

Post-divorce wellbeing in Flanders: facilitative professionals and quality of arrangements matter

Abstract

Expanding on current advancements in divorce and dispute resolution research, an integrative, and process-oriented model is presented. The primary purpose is to investigate how pre-trajectory, trajectory, and arrangement factors are related to post-divorce personal wellbeing. To this end, questionnaire-data were collected in two sessions from a representative sample of Flemish divorcing persons (n=469 and n=117). A series of multiple regression analyses demonstrated that post-divorce wellbeing was directly related to divorce trajectory characteristics. Facilitative problem solving behaviors of the intervening professional and his or her Rogerian personal qualities contributed significantly to the personal well-being of divorced people. In addition, post-divorce wellbeing was positively influenced by the quality of the divorce arrangements. The impartiality of the professional, the option to divorce through mediation or litigation, with or without mutual consent, the initiator-status, and pre-divorce conflict levels all didn't produce significant effects. The limitations and practical implications for divorce practice are discussed.

Keywords: divorce, family dispute resolution, post-divorce wellbeing, facilitative practice, divorce arrangements, mediation.

Introduction

Over the last four decades, societies in large and families in particular have become more conscious about the often unavoidable reality of divorce (Demo & Fine 2010; Hetherington & Kelly 2002). In fact, at least one out of three marriages in Australia (ABS 2004 in Moloney & Smyth 2004), and one out of two marriages in the United States (Amato & Irving 2006) ends up in divorce. Accordingly, legislative frameworks and empirical research are changing in an attempt to preserve post-divorce wellbeing.

The legal context

Responding to elevated divorce rates, no-fault legislation emerged in a lot of Western countries. That is, the assumption of fault during a legal divorce no longer had to reside with one of the partners, which generally materialized in the possibility to divorce with or without mutual consent (Beck & Sales 2001). Furthermore, this no-fault divorce revolution facilitated the implementation of the so called 'child's best interest' standard in deciding on post-divorce arrangements. No longer the gender of one of the parents or their wishes determined what the outcome of a divorce case would be, but

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divorce professionals now took on an idiosyncratic and child-centered approach (Emery 1994).

Such developments facilitated the introduction of mediation acts during the first decade of the present century (Casals 2005). These mediation acts altered judicial codes and allowed court proceedings to be suspended in favor of a consensual agreement by couples to mediate their family disputes. The acts typically embody a number of key principles: namely (1) a confidential and privileged mediation process, (2) with an independent, impartial and competent mediator on a (3) voluntary basis (Casals 2005). However, new mediation and divorce laws alone can not improve the quality of life by itself.

A shift towards process-oriented divorce research

In order to assess divorce effects, research typically compares continuously married persons with divorced persons. Such studies frequently observed that wellbeing depletes by the immediate decline in financial resources, and the quality standard of living following divorce (Smock, Manning and Sanjiv 1999). Moreover, physical and mental health of divorced persons is poorer (Wood, Goesling, and Avellar 2007), and post-divorce quality of life diminishes due to their networks declining in the number and type of members as well as in the level of intimacy (Albeck & Kaydar 2002). However, one-sidedly connecting divorce with negative consequences

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doesn't tell the entire story. Indeed, such a deficit approach is increasingly being challenged and replaced by a perspective where both negative and positive consequences can prevail (Demo & Fine 2010). For instance, divorced persons are reported to exhibit more personal growth and higher autonomy (Tashiro & Frazier 2003) and are more likely to invest in their physical appearances and psychological wellbeing (Hetherington & Kelly 2002).

The observation that divorce is not an unitary experience stimulated research aimed at the identification of factors that better explain post-divorce quality of life variations. One such factor is the gender of the person divorcing. For example, the pattern of financial diminishment is more often than not larger for women than for men and this in spite of family size (Bianchi, Subaiya, and Kahn 1999). In addition, men exhibit a higher likelihood to display alcohol problems, whereas women show a higher probability to experience depression (Horwitz, White, and Howell-White 1996). However, gender-related differences may also stem from the consistent finding that women are more likely to initiate legal divorce procedures (Amato & Irving 2006). Such findings are relevant given that persons that self-initiate their divorce will generally report higher post-divorce wellbeing than non-initiators (e.g. Emery 1994; Wang and Amato 2000). Pre-divorce conflict levels are also known to influence post-divorce wellbeing. For example, whereas higher global happiness scores are found

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in couples with elevated pre-divorce conflict levels, members of low-conflict couples reported sharp decreases in post-divorce happiness (Amato & Hohmann-Marriott 2007). Children are also negatively impacted by high levels of marital conflict (Cummings, Schermerhorn, Davies, Goeke-Morey, and Cummings 2006), and this irrespective of the fact if their parents are married or divorced (Amato & Afify 2006).

A shift towards process-oriented dispute resolution research

Recently, research efforts increasingly zoomed in on how divorce conflicts are best resolved (Beck & Sales 2001). In fact, reviews of the research literature (e.g. Kelly 1996; 2004; Emery, Sbarra, and Grover 2005) as well as a recent quantitative meta-analysis (Shaw 2010) report greater outcome-efficacy for mediation when compared with litigation. Indeed, mediation produces soaring settlement-rates of 50 to 85% (Benjamin & Irving 1995; Kelly 1996) and elevated satisfaction scores are expressed by 60 to 85% of all mediation users (Kelly 1996). However, the majority of mediation studies include (1) small unrepresentative samples, and are based on untested presumptions with respect to (2) the underlying process and its impact on (3) the quality of dispute resolution outcomes (Beck & Sales 2001).

The common conjecture is that superior mediation outcomes are an expression of the facilitative nature of mediation, whereas the adversarial

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nature of litigation negatively impacts on the quality of dispute resolution (Shestowsky 2004; Sarrazin, Cyr, Lévesque, and Boudreau 2005). In brief, facilitative mediators typically display interest-based and process-oriented problem solving behaviors, and are more impartial, empathic and informal than adversarial lawyers (Riskin 1996; Mayer 2004). Yet, recent findings specify that some mediators are directive rather than facilitative (Sarrazin et al. 2005; Charkoudian, De Ritis, Buck, and Wilson 2009). What's more, some lawyers are reported to actively incorporate facilitative principles within their professional practice (Wright 2007; Macfarlane 2008). Hence, controlling for the adversarialness or in opposite direction the facilitativeness of the dispute resolution process is essential for understanding dispute resolution outcomes (Beck, Sales & Emery 2004).

The use of settlement-rates and satisfaction-scores as quality markers is also widely contested (Beck & Sales 2001). For instance, signing mediation agreements doesn't preclude feeling unsatisfied with the mediation outcome (Poitras & Le Tareau 2009). Moreover, some couples are very satisfied with mediation even when no settlement is reached (Pearson & Thoennes 1989; Kressel 1997). The challenge for new research is thus to better capture the subjectively experienced quality of dispute resolution outcomes. To this end, Saposnek (1983 in Moore 2003) notes that high quality arrangements are clear (i.e. low interpretation problems), detailed (i.e. high specificity), balanced (i.e. high fairness of exchanges),

and embody positive attitudes and perspectives. Others further identify the comprehensiveness (i.e. covering all relevant issues) as a main quality indicator for mediation arrangements (Gibson 1999). Although these quality features are typically reputed in many mediation studies, their explicit enclosure in dispute resolution research is non-existent or fragmented at best.

An integrative research model for post-divorce quality of life

Although research has shifted towards more process-oriented research, so far we lack an overarching framework that integrates empirical findings and provides a theoretical basis for its interpretation. The model presented in figure 1 connects and integrates the abovementioned shifts in divorce legislation and research into one process-oriented research model.

INSERT FIGURE 1 ABOUT HERE

The model is inspired by the framework as described by Schalock (2004). We applied this model to the divorce context. In short, specific input-characteristics (e.g. gender, initiator-status, and pre-divorce conflict levels) are theorized to determine the nature of the divorce trajectory (e.g. with or without mutual consent, mediation or litigation, level of facilitativeness). Subsequently, the latter is formative for the quality of trajectory outcomes

(e.g. divorce arrangements), which in turn is the most proximal contributing factor for the quality of life of persons experiencing divorce. To complete, the model identifies that environmental factors (e.g. local divorce policies and the legal context) influence all previous variables.

This research model is in need of considerable empirical exploration and testing. As such, in this study we will explore which factors predict post-divorce quality of life. According to our model, the quality of divorce arrangements will positively and directly be associated with the quality of life following divorce (hypothesis 1). We further postulate that characteristics of the trajectory will enhance the quality of divorce arrangements and quality of life. That is, when divorce professionals (i.e. mediators and lawyers) are perceived to work more facilitatively, this will enhance quality of life (hypothesis 2). Yet, in line with the model, we advance that the experienced quality of divorce arrangements will mediate the prior relationship (hypothesis 3). Dispute resolution (Beck & Sales 2001), and divorce research (Demo & Fine 2010), frequently observed that the gender of divorcing persons, who initiated the divorce, and pre-divorce conflict levels can confound statistical relationships. Therefore, we will also control for the influence of these input-characteristics in our study.

Methods

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This study departs from a unique Flemish data set. The project (IPOS) is a cooperation between Ghent University and the Catholic University of Louvain, funded by the Institute for the Promotion of Innovation by Science and Technology in Flanders. IPOS stands for "Interdisciplinary Project for the Optimization of Separation Trajectories". The survey results from a collaboration of psychologists, lawyers and economists. All spouses who divorced between March 2008 and March 2009 in the courts of 4 Flemish cities (Antwerp, Ghent, Kortrijk and Mechelen) were invited in court to participate in a study concerning divorce. If respondents agreed to participate in the research, they were contacted within 3 weeks to fill out an electronic questionnaire. From all persons contacted in court, close to 50% agreed to participate. Ultimately, due to people having changed their minds about participating or loss of contact data, an overall participation rate of around 30% is reached. The average duration of marriage in participants was about 14.5 years (median 13.08 years). This is consistent with the data of the Belgium National Institute of Statistics (NIS) where a median duration of 13.00 years was reported in 2007.

In the survey, data was first collected on sociodemographic information about the ex-couple, family background, divorce trajectory, and financial situation. Subsequently, one third of participants were randomly assigned to a more in-depth inquiry on either [a] personal qualities of the professional, [b] parent-child relationships, or [c] ex-partner relationships.

This procedure minimizes exhaustion in participants by truncating questionnaire length. Data resulting from the subsample on personal qualities of the professional as well as the main sample are used in the present study.

For inclusion, each study participant had to (1) complete the questionnaire, (2) be previously married, (3) have obtained divorce arrangements with (4) the explicit assistance of a mediator or lawyer. This resulted in a total of 469 and 117 participants drawn from respectively the main- and subsample. The questionnaire administered was scrutinized, and pre-tested by all members of the IPOS-project as well as by two panels of professionals with a background in law, sociology, psychology, and divorce mediation.

Measures

1. Dependent variable

Personal wellbeing

To assess the quality of life of our participants, we used the multi-dimensional personal wellbeing index as developed by the International Wellbeing Group (2006). On an 11-point likert-scale, participants evaluate their satisfaction with material-, physical-, emotional-, and interpersonal wellbeing as well as their sense of safety, place in community and

productivity in life. The mean aggregate of previous seven domains produces a summary of participant's personal wellbeing.

2. Independent variables

A. Quality of divorce arrangements

In line of Saposnek (1983 in Moore 2003) classical guidelines for drafting high-quality divorce arrangements, we established how clear, fair, comprehensive and tailor-fit divorce arrangements are experienced. 'Fair' are those arrangements that are considered truthful, and not disadvantageous for one of the ex-partners. 'Tailor-fit' arrangements are well-adapted to the specific situation of the couple, and 'clarity' corresponds with the absence of enduring discussions. To finish, 'Comprehensive' are those arrangements that deal with all relevant issues experienced by divorcing persons. Using a 7-point likert scale ranging from '1' completely unsatisfied to '7' completely satisfied, the quality of each feature was determined.

B. Trajectory variables

Facilitativeness

Facilitative Problem solving

Facilitative problem solving behaviors are measured with six items on a 7-point likert scale ranging from (1) completely disagree to (7) completely agree. Items inquired how interest-based (e.g. ‘The professional did not listen to what I considered to be my interests’), how informative (e.g. ‘The professional provided information on the issues to be arranged’), and how structured the process was experienced (e.g. ‘I experienced the conversations to follow clear rules’).

Facilitative Personal qualities

Based on the work of Kelly and Gigy (1988), we constructed a 2-item scale to measure impartiality (e.g. ‘the professional was enforcing his or her own standpoint’). From the Dierick & Lietaerd (2008) study, we further developed a 6-item scale for measuring the rogerian relationship attitudes unconditional positive regard (e.g. ‘I felt accepted as I am’), authenticity (e.g. ‘the mediation/litigation was authentic and genuine to me’), and empathy (‘I have experienced commitment and warmth during the mediation/litigation’). Each item was rated by the participant on a 4-point scale ranging from (1) not applicable to (4) extremely applicable for the experienced mediation /litigation.

Type of professional and legal procedures

Each participant identified whether their divorce arrangements came about with the explicit assistance of a mediator or lawyer. Informed by recent legislative changes, we also differentiated between mutual consent and no-fault divorces.

C. Individual and couple characteristics

Gender and initiator-status

In addition to gender, we also wanted to know ‘who wanted the divorce the most’. With respect to the latter, participants differentiated between self, ex-partner, and joint initiations.

Pre-divorce conflict

For measuring the level of pre-divorce conflict in the relationship with the ex-partner, three items were adopted from the conflict properties subscale of the Children’s Perception of Interparental Conflict (CPIC; Grych, Seid, and Fincham 1992). Each item was measured on a 5-point likert scale and represented a separate conflict dimension referring respectively to the frequency (“How often did you and your ex-partner have conflicts before the breakup?”), the intensity (“How intense were these conflicts before the breakup?”), and the resolution frequency (“How often did you and your ex-partner reached a solution for these conflicts?”). Pre-divorce conflict levels

were obtained by reversing the scores on the latter two items and adding the separate scores together.

Overall, all scales and subscales incorporated in our study demonstrate adequate levels of internal consistency with Cronbach's alpha values exceeding 0.80 (see table 1 for an overview). For procedures detailing the scale construction for the problem solving, Rogerian relationship attitudes, and quality of arrangements scales, we refer to the manuscript by <authors> (2011).

<insert Table 1>

Results

The results are presented in two parts. First, the sample of the study is described. Second, factors influencing post-divorce wellbeing are identified.

1. Descriptive sample characteristics

The participants of the main sample (n= 469) are on average 43.72 years old (range 21-76 years), and 56.50% of them are women. Half of all participants (49.25%) considered themselves to be the partner that wanted the divorce the most. By contrast, in 18.99% of cases the ex-partner was sorted out as

the sole initiator. Pre-divorce conflict levels were also higher than average (Me= 3.3/5; STD: 1.08). Divorce professionals were experienced to work quite facilitatively as exemplified by the level of problem solving behaviors (5.22/7; STD: 1.12). The legal divorce was further obtained in 80.17% of cases through mutual consent proceedings. In 29.64% a mediator assisted in reaching the divorce arrangement, with a disparity in the amount of mediations that occurred during mutual consent (34.57%) and no-fault (9.67%) divorce procedures. The divorce arrangements are also more than averagely experienced by participants as fair, clear, tailor-fit and comprehensive (Me= 5.05/7; SD: 1.29).

Participants' personal wellbeing (Me= 6/11) was significantly lower than 'the gold standard' (Me= 7,5/11) observed in the general population (international wellbeing group, 2006). The descriptive characteristics for the participants of the subsample (n= 117) are similar as discussed above. A summary of the sample and subsample characteristics is displayed in table 2.

<insert Table 2>

2. Factors that predict post-divorce personal wellbeing

Multiple linear regression analysis was utilized to discover significant associations between predictive factors and personal wellbeing, and this

both for the main sample (see table 3 for a summary) as well as the subsample (see table 4 for a summary) of divorcing persons.

Analysis on the main sample (n= 469)

At the level of individual characteristics, the gender of participants emerged as a significant determinant for reported personal wellbeing. Specifically, the women's personal wellbeing was significantly worse than for their male counterparts ($\beta = -0.70$; $STD = 0.16$; $p < 0.001$). By contrast, who initiated the divorce or how conflictful marital relationships were, was statistically irrelevant for post-divorce wellbeing ($p > 0.1$). Similarly, the trajectory features 'type of legal divorce procedures', and 'type of professional' also don't significantly influence personal wellbeing. Yet, what the lawyer or mediator does during these trajectories was predictive for quality of life. Indeed, the more facilitative problem solving behaviors were experienced by divorcing persons, the higher scores for personal wellbeing are observed ($\beta = 0.22$; $STD = 0.07$; $p < 0.01$). Furthermore, the quality of divorce arrangements was found to be predictive for post-divorce wellbeing. That is to say, a higher personal wellbeing was more likely when the divorcing persons experienced their arrangements as fair, tailor-fit, clear, and comprehensive ($\beta = 0.13$; $STD = 0.06$; $p < 0.05$).

In line with our model, previous findings also call for testing whether arrangement-characteristics (i.e. experienced quality) mediate the

relationship between trajectory features (i.e. facilitative problem solving behaviors) and quality of life (i.e. personal wellbeing). Hence, using Mplus6.11 (Muthén & Muthén 1998-2000), we performed a path analysis to test this assumption.

We first identified that experienced problem solving behaviors significantly relates to quality of arrangements ($\beta = 0.37$; $STD = 0.05$; $p < 0.001$, controlling for the same variables as in previous analysis) and this quality of arrangements further relates significantly with wellbeing ($\beta = 0.13$; $STD = 0.06$; $p < 0.05$). Combining these two effects results in an significant indirect effect of problem solving behaviors on wellbeing through quality of arrangements ($\beta = 0.05$; $STD = 0.02$; $p < 0.05$). In addition, analyses demonstrated that the existing significant relationship between facilitative problem solving and personal wellbeing persisted after controlling for quality of arrangements ($\beta = 0.22$, $STD = 0.07$; $p < 0.01$).

As a result, we can conclude that facilitative problem solving behavior influences wellbeing indirectly to a small degree by influencing the quality of arrangements, but mainly influences wellbeing directly independent from the quality of arrangements. This in contrast with our hypothesis.

<insert Table 3>

Analyses on the subsample (n= 117)

For the subsample, the initiator-status ($p > 0.1$) and the pre-divorce conflict levels ($p > 0.1$) didn't show any significant associations with personal wellbeing. In a similar vein, women and men reported comparable post-divorce wellbeing ($p > 0.1$).

Different trajectory features generated different results. Participants divorcing on grounds of irretrievable breakdown or mutual consent don't differ significantly from each other with respect to their relationship with experienced personal wellbeing ($p > 0.1$). Also, the influence on personal wellbeing of persons who mediated their divorce did not differ significantly from the influence of litigation on wellbeing ($p > 0.1$). In contrast, Rogerian personal qualities do matter. Indeed, how more empathic, authentic, and accepting the divorce professional is perceived, how higher the reported personal wellbeing ($\beta = 0.45$; $STD = 0.19$; $p < 0.05$). Yet, not all facilitative personal qualities significantly increase wellbeing. Specifically, the influence of more or less being viewed as partial or impartial on personal wellbeing didn't reach significance ($p > 0.1$). With respect to the outcome of these trajectories, quality of divorce arrangements showed a positive correlation with personal wellbeing ($\beta = 0.27$; $STD = 0.11$; $p < 0.05$).

Again, in line of the IPOS-model, a closer look at these results was warranted. In particular, we tested if the relation between Rogerian relationship attitudes and post-divorce wellbeing was mediated by the

quality of divorce arrangements. Facilitative Rogerian attitudes were indeed significantly related with quality of arrangements ($\beta = 0.473$; $STD = 0.16$; $p < 0.01$), and quality of arrangements with personal wellbeing ($\beta = 0.27$; $STD = 0.10$; $p < 0.01$). Combining these two effects resulted in an significant indirect effect of problem solving behaviors on wellbeing through quality of arrangements ($\beta = 0.126$; $STD = 0.06$; $p < 0.05$). However, the Rogerian attitudes- personal wellbeing relationship remained even after controlling for the quality of divorce arrangements ($\beta = 0.45$; $STD = 0.19$; $p < 0.05$).

As a result, we can conclude that Rogerian relationship attitudes influence wellbeing indirectly to a small degree by influencing the quality of arrangements, but mainly influences wellbeing directly independent from the quality of arrangements. In other words, contrary to our hypothesis, the quality of arrangements is not a mediator for the observed trajectory-wellbeing connection.

<insert Table 4>

Discussion

In the last decade, over hundred studies have contributed to the wide-spread understanding that divorce is a stressful and painful experience that

influences post-divorce wellbeing (Braver, Shapiro & Goodman 2006; Demo & Fine 2010). At the same time, considerable research indicates that dispute resolution through divorce mediation is more effective than litigation (Beck & Sales 2001; Hetherington & Kelly 2002). In both lines of research the focus is shifting towards the underlying processes. The main contribution of this study is the integration of these advances into one process-oriented research model. As such, we identified how factors at the level of arrangements, divorce trajectory, and pre-existing couple- or individual characteristics determined post-divorce personal wellbeing. This approach coincides with recent advancements to reconsider divorce from a single legal event into an unfolding process (Demo & Fine 2010). Moreover, contrasting with the general tendency to zoom in on specific wellbeing dimensions, we utilized a less fragmented personal wellbeing construct that aggregates seven different quality of life domains.

In line with our research model, we found that the quality of divorce arrangements contributed positively and independently to post-divorce wellbeing. As such, this study presents a valuable alternative to the overly used objective agreement-no-agreement standard. Indeed, divorce settlement-rates already reach sky-scraping levels (Kelly 1996; 2004) and settlements may differ in quality (Saposnek 1983 in Moore 2003; Poitras & Le Tareau 2009). In addressing the previous concern, this study demonstrated that the fairness, clarity, tailor-fitness and comprehensiveness

of divorce arrangements will directly influence divorced adult's personal wellbeing.

Contrary to our expectation, the quality of arrangements didn't mediate the relationship between the facilitative practice and personal wellbeing. That is, the perceived facilitativeness of professionals was found to directly predict post-divorce wellbeing in divorcing adults. The latter thus substantiates claims for ending the systematic disregard of what professionals do in family dispute resolution research (Kruk 1998; Saposnek 2004; Kelly 2004). Moreover, our finding reverberates with an early study reporting a high process-satisfaction in mediation clients independent from reaching or not reaching divorce arrangements (Pearson and Thoennes 1989).

For a higher post-divorce wellbeing, it is thus beneficial that divorce professionals are perceived by their clients to structure the process as well as to work information- and interest-based. This pattern of results is comparable to a recent qualitative analysis of 20 role-played mediation sessions. Here, improved mediation outcomes were more likely when the mediator (1) structured the mediation process, (2) noticed the relevant arrangement details, and (3) was sensitive for the emotional reactions of the conflicting parties (Gale, Mowery, Herrman & Hollett 2002). The direct effect of facilitative practice also validates previous theoretical (Beck & Sales 2001) and experimental (Shestowsky 2004) claims that the duality

between facilitative mediation and adversarial litigation is over simple and signifies an often overlooked confound in dispute resolution research.

With respect to the perceived facilitative personal qualities of the divorce professional, divergent findings emerged. Specifically, the wellbeing is significantly influenced by professionals who display the Rogerian relationship attitudes empathy, authenticity and unconditional positive regard. In contrast however, the level of perceived impartiality was not directly associated with the reported personal wellbeing. Hence, our findings invite us to reconsider and refine the general understanding that personal qualities are more constant and therefore better predictors than behavior skills (see Bowling & Hofmann 2000; Currie 2004). However, the former also makes it difficult to explain the observed differences. We know from empirical research that experienced mediators (Goldberg 2005) as well as lawyers of clients in mediation (Goldberg & Shaw 2007) testify that a high-quality working-relationship is one of the most potent helping factors in mediation. In addition, a long tradition in psychotherapy research demonstrated that an empathic working relationship allows for clients to express vulnerabilities and sensitive stories, make corrective-emotive experiences happen, increase reflective aptitude, generate new meanings and set off an autonomous reflecting self (Greenberg, Watson, Elliot & Bohart 2001; Angus & Kagan 2007). When working with couples, a frequent strategy utilized by professionals is to alternate empathy for one partner

with empathy for the other partner (Giblin 1996). However, such an individualistic approach to empathy is considered insufficient (Bott 2001) and a liability for neutrality (Wilkinson 1992). Correspondingly, we could argue that the autonomous self-reflectivity produced by the Rogerian relationship attitudes increases wellbeing in divorcing adults, while simultaneously preventing the professional's impartiality to resort similar effects. Yet, although we can't corroborate the preceding explanation with our study, several scholars are increasingly arguing for replacing the self-limiting impartiality with a more expanded and client-engaging professional role (Mayer 2004; Astor 2007).

Myriad studies documented that divorce mediation outperforms litigation on several outcomes (Beck & Sales 2001; Emery et al. 2005; Shaw 2010). In sharp contrast however, in our study the structural trajectory differences between professional-type (i.e. mediation versus litigation) and even between the legal trajectory (i.e. divorce with or without mutual consent) did not predict post-divorce wellbeing. The latter may be due to the explicit inclusion in our study of the professional's facilitative style, and how the resulting divorce arrangements are evaluated. Analogous reasoning may also explain the insignificant contribution to wellbeing by the pre-trajectory factors 'who wanted the divorce the most', and 'the level of pre-divorce conflict'.

The only pre-trajectory variable to manifestly determine wellbeing in our study was gender. Male participants reported a significant higher post-divorce wellbeing than their female counterparts. This is surprising when we consider that men are also more likely than women to feel that the legal institutional context is prejudiced against them (Braver et al. 2006). Though, this gender-effect may also be explained by factors other than the ones integrated in our research model. For example, decreased wellbeing may emanate from women having more divorce related contemplations (Gager & Sanchez 2003) and being more frequently a victim of interparental abuse and violence (Johnston & Campbell 1998). Moreover, following traditional role divisions, men typically focus more on developing career assets during marriage whereas women are rather involved with parenting responsibilities (Thompson & Amato 1999). Accordingly, in case of divorce, the immediate decline in financial resources, and the quality standard of living will often be larger for women than for men (Bianchi et al. 1999). Yet, Demo & Fine note that the inclusion of latter variables may create a pure comparison group that is non-existent in the reality of divorce practice (Demo & Fine 2010). Overall, although gender is clearly relevant for the divorce experience, its observed independent contribution to post-divorce wellbeing in this study needs to be interpreted with some degree of caution.

Strengths, limitations and implications

The inclusion of ‘perceived facilitativeness’ increases the comparability between mediation and litigation users (see Beck & Sales 2001). However, the former is a relatively crude measure to capture the complexity of what divorce professionals do. Indeed, both for lawyers (Kressel 1997) as well as for mediators (Picard 2004; Alexander 2008) various other professional roles have been identified. The challenge is thus to operationalize these various styles and integrate them in future dispute resolution research designs. Another potential shortcoming of our study is that the personal wellbeing index only reflects individual subjective experiences, and therefore is irrelevant for the objective quality of life. Yet, post-hoc analysis found participants subjective wellbeing scores to correlate significantly with objective indicators for various quality of life domains such as material wellbeing (i.e. income, property, living conditions), health (i.e. frequency doctor visits, body mass index), intimacy (i.e. interpersonal talks, activities and support), emotional wellbeing (i.e. number unfulfilled wishes, desire to always sleep, not doing favorite activities) and safety (i.e. sleeping well, home security, no anxiety feelings). Even so, causal interpretations are not possible in our cross-sectional survey design. For instance, it is well-known that individuals with a higher wellbeing prior to divorce are more likely to have a higher wellbeing following divorce (Hetherington & Kelly 2002; Sun 2001). Moreover, the level of unhappiness, and the intensity of psychological distress is typically elevated in the first two years following

divorce, after which scores return to their baseline level (Booth & Amato 1991). Likewise, acclaimed advantages of (presumably facilitative) mediation tend to disappear when measured 2 to 5 years following divorce (Beck, Sales & Emery 2004). A longitudinal follow-up to this study could thus help both to draw causal conclusions and control for the effect of time. Furthermore, it should be noted that our analyses don't account for a multitude of other ways in which meetings with lawyers might differ from meetings with mediators. Other studies and analyses that include other variables such as the number and length of sessions, the difference between child focused versus child-inclusive practice, type of divorce arrangements, ... might produce other significant explanatory relationships. Thus, our research model should be understood as one of the many possible explanations for observed differences in personal wellbeing.

A number of interesting implications also came into view. For example, this study's intention to optimize post-divorce wellbeing in adults may also benefit the quality of life of children in divorce. In fact, the quality of life of parents has recently been found to correlate moderately-strong with the quality of life in children (Gaspar, Gaspar de Matos, Batista-Foguet, Ribeiro, and Leal 2010). Based on our results, divorce professionals are found to optimize the post-divorce experience by facilitating subjectively experienced high-quality arrangements. Therefore, a resulting good practice may be the recurring reviewing and if needed adjusting of

divorce arrangements by the parents themselves or with the assistance of a facilitative professional. Either way, such review-practices need to be carefully considered in order not to revive previously resolved conflicts (see also Moloney & Smyth 2004 for a similar reasoning). Our results further imply that the training of divorce professionals needs to exceed prescriptive skills for drafting legally correct divorce arrangements. That is, professionals need to learn how to discover and create knowledge in response to their clients' needs, structure the process rather than deciding on the substantive issues, and display empathy while doing the latter. Future studies can help to further articulate how both what professionals do and the resulting arrangements may optimize post-divorce wellbeing.

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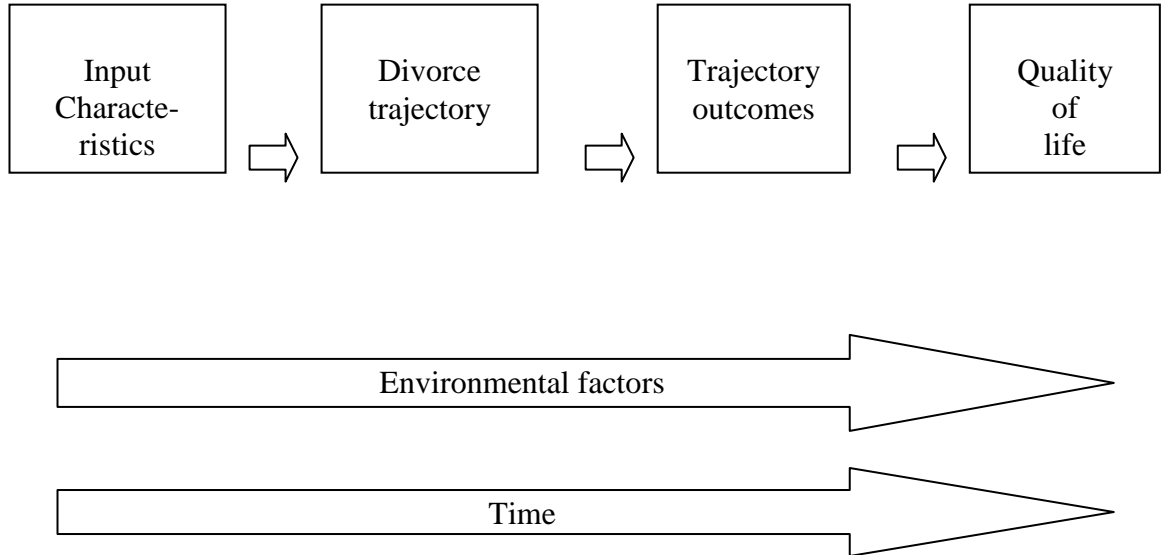
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Figure 1: a representation of the IPOS-model



**Table 1: overview of scales and corresponding internal consistencies
(Cronbach's Alpha)**

Scales	Cronbach's alpha sample
Pre-divorce conflict	0.80
Facilitative problem solving	0.80
Facilitative Rogerian attitudes	0.87
Facilitative impartiality	0.89
Quality of arrangements	0.85
Personal Wellbeing	0.86

Table 2: First session (n=469) and second session (n=117) sample characteristics

	Sample (n=469)		Subsample (n=117)	
	Mutual consent	Irretrievable breakdown	Mutual consent	Irretrievable breakdown
Trajectory				
Percentage participants (absolute number);	80% (376)	20% (93)	79 (92)	21 (25)
% women (number of women)	56%	57%	60%	52%
Mean pre-divorce conflict level	3.29	3.51	3.13	3.71
% joint-initiators	19%	17%	20%	16%
% ex-initiators	31%	35%	32%	28%
% self-initiators	50%	47%	49%	56%
% mediations(Litigations)	35%	10%	26%	12%
Mean quality of arrangements	5.13	4.72	5.24	4.70

Table 3: Summary of multiple regression analysis

	Estimate	Std. Error
Quality of arrangements	0.13*	0.06
Problem solving	0.22**	0.07
Litigation (mediation)	0.11	0.17
Mutual consent (irretrieval breakdown)	-0.08	0.19
Pre divorce conflict	-0.05	0.07
Woman (man)	-0.70***	0.16
Initiator - status		
- Both (self)	-0.12	0.20
- Ex-partner (self)	-0.30	0.18
(Intercept)	6.96***	0.18

Continuous variables are centered around their average.

Dependent variable: quality of life

*Correlation is significant at the .05 level (two-tailed).

**Correlation is significant at the .01 level (two-tailed).

*** Correlation is significant at the .001 level (two-tailed).

Sample = F-value = 5.603, df=8 and 460, $p < 0.001$

Adj. R-square = 0.08

Table 4: Summary of multiple regression analyses

	Estimate	Std. Error
Quality of arrangements	0.27*	0.11
Rogerian attitudes	0.45*	0.19
Impartiality	0.21	0.18
Litigation (mediation)	0.18	0.31
Mutual consent (irretrievable breakdown)	0.05	0.32
Pre divorce conflict	-0.03	0.12
Woman (man)	-0.32	0.27
Initiator - status		
- Both (self)	0.36	0.34
- Ex-partner (self)	-0.34	0.29
(Intercept)	6.88***	0.34

Continuous variables are centered around their average.

Dependent variable: quality of life

*Correlation is significant at the .05 level (two-tailed).

**Correlation is significant at the .01 level (two-tailed).

*** Correlation is significant at the .001 level (two-tailed).

Sample = F-value = 4.066, df=9 and 107, $p < 0.001$

Adj. R-square = 0.19