed out that around the beginning of the second half of the 1970s, litigious split-ups were superseded by mutual consent divorces. A probable cause for this trend, which would follow in the next two decades, could be more liberal family legislation.

CONFLICT IN THE FRAMEWORK OF SEPARATION AND DIVORCE

Separation and legal divorce have been seen throughout the decades as a process with conflicting interests (even antagonistic ones) that needed to be dealt with in litigious circumstances, and as such, where each partner is represented by their own lawyer (as in any other lawsuit) to defend their own rights. This means, in traditional terms, that anyone who wanted to file for divorce would have to charge their partner with marital misconduct, the sole grounds for divorce being the partner's fault (Ackerman, 1995; Lowe, 2002). However, the recognition of the attorneys and the court that many couples did not want to stay together due to incompatibilities and differences that could not be sorted out led to a significant decrease in the adverse nature of divorce. Therefore no-fault divorce became possible, and divorce could be granted on the basis of the wishes of either of the partners.

Due to the decreasing involvement of the state in regulating divorce, ex-partners are now encouraged to negotiate their own agreements when they decide to get divorced (Théry, 1996). In this context, legal solutions for divorce faced significant reforms in the last decades, making divorce processes less conflict ridden (Stevenson & Wolfers, 2007). Divorce by mutual consent does not require that at least one of the parties be guilty of marital misconduct and take the blame and can be granted when both partners agree that there are incompatibilities and differences that hinder them from remaining together.

The introduction of no-fault divorce aimed at attaining at certain objectives: to avoid confrontation, and quite often perjury when there is the need to show the reasons for the marital flaw; and to reduce the bitterness of legal procedures. In general, it also pursues an adjustment to the contemporary notion that advocates a more plural and liberal philosophy of human relationships, allowing people to be more ready and able to divorce (Sandström, 2012). Divorce by mutual consent is based on the fact that there is no need to establish anyone's fault; that is, both partners agree or accept the fact that the marriage has failed due to personal incompatibilities. On the contrary, litigious divorce is a divorce based on a sanction and on a reiterated and repeated violation of one or more marital duties. The law of divorce enacted in 2008 allowed for family mediation in divorce without the consent of one of the spouses and regarding parental responsibility (Torres, 2008).

With the growing number of no-fault divorces, some lawyers have changed their attitude by starting to address the psychosocial aspects of the breakup more and by adopting a more soothing posture in the interest of the children. Divorce by mutual consent with a sole attorney is more in tune with the concept of negotiated justice and does not alter the divorce settlement (Halla, 2007).

On the one hand, and from a philosophical perspective, the values underlying the adversarial system, based on litigation, were questioned where attorneys are required to represent, during the lawsuit for divorce and separation, ex-partners who had cooperated as parents throughout the years in their children's education and were now, in most cases for the first time, in court (Menkel-Meadow, 1996).

Research also shows that the adversarial system contributes to reopening marital conflicts, and this procedure fails to address the psychological aspects of the conflict (Emery, 1994). It also underlines the contradiction resulting from the conflict of interests between a system that is based on the parties' defense in detriment of the cooperation between ex-partners, when this is regarded as essential to a good postdivorce parental relationship. According to Ribeiro (1999), the legal system is not neutral; it brings about feelings of rebellion and humiliation, and it gradually harms the relationship between the two partners.

Another aspect worth considering in the separation and divorce process is the relationship that is established between both parents and between them and the children. It is clear that divorce ends the marital bonds, but there is the need to keep some sort of relationship with the ex-partner, greater in some situations than others, mainly when both parents maintain contact with the children. Indicators of the level of conflict in the relationship between parents seem to be visiting rights and alimony.

Women often initiate divorce (Montenegro, 2004) and those who initiate or have been separated for a longer period have time to prepare for the new situation. In general, the adjustment of divorcees shows a major variation, with some individuals managing to adjust to the new situation relatively quickly, whereas for others divorce represents a longer term, chronic problem from which they might never fully recover (Amato, 2000, 2010; Amato & James, 2010). Divorcees who end a high-conflict marriage often experience less decline and even an increase in well-being, whereas those whose marriage was characterized by low conflict and relatively high satisfaction often experiences more loss in well-being (Amato & Hohmann-Marriott, 2007; Kalmijn & Monden, 2006).

Visiting rights mean that the nonguardian parent has the right to be with the children and relate to them, despite the fact that this relationship cannot develop as usual, as the parents do not live together (Martin, 1997). Visiting rights aim at replacing the daily contact between the parent and the children that existed prior to the separation or divorce, functioning, for the

nonguardian parent, as a time and a place for the parent to show affection for the child, for them to know one another and share their feelings of friendship, emotions, ideas, and projects (Levy, 1993). According to Martin (1997), over 60% of the nonguardian parents do not visit their children, or visit them once in a while, and visits tend to decrease with the degree of conflict, as well as with difficult negotiations between separated parents.

Marital disruption creates distance between parents and children (Amato, 2001), even compared to children living in married but unhappy families (Amato & Booth, 1991). Divorced parents also report significantly diminished satisfaction with their former spouse's relationships with their children (Amato & Booth, 1996). In this context, it is often assumed that parents in high-conflict marriages continue their conflict after divorce and separation (Hetherington, 2003). Studies have shown that 8% to 15% of parents continue to be in high conflict 2 to 3 years after divorce (Kelly, 2000, 2003a, 2003b). When interparental conflict continues at high levels, there is less paternal involvement, more difficulty in the father-child relationship, and deterioration in father-child relationships over the long term (Ahrons & Tanner, 2003; Maccoby & Mnookin, 1992; Pruett, Williams, Insabella, & Little, 2003). Wallerstein and Kelly (1996) considered that around half of children witness severe conflicts between their parents during the visiting period. Visiting rights, however, must be assured and preserved and should only be terminated if they collide with the "child's interest." In this situation, the denial of this right has to be regarded, according to Sottomayor (2014), as an exceptional decision, only to be carried out after less damaging measures have been tried, including the setting of conditions on the visiting rights. It is only acceptable to limit or suspend visiting rights when there is serious danger or physical, emotional, or health-related risks to the child.

Alimony or child support for underage children is understood as the parents' contribution to provide for the adequate growth and development process of their children. It is usually a financial help and, according to Portuguese legislation, the amount set has to meet the child's needs and varies according to the financial capabilities of each parent (Ribeiro, 1997). For a divorce by mutual consent, it is only necessary that the spouses agree on the settling of alimony. Research on alimony suggests that there is a high rate of failure of maintenance, which causes reduced yields for single-parent families (Cook, Davis, & Davis, 2008; Walter, Hewitt, Natalier, Wulff, & Reynolds, 2010). In families with low incomes, the phenomenon of divorce becomes more complex because it promotes economic hardship for the family (Dush, Kotila, & Schoppe-Sullivan, 2011).

According to Martin (1997), attaining visiting rights is, frequently, to the nonguardian parent a sort of a matching right to alimony. These two aspects, rights and duties, come up closely linked. Indeed the nonpayment of alimony is frequently linked to the denial of visiting rights. The continuing payment of alimony is described by Ackerman (1995) as an indicator of not only the

good psychological relationship of the nonguardian parent with the child, but also of the relationship with the ex-partner. Martin (1997) considered that the payment of alimony changes with the type of divorce and is also an indicator of the level of conflict between the ex-partners. Visiting rights and alimony also serve as indicators of the level of satisfaction and agreement between both parents about their postseparation relationship.

According to the literature, more negative personal experiences, regarding separation/divorce, are expected in women recently divorced or separated, with low education level, who faced litigious divorce, who hired a different lawyer versus using the partner's lawyer, and in those dissatisfied with alimony and visiting rights.

METHOD

Sample

The sample was composed of 96 women, separated and divorced, mother of at least one child, between 24 and 55 years old ($M = 39.7$ years, $SD = 8.5$ years) and a median of 38.5 years. Women were married between 16 and 35 years of age. In terms of education, 35% had 9 years of education, 28% had between 10 and 12 years of education, and 35% had a graduate degree. Marriage duration was an average of 10.37 years ($SD = 7.79$ years). Average time from separation was 7.33 years ($SD = 5.9$ years). Participants were identified by the Family and Under-Aged Children's Count Service and by two teams of the Social Reinsertion Institute of the city of Braga, Portugal.

Instruments

DEMOGRAPHIC QUESTIONNAIRE

A demographic questionnaire assessed aspects such as reasons for separation, who to blame, who left the house, who chose the legal type of divorce, alimony, visiting rights, relationship with ex-partner, and actual personal achievement.

INVENTORY OF EXPERIENCES IN PROCESS OF SEPARATION AND DIVORCE

The Inventory of Experiences in Process of Separation and Divorce (IEPSD; Pereira, Machado, & Pinto, 2013) has 33 items separated into five subscales: conflict, dysfunction, emotional experiences, support and social networking, and adaptation to separation. This questionnaire was derived intuitively from the interviews done previously on divorced women (Pereira & Pinto, 2003; Pinto & Pereira, 2003). The conflict subscale assesses the relationship with the ex-partner after separation (marital conflict) and through the relationship

of the ex-partner with the children (parental conflict). High scores indicate more conflict. Internal consistency was .84. The dysfunctional conjugality subscale assesses marital crisis and conflict during marriage and prior to the separation process. High scores indicate more dyadic conflict before separation. Internal consistency for the subscale was .81. The emotional experience subscale assesses feelings that emerge during the separation process that were derived from the identity and grieving processes. High scores indicate more negative feelings. Internal consistency was .83. The support/social networking subscale is centered on the lack of support from relatives and friends, as well as the fear to take sides. High scores indicate less social support. Internal consistency for the subscale is .84. Finally, adaptation to divorce assesses difficulties in adaptation to separation and a new way of life. High scores indicate worse adaptation. Internal consistency for the subscale is .76.

Data Analysis

To test differences according to type of divorce, satisfaction with alimony, and satisfaction with visiting rights, Mann–Whitney tests were performed, as well as Kruskal–Wallis tests, to test for differences according to level of education, since the corollaries of parametric tests were not present. To test the differences according to the use of the same versus different lawyers, a *t* test was used because the corollaries to use parametric tests were present.

RESULTS

Descriptive Analysis

In terms of who made the decision to get separated, the great majority of women (70.8%) stated they were the ones who started the process. Only in 19.8% of the cases, the husband made that decision, and in 9.4% of the cases it was a joint decision. It was also mainly the woman (65.0%) who made the decision to file for divorce, whereas in 15.6% of the cases it was the husband's decision, and in 13.5% of instances it was a joint decision.

Women gave 18 different reasons to get separated. As shown in [Table 1](#), there is a mean result of three answers per situation. One out of every two women indicated the degradation of the relationship and domestic violence or abuse, followed by personality traits as the main reason to separate. One third of the women mentioned an extramarital affair as the reason for separation. Among this sample, 17.6% of the women presented one reason for separation, whereas 78.2% indicated between two and five reasons. In terms of blame for the separation, 59.4% of the women placed it only on the ex-husband, and 40.6% blamed the couple. Leaving the house was an initiative that in 57.3% of the cases was carried out by the husband; the

TABLE 1 Reasons for Separation

Reasons	Frequency	%
Affair	32	33.7
Routine and indifference	23	24.2
Personality traits	39	41.1
Lack of work and/or lack of financial support	27	28.4
Degrading relationship	47	49.5
Domestic violence or abuse	40	42.1
Jealousy	18	18.9
Alcohol abuse	15	15.8
Drug abuse	9	9.5
Relationship with children	9	9.5
Sexual incompatibility	6	6.3
Partner ran away	1	1.1
Gambling	2	2.1
Debts	3	3.2
Professional incompatibility	1	1.1
Lack of love	5	5.3
Moved abroad	3	3.2
Ex-partner relatives' interference	3	3.2

women left the house in 39.6% of the cases; in 3.1% both partners decided to stay in the same house even after separation.

Out of the 79.1% of divorced women, 26.0% had a litigious divorce, 53.1% had a no-fault divorce, and 20.9% were de facto separated. Fifty-five percent of the women had their own lawyer, whereas in 28.1% of the cases there was a sole attorney for both partners.

In terms of child custody, 89% of the children lived with their mother as the sole guardian, 6.3% lived with their father, and 2.2% lived in joint custody arrangements. In 3.3% of the cases each child lived with one of the parents and in 1.1% of cases custody belonged to other relatives. With regard to visiting rights, visits happened on a weekly basis in 17.1% of the cases, every 2 weeks in 18.3%, and 6.1% monthly; they were "rare" in 19.5% of the cases, almost never happened in 12.0%, and never happened in 6.0% of the cases. In 17.1% of the cases, the nonguardian parent visited the child or children whenever he or she wanted to.

As for satisfaction with visiting rights (see Table 2), 51.4% of the women were unhappy and the remaining 48.6% were pleased. Alimony was paid regularly in 34.1% of the cases and in 20.5% not regularly, whereas in 44.3% it was not paid at all. In this sample, 71.45% of the women participants were dissatisfied with alimony payments, whereas 28.3% were pleased about them.

A total of 54.3% of the women classified their relationship with their ex-husband as bad, whereas 46.0% indicated they have a reasonably good or good relationship. Finally, in terms of actual personal satisfaction, 80% of the women felt happier after separation or divorce and only 9.5% reported being unhappier.

TABLE 2 Custody, Visiting Arrangements, and Alimony

Variables		%	
Custody	Mother	85.4	
	Father	4.2	
	Joint custody	2.1	
	One child with each parent	3.1	
	Other arrangements	1.0	
	No answer	4.2	
Visitation arrangements	Periodicity	Weekly	17.1
		Biweekly	18.3
		Monthly	6.1
		Rarely	19.5
		Any time father wants	17.1
		Almost never	12.2
		Never visited	6.1
		Father lives out of the country	3.7
Satisfaction	Yes	48.6	
	No	51.4	
Alimony	Periodicity	Regularly	34.1
		Irregularly	20.5
		Never paid	44.3
		Yes	28.3
		No	71.4

Differences in the Process of Separation and Divorce According to Time Elapsed After Separation

The sample was divided into two groups: when separation occurred up to 4 years earlier, or after more than 4 years. This option is sustained in Hodges and colleagues' (1991) research, which states 3 years as a minimum period of time required for the marriage relationship to stabilize and Wallerstein and Kelly's (1996) work that mention 3 to 5 years as required for a reasonable adjustment and decreased conflict. The results showed that only the scale conflict showed significant differences ($Z = -2.8, p < .009$); that is, the relationship was more conflicting in women who have been separated for less time (up to 4 years).

Differences in the Process of Separation and Divorce According to Education Level

The sample was divided into three groups: those with education up to the 9th grade, middle education (up to 12 years of education), and higher education, including graduate education. The results showed significant differences on the conflict dimensions, $\chi^2 = 6.2, p \leq .05$, and dysfunctional conjugality, $\chi^2 = 14.8, p \leq .001$, with different rates depending on the level of

education. Thus, women with low educational level reported greater conflict and dysfunctional conjugality than women with middle or high school education. No differences were found in women with middle versus high school education.

Differences in the Process of Separation and Divorce According to Type of Divorce

Significant differences between the two groups (no-fault and litigious divorce) were found only on conflict after separation and dysfunctional conjugality. Women in the litigious group reported higher levels of conflict and showed higher levels of marital dysfunction before separation than those in the no-fault divorce group (Table 3).

Differences in the Process of Separation and Divorce According to Same Versus Different Lawyers

The use of same versus different lawyers was significant only on conflict, with higher levels of conflict reported when different lawyers were used ($t = -3.67, p \leq .001$).

Differences in the Process of Separation and Divorce According to Satisfaction Versus Dissatisfaction with Alimony

Women who showed satisfaction with alimony payments reported less conflict than those who were unhappy. On the other hand, satisfied women had less negative emotional experiences with the separation process and reported higher support and social networking (Table 4).

Differences in the Process of Separation and Divorce According to Satisfaction Versus Dissatisfaction with Visiting Rights

Also, significant differences were found between women who showed satisfaction with the visiting rights compared to those who did not, on conflict, marital dysfunction, and support and social networking (Table 5).

TABLE 3 Significant Differences on Inventory of Experiences in Process of Separation and Divorce According to Type of Divorce

Variable	Legal divorce	Mean rank	Z	p
Conflict	No fault	25.3	-3.59	.000
	Litigious	32.9		
Dysfunctional conjugality	No fault	20.5	-2.67	.008
	Litigious	23.9		

TABLE 4 Significant Differences on Inventory of Experiences in Process of Separation and Divorce According to Satisfaction with Alimony

Variable	Satisfaction with alimony	Mean rank	Z	p
Conflict	Yes	25.8	-1.96	.050
	No	29.7		
Emotional experiences	Yes	15.3	-2.24	.025
	No	19.4		
Social support and networking	Yes	7.30	-2.97	.003
	No	10.3		

TABLE 5 Significant Differences on Inventory of Experiences in Process of Separation and Divorce According to Satisfaction with Visiting Rights

Variable	Satisfaction with visiting rights	Mean rank	Z	p
Dysfunctional conjugality	Yes	19.8	-2.57	.010
	No	23.5		
Social support	Yes	8.53	-2.33	.020
	No	10.9		
Conflict	Yes	23.7	-5.10	.000
	No	33.0		

Dissatisfaction with visiting rights seems to be a good indicator of level of conflict. These women reported more conflict after separation (even when length of time elapsed after divorce was controlled), $F = 18.76$, $p \leq .0005$, higher marital conflict prior to separation, and less support and social networking.

DISCUSSION

The results are significant only in the conflict dimension. Women who are separated for a longer period of time show less conflict than those who separated for more than 4 years. In fact, the conflict tends to decrease over time by 2 to 3 years after separation or divorce due to the stabilization and redefinition of the relationship and marital and parental roles (Hetherington, 1999; King & Heard, 1999).

The dimensions of dysfunctional conjugality and conflict were related to education level. At the lowest level of education (secondary education), marital dysfunction and conflict were higher. In fact, the chance of a marriage ending in divorce was lower for people with more education, with more than half of marriages of those who did not complete high school having ended in divorce compared with approximately 30% of marriages of individuals with a college education (Bureau of Labor Statistics, 2013).

Litigious divorce, as expected, showed in higher levels of conflict than no-fault divorce. In Portugal, the percentage of litigious divorces has been decreasing, although many of the divorces that start as litigious are later changed to no-fault ones. It is a fact that litigious divorces take longer and happen in court with witnesses and all the legal rituals requiring proof of episodes of marital misconduct. It is therefore natural that women following the litigious path show higher levels of marital conflict. Court procedures, with the need to ascribe blame to one of the partners, end up making it more difficult to reach an agreement after the divorce. This also helps to increase conflict levels. The process of assigning blame ends up appointing one of the partners as the winner and the other as the loser increasing the conflict level (Menkel-Meadow, 1996).

Conflict after separation is also higher in cases where ex-partners have different lawyers, rather than the same lawyer. Théry (1996) and Menkel-Meadow (1996) believed the attorney's role, mainly in imposed legal procedures, is not to manage the psychosocial aspects of the breakup, but to manage the legal consequences through the appropriate rules. According to them, lawyers who follow this route think divorces are inevitably a conflict and their role is to defend the interests of their client. Both aspects of this hypothesis must be analyzed together because they are centered on the adversarial legal system. Litigious divorce always implies a lawyer for each party because what is at stake is to prove and demonstrate marital misconduct in finding one of the ex-partners guilty. In this case, choosing the same or different lawyers was not related to marital conflict prior to separation; that is, the conflicting aspect of the marriage and the wish to get separated did not affect the option to have the same or different lawyers.

A very significant number of separated and divorced women in our sample did not feel satisfied with the alimony practices (Ackerman, 1995). Results showed that women who were dissatisfied with the alimony system experienced more negative emotional experiences. Support and social networking were also perceived as lower. In fact, ex-husbands may make irregular financial contributions and research has shown that an increase in personal income or family income increases women's overall life satisfaction (Jan & Masood, 2008). Women who are not satisfied with visiting rights also reported more conflict, marital dysfunction, and less support/social networking. The dissatisfaction with alimony and visiting rights was associated not only with relational conflict, but also with perceived support and social networking. In this sense, dissatisfaction with alimony may be a good predictor of negative emotional experiences, and visiting rights seem to be a good indicator of the quality of the relationship with the ex-partner. The way parenting is perceived, payment of alimony, visiting rights, and the quality of the relationship with the ex-partner are all interconnected, in that the relationship between the ex-partners and the relationship with the children still go on long after the separation (Martin, 1997).

A longitudinal study of the adaptation process supported the hypothesis that marital separation and divorce might be a disequilibrating life change, but one that might foster ego development (Krisanne, 1991).

So, litigious divorce (because it lasts longer and therefore extends the marital crisis) and visiting rights (because it embodies the type of relationship after separation) play an important role in increasing the conflict level. The frequency of contacts and the more or less consensual separation process are indicative of the level of conflict after separation, suggesting that these two constructs are distinctive patterns of divorce decision making (Kressel, Jaffee, Tuchman, Watson, & Deutsch, 1980).

Limitations

The study included separated or divorced women with at least one child who have been separated on average for the past 7 years, and were married, on average, for 10 years. It would be interesting to replicate this study with childless women, women who have married or separated for a longer period of time, and with separated or divorced men. Longitudinal studies are also warranted in order to assess divorced women's mental and physical health as they stay separated.

CONCLUSION

One of the contributions of this research is the negative impact of the adversarial legal system, which is liable to increase conflicting responses within a subsystem that is already "too hot" in itself while showing the importance of a negotiating system for both parents. The results of this study show how the adversarial legal system has no resources to reduce and control conflict or provide decisions to avoid the frequent loss of contact between the children and the nonguardian parent. The introduction of professional help in the areas of information, support, and mediation can contribute positively to a lower level of conflict during separation and divorce, and as a result to a better parental relationship helping parents and children to cope and adjust better.

This study might help to make clearer how important it is to bring into the legal system professional support and counseling early in the process of separation and divorce. The Portuguese legal system needs to introduce and train their professionals particularly on family mediation, but also in terms of identifying those couples who might need counseling and psychological support when the decision to separate is made and in the first stages of the separation process, as these times are crucial to help keep conflict under control and to avoid any outbursts. In fact, support systems should also develop services to ease concerns and provide information relating to finances and children.

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REFERENCES

- Ackerman, M. J. (1995). *Clinician's guide to child custody evaluations*. New York, NY: Wiley.
- Ahrons, C. R., & Tanner, J. L. (2003). Adult children and their fathers: Relationship changes twenty years after parental divorce. *Family Relations*, *52*, 340–351.
- Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of Marriage and the Family*, *62*, 1269–1287. doi:10.1111/j.1741-3737.2000.01269.x
- Amato, P. R. (2001). Children of divorce in the 1990s: An update of the Amato and Keith (1991) meta-analysis. *Journal of Family Psychology*, *15*, 355–375. doi:10.1037//08933200.15.3.355
- Amato, P. R. (2010). Research on divorce: Continuing developments and new trends. *Journal of Marriage and Family*, *72*, 650–666. doi:10.1111/j.1741-3737.2010.00723.x
- Amato, P. R., & Booth, A. (1991). Consequences of parental divorce and marital unhappiness for adult well-being. *Social Forces*, *69*, 895–914. doi:10.1093/sf/69.3.895
- Amato, P. R., & Booth, A. (1996). A prospective study of divorce and parent–child relationships. *Journal of Marriage and Family*, *8*, 356–365. doi:10.2307/353501
- Amato, P. R., & Hohmann-Marriott, B. (2007). A comparison of high- and low-distress marriages that end in divorce. *Journal of Marriage and Family*, *69*, 621–638. doi:10.1111/j.1741-3737.2007.00396.x
- Amato, P. R., & James, S. (2010). Divorce in Europe and the United States: Commonalities and differences across nations. *Family Science*, *1*(1), 2–13. doi:10.1080/19424620903381583
- Bureau of Labor Statistics. (2013). Marriage and divorce: Patterns by gender, race, and educational attainment. *Monthly Labor Review*. Retrieved from <http://www.bls.gov/opub/mlr/2013/article/pdf/marriage-and-divorce-patterns-by-gender-race-and-educational-attainment.pdf>
- Cook, K., Davis, E., & Davis, B. (2008). Discrepancy between expected and actual child support payments: Predicting the health and health-related quality of life of children living in low-income, single-parent families. *Child: Care, Health and Development*, *34*, 267–275. doi:10.1111/j.1365-2214.2007.00802.x
- Delgado, P. (1996). *Divórcio e separação em Portugal* [Divorce and separation in Portugal]. Lisboa, Portugal: Editorial Estampa.
- Dush, C., Kotila, L., & Schoppe-Sullivan, S. (2011). Predictors of supportive coparenting after relationship dissolution among at-risk parents. *Journal of Family Psychology*, *25*, 356–365. doi:10.1037/a0023652
- Emery, E. R. (1994). *Divorce, child custody and mediation*. New York, NY: Guilford.
- Fagan, P., & Churchill, A. (2012). *The effects of divorce on children*. Washington, DC: Marriage & Religion Research Institute. Retrieved from frc.org/EF/EF12A22.pdf
- Halla, M. (2007). *Divorce and the excess burden of lawyers*. Retrieved from <http://ftp.iza.org/dp2962.pdf>

- Hetherington, E. M. (1999). Should we stay together for the sake of the children? In E. M. Hetherington (Ed.), *Coping with divorce, single parenting, and remarriage* (pp. 93–116). Mahwah, NJ: Erlbaum.
- Hetherington, E. M. (2003). Intimate pathways: Changing patterns in close personal relationships across time. *Family Relations*, *52*, 318–331. doi:10.1111/j.1741-3729.2003.00318.x
- Hodges, W. F., Landis, T., Day, E., & Oderberg, N. (1991). Infant and toddlers and post divorce parental access: An initial exploration. *Journal of Divorce and Remarriage*, *17*, 239–252.
- Instituto Nacional de Estatística (INE). (2010). *Estatísticas demográficas: 1990–1999*. Lisboa, Portugal: Author.
- Kalmijn, M., & Monden, C. W. S. (2006). Are the effects of divorce on well-being dependent on marital quality? *Journal of Marriage and Family*, *68*, 1197–1213. doi:10.1111/j.1741-3737.2006.00323.x
- Kelly, J. B. (2000). Children's adjustment in conflicted marriage and divorce: A decade review of research. *Journal of Child and Adolescent Psychiatry*, *39*, 963–973. doi:10.1097/00004583-200008000-00007
- Kelly, J. B. (2003a). Parents with enduring child disputes: Focused interventions with parents in enduring disputes. *Journal of Family Studies*, *9*, 51–62. doi:10.5172/jfs.9.1.37
- Kelly, J. B. (2003b). Parents with enduring child disputes: Multiple pathways to enduring disputes. *Journal of Family Studies*, *9*, 37–50. doi:10.1111/j.1469-7610.2007.01793.x
- King, V., & Heard, H. E. (1999). Nonresident father visitation, parental conflict, and mother's satisfaction: What's best for child well-being? *Journal of Marriage and Family*, *61*, 385–396. doi:10.2307/353756
- Kressel, K., Jaffee, N., Tuchman, B., Watson, C., & Deutsch, M. (1980). A typology of divorcing couples: Implications for mediation and the divorce process. *Family Process*, *19*, 101–116. doi:10.1111/j.1545-5300.1980.00101.x
- Levy, D. L. (Ed.). (1993). *The best parent is both parents: A guide to shared parenting. The 21st century*. Norfolk, VA: Hampton Roads.
- Lowe, N. (2002). *England and Wales: Grounds for divorce and maintenance between former spouses*. Utrecht, The Netherlands: Commission on European Family Law.
- Maccoby, E., & Mnookin, R. (1992). *Dividing the child*. Cambridge, MA: Harvard University Press.
- Martin, C. (1997). *L'après divorce-lien familial et vulnérabilité* [After divorce-family ties and vulnerability]. Rennes, France: PUR.
- Menkel-Meadow, C. (1996). The trouble with the adversarial system in a postmodern, multicultural world. *William & Mary Law Review*, *38*, 5.
- Montenegro, X. P. (2004). *The divorce experience: A study of divorce in midlife and beyond*. Washington, DC: AARP.
- Pereira, M. G., Machado, J. C., & Pinto, H. (2013). Validação do Inventário Feminino de Vivências do Processo de Separação e Divórcio [Validation of the Inventory of the Process of Separation and Divorce]. *Análise Psicológica*, *31*, 295–398. doi:10.14417/ap.728

- Pereira, M. G., & Pinto, H. (2003). O conflito no Contexto de Separação e Divórcio: A Perspetiva Feminina [Conflict in the context of separation and divorce: The feminine perspective]. *Psicologia: Teoria, Investigação e Prática*, 8, 187–204.
- Pinto, H., & Pereira, M. G. (2003). O Processo de Separação no Feminino: Dramas e Tragédias Psiconómica [The process of separation and divorce: Dramas and tragedies]. *Revista de Psicologia da Universidade Lusíada*, 1, 129–146.
- Pruett, M. K., Williams, T. Y., Insabella, G., & Little, T. D. (2003). Family and legal indicators of child adjustment to divorce among families with young children. *Journal of Family Psychology*, 17, 169–180. doi:10.1037/0893-3200.17.2.169
- Ribeiro, M. (1997). *As crianças e o divórcio: O diário de Ana* [Children and divorce: Mary's diary]. Mafra, Portugal: Edições Icarus.
- Ribeiro, M. R. (1999). *Divórcio, Guarda Conjunta dos Filhos e Mediação Familiar* [Divorce conjoint custody and family mediation]. Lisbon, Portugal: Pé da Serra.
- Sandström, G. (2012). Ready, willing and able: The divorce transition in Sweden 1915–1974 (Unpublished doctoral dissertation). Umeå University, Umeå, Sweden.
- Sottomayor, M. C. (2014). *Regulação do exercício do poder paternal nos casos de divórcio* [Regulating the exercise of parental responsibility in the cases of divorce]. Coimbra, Portugal: Livraria Almedina.
- Stevenson, B., & Wolfers, J. (2007). Marriage and divorce changes and their driving forces. *Journal of Economic Perspectives*, 21(2), 27–52. doi:10.1257/jep.21.2.27
- Théry, I. (1996). *Le démariage: Justice et vie privée*. Paris, France: Editions Odile Jacob.
- Torres, A. C. (1996). *Divórcio em Portugal, ditos e interditos* [Divorce in Portugal: Sayings and injunctions]. Oeiras, Portugal: Celta Editora.
- Torres, A. (2008). Nova Lei do Divórcio: Grupo Parlamentar do Partido Socialista [New law of divorce: Parliamentary socialist group]. *Edição do Grupo Parlamentar do Partido Socialista*, 13–28.
- Wallerstein, J. S., & Blakeslee, S. (1990). *Padres e hijos despues del divórcio*. Buenos Aires, Argentina: Vergara.
- Wallerstein, J. S., & Kelly, J. B. (1996). *Surviving the break up*. New York, NY: Basic Books.
- Walter, M., Hewitt, B., Natalier, K., Wulff, M., & Reynolds, M. (2010). The implications of child support for housing after relationship dissolution. *Journal of Family Studies*, 16, 77–87. doi:10.5172/jfs.16.1.77