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**DIVORCE PROFESSIONALS IN FLANDERS:
POLICY AND PRACTICE EXAMINED**

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Recent Belgian policy changes led to progressive shared parenting, mediation, and no-fault legislation. However, little is known about the practices and policy preferences of the implicated professionals. The present study surveyed 664 Flemish divorce lawyers, mental health professionals, and mediators. The majority of professionals supports no-fault divorce legislation, unified family courts, court-independent mediation, and well-informed trajectory decisions, but disagree with a primary caretaker presumption. Equally shared parenting agreements were uncommon in lawyers' practice and most frequent among mediators. Yet, whereas mediators were mostly skeptical, the majority of lawyers were convinced of the positive effect of such agreements on children. Mental health professionals are set apart by exclusive maternal authority agreements and rarely providing trajectory information in their practice. Implications for clients, practice, and policy are addressed.

Keypoints for the Family Court Community

- Discusses recent sociological and legal developments in Flanders
- Details key policy and practice preferences of different divorce professionals
- Clarifies policy and practice differences and similarities between divorce professionals on:
 - Equally shared parenting agreements
 - No-fault divorce and the nature of mediation services
 - Informing on divorce trajectories and changing divorce trajectories
 - Informs on possibilities for interprofessional collaboration and areas of expertise

Keywords: *Divorce; Divorce Mediation; Divorce Policies Lawyers; Mediators; and Mental Health Professionals.*

INTRODUCTION

SOCIAL BACKGROUND

Over the last three decades, Flanders (as part of Belgium) emerged as the European champion as far as divorce rates are concerned. Indeed, in about three decades, the divorce rates increased 300 per cent from 0.66/1000 inhabitants in 1970 to 2.55/1000 in 2005 (Corijn, 2005). In 2010, 24,926 marriages as well as 13,711 legal divorces took place in Flanders (General directorate of statistical and economic information, 2011a). Estimates also indicated that people who married in 2009 had a 64 per cent chance to be divorced over the next 50 years (General directorate of statistical and economic information, 2011b). Nevertheless, in the previous decade, marriage rates remained fairly stable with even a slight increase around 2003 (Corijn, 2009). The decline in first marriages was matched by the increase of rapid remarriages of divorced individuals (Corijn, 2009). More specifically, 30 per cent of individuals who divorced between 1990 and 2003 were remarried within 5 years following their legal divorce (Corijn, 2005).

Due to its effects on the quality of life of children, parents, and other family members, divorce draws a lot of attention in society and from policy makers (Hemelseo, 2012; Maes, 2012). In this regard, it is estimated that yearly around 20,000 to 25,000 Flemish children experience parental divorce. One fifth of children younger than 17 years old had parents who no longer lived together (Lodewijckx, 2005, 2007). Similarly, around 24 per cent of young adolescents were found to have

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experienced parental divorce or separation (Vettenburg, Deklerck, & Siongers, 2009). Taken together, it is clear that a substantial number of Flemish families go through divorce each year. As such, matching international trends, divorce has become a very real possibility for virtually all families (Neale & Flowerdew, 2007).

At the same time, divorcing individuals increasingly made use of interventions by professionals (Bracke, Colman, & Symoens, 2010). Next to the traditional services provided by lawyers and mental health professionals, recent research revealed that around 12.6 per cent (Daniëls & Buysse, 2010) up to 16.7 per cent (Van Peer, Bastaits, & Mortelmans, 2011) of divorcing individuals are assisted by divorce mediators. Moreover, couples with children (18.1 per cent) were more likely to make use of mediation than couples with no children (12.3 per cent). Yet, only 50.7 per cent of mediating couples reached partial or complete divorce agreements (Van Peer, Bastaits, & Mortelmans, 2011).

Although encouraging, this use of divorce mediation is not the only policy aiming at limiting or preventing negative divorce related conflicts. Indeed, with its policies on child allowances and child care, Flanders stands out from the other industrialized countries (Pressman, 2011). For example, irrespective of their income, families receive allowances in 2012 at birth or adoption of the first child (1,223.11 euro), and of subsequent children (920.25 euro), as well as monthly allowances for the first child (90.28 euro), the second child (167.05 euro), and for each subsequent child (249.41 euro) with an increase for children with a disability (340.01 euro). Moreover, additional allowances are made available for parents with a disability, who are long-term unemployed, retired, or a single parent (Governmental services on child allowances for employees, 2012). In particular for poorer families, these allowances constitute a substantial part of the disposable household income.

Besides financial transfers; the state offers a good child care system, including care for toddlers. The social security system also has a family orientation in terms of benefits and tax credits (Presman, 2011). In keeping with the preceding observation it can be said that Flanders has an explicit family responsive policy: on the one hand, with good support in terms of money for gender-specific division of labor. On the other hand, there is a well-organized child care infrastructure that enables both parents to work (Buysse et al., 2006).

All these divorce related societal and policy developments stimulated the adoption of several progressive legal changes. In particular, the gender-neutral parenting and divorce laws as well as mediation acts are of central importance.

LEGISLATIVE FRAMEWORK

Toward Strengthening Shared Parenting

Before 1995, the dominant assumption was that exclusive parental authority would lessen interparental conflict and increase the quality of life of both parents. This generally meant that the parent who got the legal divorce, often the mother, also had the exclusive parental authority and primary residence of the child(ren) awarded by the judge. The other parent, often the father, was given the right to visit his or her child(ren). Support for this primary care giver presumption gradually declined. Following rising divorce and falling marriage rates, a large influx of women in the labor market, more flexible family roles (rather than rigid gender expectations), and increased lobbying efforts by fathers' rights movements, gender neutral and child-oriented parenting laws were introduced (Buysse et al., 2006; Sodermans, Vanassche, Matthijs, & Swicegood; 2012).

One of the first contributions was the law of April 13, 1995, which introduced joint-parental authority (joint legal custody). This law maintained both parents ability to make postdivorce parenting decisions regarding a child's rearing or related finances. Thus, it was legally formalized that both parents remain parents following divorce. Exclusive parental authority was not abolished, but restricted to exceptional circumstances. Equal parenting also was made possible at this time. As long as the best interest and welfare of the child was not in danger, all postdivorce living arrangements were now made acceptable. The law also changed terminology with "parenting time" and "contact" being favored over "visitation rights."

Despite this legal reform, nonresidential parents, mostly fathers, remained disappointed that they could not play a more active role in their children's day-to-day life (Van Krieken, 2005). The possibility of shared parental authority was accompanied by an absence of shared physical residence. Furthermore, the unchanged tradition of judges generally awarding physical custody to the mother enhanced the perception that the court system was biased against nonresidential fathers (Buysse et al., 2006; Sodermans, 2012). Not surprisingly, the rapidly growing responsible fatherhood movement intensified their lobby work for the forced implementation of equally divided parenting time following divorce or separation. This was, to a lesser extent, also applauded by some women's groups who advocated for a more balanced time sharing between parents. The principal idea was that developing close relationships with both parents through equally divided parenting time is in the best interests of the child.

Yet, others also argued that forced equal sharing of parenting might, in some cases, expose children to parental conflict or neglect, and thus constitute a danger for children's interests and well-being. Likewise, less than honorable economic considerations (i.e., avoiding paying child maintenance) may motivate a parents' demand for equally divided parenting time following divorce.

This debate finally materialized in a new legal act of July 18, 2006, making joint physical custody the preferred model for children's postdivorce living arrangements. That is, when parents do not agree on the residence of the child, equally divided alternating residence (bilocation) is prioritized, and applied in the default of a concrete contraindication (Senaeve, Swennen, & Verschelden, 2007). If at least one of the parents requests equally shared parenting, the law obliges court judges to review, as a matter of priority, if a decision of equal residence is in accordance with the best interests of the child as well as the interests of each parent. To assist in such an examination judges can draw on investigations by judicial custody evaluators, the police, a psychologist, or another expert (Casman, César, & Waxweiler, 2010). However, if the judge decides on unequal shared residential parenting, a motivation for this decision is required. Most relevant in this regard are criteria such as the geographical distance between both parents' households, age of the children, availability of parents, motivation to care for children, and psychological health (Senaeve & Vanbockrijck, 2006; Senaeve et al., 2007).

This law does not prescribe a generalized or automatic application of equally divided parenting time as was widely proclaimed in the Belgian media (Casman et al., 2010). Indeed, the best interest of the child is not mechanically equated to sharing equal time with each parent. As before this legal reform, the judge retains extensive discretionary power, and can decide on a range of postdivorce living arrangements that benefit both parents and children. In that sense, this law is mainly a symbolic reform to encourage both judges and parents to seriously consider equally divided alternate residency following divorce or separation (Senaeve & Vanbockrijck, 2006). Yet, the law did make several important procedural devices possible such as the forced withdrawal of the child and the full garnishment of wages when residential parenting rights were not respected by one of the parents. In addition, divorce cases remain pending before court, so cases can return to court without starting new divorce proceedings (Buysse et al., 2006). The intention was to increase legal predictability, promote equally shared parenting, decrease relitigation rates, and facilitate flexibility in divorce arrangements.

In the French-speaking region of Belgium, a qualitative study was conducted to evaluate this legal reform as experienced by divorcing individuals and professionals (Casman et al., 2010). As intended by the law, judges, lawyers, and mediators typically reported a slight increase in equally shared parenting requests by divorcing parents. In addition, the law also changed the actual litigation practices of lawyers. That is, equally divided alternate residency now takes priority as the point of departure during negotiations. Yet, some drawbacks are also reported. For example, lawyers indicate that, where they used to argue that their client is the competent parent, they report that the present law requires them to argue more than before that the other parent is incompetent. The law was also criticized by divorced parents for being impractical. In particular, complex fiscal and social rights and administrative requirements were found to clash with the day-to-day application of equal residency (Casman et al., 2010).

Toward No-Fault Divorce Legislation

Aiming to lessen the negative implications of fault-based divorce laws, the Belgian legislature introduced the no-fault divorce law of April 27, 2007, which was enacted on September 1, 2007 (Tremmery, 2007). More than before, marriages were considered private agreements between two individuals with each having the choice and right to divorce. The law provides that couples can initiate two types of legal divorce proceedings. A couple can legally uncouple on the grounds of mutual consent or pursue a divorce justified by an irretrievable breakdown. The latter is also known as the so called no-fault procedure (Swennen, 2010). In fact, one of the motivations to reform the previous divorce law was to stop endless fighting about which partner is responsible for causing the divorce (Swennen, 2008). As such, the no-fault divorce procedure prompts judges to merely assert the presence of irreconcilable marital disruption that prevents a further prolongation of the marriage. That is, a person can attain divorce (one) subsequent to providing legal proof of an irreconcilable marital disruption,¹ (two) after a specific duration has elapsed of living separately,² or (three) following a repeated and well-considered request to divorce³ (Swennen, 2010).

It is also possible during divorce proceedings to change from one legal divorce trajectory to another. For example, a couple can change from a divorce on the grounds of a separation of 6 months to a divorce on the grounds of a legal proof of irretrievable breakdown or even initiate mutual consent proceedings (Swennen, 2008). Or a mutual consent divorce could change into a divorce on the grounds of irretrievable breakdown.

One important consequence of the no-fault procedure is that couples can now be legally separated without having reached a full divorce settlement. Thus, although the exclusion of fault has facilitated the legal articulation of divorce, ex-partners can carry on disagreeing after the divorce on many issues such as parenting, alimony, finances, and property division. In contrast, the mutual consent procedure restricts divorce to couples who agree on dissolving the marriage as well as on all corresponding consequences of this decision. Prior to the judicial divorce pronouncement, couples will negotiate on all relevant family affairs. The resulting agreement concerning the children requires official validation (i.e., homologation) by the court in order to safeguard the interests of the child, thus making the agreement legally enforceable.

Toward Promoting Mediation Services

A third stage of legal developments focused on promoting mediation as a legitimate alternative dispute resolution method to adversarial court procedures. The first bills on mediation appeared in the chamber and senate during the late 1990s. They later materialized in the alteration of the Belgian judicial code on February 19, 2001 (Swennen, 2008, 2010). Court proceedings could now be suspended in favor of a consensual agreement by the disputing parties to embark on mediation. Either the disputants request mediation themselves or the judge takes the initiative. Thus, judges are now capable of assigning a mediator in cases of family and relationship disputes as well as deciding on which mediator will do the actual mediation (Verbist, 2005; Daniëls & Buysse, 2010). The law of July 18, 2006, went further and obligates judges to inform divorcing couples about the existence of family mediation services.

A second landmark for Belgian mediation was the approval on December 10, 2003, of a set of new regulations by the bar of lawyers. This made it possible for lawyers to be simultaneously certified as mediators while maintaining membership at the bar (Swennen, 2010). A critical turning point was further marked on February 2, 2005, when parliament retracted the previous 2001 law and passed a second and more wide-ranging mediation act which was enacted on March 22, 2005 (Verbist, 2005). In fact, the government manifestly put mediation forward to play a greater role in resolving conflicts on civil and commercial matters. This change made Belgium one of the first European countries to develop a legal framework for mediation practice (Verbist, 2005; Casals, 2005).

This latest act specified mediation as a confidential and privileged process with an independent, impartial, and competent mediator. In contrast to some American states and European countries, Belgium legislators favored a purely voluntary rather than mandatory mediation process (Casals, 2005). In other words, in case of settling divorce related conflicts, Belgian citizens are not obliged to attend or continue a mediation session and can at any time discontinue any ongoing mediation attempts. The latter will not legally disadvantage any of the disputants. Conversely, when parties are not satisfied with a settlement proposed by a judge, they still have the option to subsequently start a mediation procedure. However, the voluntary nature of participation does not prohibit judges from proposing mediation, and, if the parties agree, the judge may appoint a mediator. The judge further retains his discretionary power and can make any negotiated agreement enforceable by ratifying it. However, this official validation by court judges (i.e., homologation procedure) can be rebuffed when the negotiated agreement is judged to be contrary to public policy or harmful to the interests of underage children.

Finally, a rather unique contribution of the mediation act of 2005 is the institutionalization of mediator certification procedures and mediation policy with the establishment of the Federal Mediation Commission. This commission aims to ensure high-quality mediation service in the hope that it will be widely recognized by the public at large and used in practice.

RESEARCH FOCUS

As our societal and legislative framework on divorce has changed, this will inevitably have ramifications for divorcing individuals and divorce professionals. Yet, in contrast to extensive efforts to research the former, empirical research on divorce professionals is lacking. To address this gap, we surveyed mental health mediators and lawyer mediators as well as nonmediating lawyers and mental health professionals on their actual practices and policy preferences. Inspired by the legal changes, the focus of this study is threefold. First, actual practices and attitudes concerning parenting agreements are identified. Second, some actual and possible divorce and mediation policies are evaluated. Finally, professionals' practices and attitudes on providing information on the different divorce trajectories are explored.

METHOD

This study draws on data collected in a unique Flemish sample of divorce professionals. The project, Interdisciplinary Project for the Optimization of Separation Trajectories (IPOS), is a collaboration between Ghent University and the University of Leuven, funded by the Institute for the Promotion of Innovation by Science and Technology in Flanders. The project involves cooperation by psychologists, lawyers, and economists.

In this study, the focus is only on those divorce professionals who adhered to four successive inclusion criteria. Participants were only included in this study if they (one) completed more than 50 per cent of questionnaire items, (two) had an ongoing divorce practice in Flanders, and (three) in which they worked as either a lawyer mediator, lawyer, mental health mediator, or mental health professional. Moreover, (four) only mediators who spent more than 5 per cent of their professional time on mediating family disputes were included in the mediation group. This resulted in a response rate of 59.34 per cent (359/610).

PROCEDURES AND QUESTIONNAIRE

An initial questionnaire was pilot tested by a team of 12 researchers with a background in psychology, sociology, economy, and law, as well as two panels of practicing mediators, lawyers, notaries, psychologists, and judicial custody evaluators. Their comments were incorporated in a final

version that was digitalized with Limesurvey 2.0. Four rounds of data collection took place, during which each interested participant could phone in to a helpline if any difficulties arose with accessing and completing the online survey. The questionnaire included several practice and attitudinal items pertaining to (A) general demographic and practice characteristics, (B) residential parenting and parental authority, (C) legal policy initiatives, and (D) providing information on existing divorce trajectories.

GENERAL SAMPLE DESCRIPTION

The sample constituted 610 divorce professionals including lawyers ($n = 280$), lawyer mediators ($n = 172$), mental health mediators ($n = 60$), and mental health professionals ($n = 98$). Although always the majority, women represented a greater number of the mental health mediators (80 per cent) and mental health professionals (82 per cent) than among lawyers (64 per cent) and lawyer mediators (67 per cent). The average age among lawyers was 44.33 years old (mean age: 42.50), and mental health professionals (mean age: 44.14); slightly younger than lawyer mediators (mean age: 46.72), and mental health mediators (mean age: 46.25). Using a 10-point forced decision scale, mental health professionals (mean: 4.44) and mental health mediators (mean: 3.61) reported having a process-oriented style rather than a problem-oriented approach when they practice. The opposite pattern was observed in lawyers (mean: 5.59) and lawyer mediators (mean: 5.63) who were stylistically more problem oriented than process oriented. In addition, lawyers (mean: 6.58) indicated to be stylistically more advisory than information oriented during their practice. By contrast, mental health professionals (mean: 4.27), lawyer mediators (mean: 4.36), and particularly mental health mediators (mean: 3.14) were all more process oriented.

RESULTS AND DISCUSSION

PRACTICES AND PERSPECTIVES ON CHILD PARENTING

In their divorce practice, interprofessional differences emerged with respect to the frequency of residential parenting arrangements. Up to 81 per cent of all lawyers often or always had cases where children were predominantly living with their mother, lower percentages were observed in the sample of lawyer mediators (49 per cent), mental health professionals (53 per cent), and mental health mediators (54 per cent). This high percentage of maternal households among lawyers' clients may be a result of the extensive discretionary power of judges to adjust living arrangements in line with children's as well as parents' interests. Supporting such an interpretation, a recent qualitative study reported that divorced parents showed little enthusiasm for the preference in the 2006 parenting law prescribing a 50-50 division of parenting time. Such a 50-50 division of parenting time did not fit with their own practical life circumstances, or with how the child rearing tasks are actually divided among both parents following divorce (Casman et al., 2010).

The above pattern of results is partially reflected in the occurrence of equally divided alternate residency. Two thirds of all lawyer mediators (69 per cent) and mental health mediators (67 per cent) often had cases where residential parenting was awarded to both parents. By contrast, equally shared residential parenting was—although still substantial—less common in the practice of lawyers (48 per cent) and mental health professionals (46 per cent).

It is interesting to note that responses to the legal term “equally divided alternate residency” did not exactly agree with the responses to the previous item “predominantly living with mother.” Rather, responses to both items exceeded 100 per cent implying that participants did not perceive them to be mutual exclusive options. In this regard, it is noteworthy to mention that the Belgian legislature did not use the terms “50-50 division of parenting time,” but the more crude term “equally divided alternate residency.” The latter allows professionals and parents to interpret the

1 law strictly in terms of 50-50 equal parenting time, or the broader equal quality of parenting
2 that may encompass a variety of unequal divisions of parenting time. Our current data does not
3 allow us to differentiate among these living arrangements, although a recent Flemish sociological
4 study by Sodermans et al. (forthcoming) gives a first indication. Sodermans et al. (forthcoming)
5 reports that two thirds of Flemish children between 12 and 18 years old mostly or always live with
6 their mother, whereas 25 per cent of children indicate some kind of shared residential arrange-
7 ments. In the latter group, 24 per cent report to live predominantly with the mother and a majority
8 (67 per cent) live as much with their mother as with their father (i.e., 50-50 shared parenting
9 arrangement).

10 Overall, the above findings indicate that arrangement of children staying with both their mother and
11 father following divorce is no longer an exception in Belgium. This development is principally
12 noticeable in divorce mediators' practice. This is consistent with the intentions of the recent legal
13 reforms to safeguard parent-child relationships following divorce.

14 Surprising however, was that a reversed picture emerged when examining the attitudinal prefer-
15 ences of these divorce professionals. Indeed, compared to lawyer-mediators (53 per cent) and mental
16 health mediators (36 per cent), relatively more lawyers (74 per cent) and mental health professionals
17 (65 per cent) were convinced that obtaining equally shared residential parenting is important for
18 reaching positive child-related divorce arrangements. In other words, especially for mediators,
19 the best interest of the child and equally shared parenting are not necessarily considered inter-
20 changeable. Indeed, children themselves may wish that their divorced parents would be more sensitive
21 to their needs, and that there would be more flexibility in postdivorce living arrangements. The
22 latter is reported by a study in Sweden where there is a similar shared parenting law as in Belgium
23 (Singer, 2008).

24 Taken as a whole, the attitudinal preference of divorce professionals appears to go against the most
25 common practices in their professional field. Although our data only allows for tentative interpreta-
26 tions of this finding, a possible explanation might be found in a recent Flemish study by Baitar,
27 Buysse, Brondeel, De Mol, and Rober (2012). Here, researchers observed that the quality of divorce
28 agreements were still negatively influenced by predivorce conflict levels irrespective of what took
29 place during a professional intervention by lawyers and mediators. Similarly, Singer (2008) reported
30 that parents who did not cooperate before alternate residency was awarded, would often not cooperate
31 following such a decision. As such, this maintained negative influence of pre-divorce conflict might
32 feed into professionals' skepticism toward the resulting agreements in their practice. In the case of
33 equally shared parenting arrangements, this might expose children to continuing conflict and undue
34 stress. Yet, future research will need to test this hypothesis.

35 Differences between professionals also emerged with respect to the perceived importance of joint
36 parental authority for positive child-related divorce arrangements. Whereas at least two thirds of
37 lawyers (79 per cent) and lawyer mediators (67 per cent) favor joint authority as a positive divorce
38 agreement, less clear was the support observed among mental health mediators (49 per cent) and
39 mental health professionals (49 per cent). The latter lower percentages did not automatically translate
40 in a support for a traditional primary caretaker presumption. Indeed, the vast majority of mental health
41 mediators (80 per cent) and lawyer mediators (78 per cent), mental health professionals (70 per cent)
42 and lawyers (71 per cent) disagree with a legal presumption to award parental authority to the primary
43 caretaker of the child preceding the divorce. Similarly, in their actual practice, almost all participating
44 lawyers (95 per cent), lawyer mediators (95 per cent), and mental health mediators (96 per cent) often
45 or always worked with cases where legal parental authority was awarded to both parents. Only the
46 responses in the group of mental health professionals were more divided. That is, whereas 63 per cent
47 often or always worked with cases with joint parental authority, around a quarter of mental health
48 professionals rarely or never did. The latter may to some extent be clarified by looking at the
49 occurrence of exclusive maternal authority. Here, up to 10 per cent of mental health professionals
50 report often or always working with couples where exclusive maternal authority is awarded, whereas
51 none of the mental health mediators or lawyer mediators and merely 4 per cent of lawyers reported
52 likewise.

Table 1
 Practices and perspectives on child parenting

Item	Lawyers (n = 280)	Lawyer-mediator (n = 172)	Mental Health-mediator (n = 60)	Mental Health-professional (n = 98)
The children are predominantly living with their mother				
Never/Seldom	2	7	2	24
Sometimes	17	44	44	23
Often/Always	81	49	54	53
The children stay just as much with their mother as with their father (equally divided alternate residency)				
Never/Seldom	5	3	5	29
Sometimes	47	29	28	25
Often/Always	48	69	67	46
Joint parental authority				
Never/Seldom	2	5	0	24
Sometimes	3	0	4	13
Often/Always	95	95	96	63
Exclusive maternal authority				
Never/Seldom	77	88	78	63
Sometimes	19	12	22	27
Often/Always	4	0	0	10
Drawing up an agreement with joint parental authority, an equally shared residential parenting where financial costs are equally shared.				
Disagree	26	47	64	35
Agree	74	53	36	65
Parental authority following divorce must be awarded to both parents				
Disagree	7	10	22	19
Undecided	14	23	29	32
Agree	79	67	49	49
Parental authority following divorce must be awarded to the parent who was the principal caretaker of the child before the divorce				
Disagree	71	78	80	70
Undecided	19	19	20	28
Agree	10	3	0	2

DIVORCE AND MEDIATION POLICY PREFERENCES

Attitudinal differences were also observed in the group of lawyers and mental health mediators with respect to the recent introduction of no-fault divorce legislation in Belgium. Whereas an overwhelming majority of 81 per cent of all lawyers considers the introduction of no-fault divorce legislation a good decision, only 50 per cent of all mental health mediators did so. However, it is worth mentioning that 7 per cent of lawyers versus 32 per cent of mental health mediators remained undecided on this issue. Between these two positions, a majority of lawyer mediators (64 per cent) and mental health professionals (68 per cent) also indicated approval of the new no-fault laws.

One intention of the no-fault divorce law was to facilitate the use of mediation services by divorcing couples. One hopeful development in this direction is an introduction to the mediation process by professionals who are not practicing as a mediator themselves. Results showed that 13 per cent of lawyers and 29 per cent of mental health professionals did receive mediation training. Moreover, up to 97 per cent of nonmediating lawyers and mental health professionals reported to be familiar with mediation processes and goals. This increased familiarity with mediation services did not always translate into a consideration of referrals to mediation to be important. In particular only 23 per cent of all lawyers agreed and up to 44 per cent disagreed that it is important to refer divorcing clients to mediation services. By contrast, the majority of mental health professionals (72 per cent) as well as mental health mediators (82 per cent) and lawyer mediators (63 per cent), showed considerably more support for mediation referrals. The vast majority of lawyer mediators (76 per cent), mental health mediators (86 per cent), and mental health professionals (82 per cent) viewed mediation referrals as a key responsibility of judges. The least support for this idea was found in the group of lawyers (33 per cent). A similar pattern emerges when we look at the explicit disagreement with the statement that it is important for judges to refer divorcing couples to mediation services. Whereas 42 per cent of lawyers disagreed, only a mere 13 per cent of lawyer mediators, 5 per cent of mental health mediators and 4 per cent of mental health professionals did.

It would be interesting to conduct further research to understand lawyers' skepticism toward such a role for judges. For example, is it possible that the legal changes in 2001 and 2006 did not result in judges better informing divorcing couples on the existence of mediation services? Recent Flemish research showed that around 32 per cent of divorcing couples had never heard of divorce mediation services (Van Peer et al., 2011). Hence, the argument is sometimes advanced that a compulsory introduction to the mediation process is warranted. Although this idea has some support amongst mental health mediators (62 per cent), mental health professionals (58 per cent), and lawyer mediators (50 per cent), less than a quarter of all lawyers (23 per cent) would agree with such a policy change.

Professionals sometimes argue that family mediation services must maintain their independence from the court. Lawyer mediators (52 per cent), lawyers (55 per cent), and particularly mental health mediators (82 per cent), and mental health professionals (68 per cent) preferred such a policy. The largest disagreement with the necessity of court-independent mediation services was expressed by lawyer mediators (32 per cent) compare to relatively less disagreement among lawyers (14 per cent), mental health mediators (13 per cent), and mental health professionals (12 per cent).

The latest policy debate in Belgium deals with the desirability of establishing a one family—one judge unified family court structure. Although more than half of all professionals agree with such a policy initiative, explicit disagreement was less in mental health mediators (5 per cent) and mental health professionals (4 per cent) than in the group of lawyer mediators (11 per cent) and lawyers (20 per cent). Yet, relatively more mental health mediators (34 per cent) and mental health professionals (33 per cent) remained undecided on this issue compared to lawyer mediators (11 per cent) and lawyers (14 per cent).

DIVORCE TRAJECTORY INFORMATION

A multiplicity of dispute resolution practices now exists in Flanders, with an increased possibility for divorcing individuals to change trajectories. Hence, it could be argued that divorce professionals

Table 2
 Divorce and mediation policy preferences

Item	Lawyers (n = 280)	Lawyer-mediator (n = 172)	Mental Health-mediator (n = 60)	Mental Health-professional (n = 98)
The introduction of the no-fault divorce law was a good state of affairs.				
Disagree	12	19	18	12
Undecided	7	17	32	20
Agree	81	64	50	68
Have you received training in family mediation?				
Yes	13	/	/	29
No	87			71
Have you ever heard of services provided in family mediation?				
Yes	97	/	/	97
No	3			3
It is important that divorcing individuals who initiate legal procedures are referred to mediation.				
Disagree	44	20	7	8
Undecided	33	17	11	20
Agree	23	63	82	72
Court judges have an important responsibility to refer divorcing individuals who initiated legal procedures to mediation services.				
Disagree	42	13	5	4
Undecided	25	11	9	14
Agree	33	76	86	82
Every divorcing couple with children should get a compulsory introduction to mediation				
Disagree	48	39	25	23
Undecided	29	11	13	19
Agree	23	50	62	58
Family mediation services must remain independent from the court of law				
Disagree	14	32	13	12
Undecided	31	16	5	20
Agree	55	52	82	68
There is a need for the establishment of an unified family court				
Disagree	20	11	5	4
Undecided	14	11	34	33
Agree	66	78	61	63

will be required to educate their clients even more on different divorce procedures. In fact, more than two thirds of all participating lawyers (86 per cent), lawyer mediators (77 per cent), and mental health mediators (79 per cent) often or always inform their clients about the existing divorce trajectories. Less than half of all mental health professionals (45 per cent) reported often or always providing clients with this information. Conversely, only 3 per cent of lawyers, 5 per cent of lawyer mediators and 2 per cent of mental health mediators never or seldom provide trajectory information, but 31 per cent of mental health professionals seldom or never did. Still, the majority of mental health professionals (70 per cent), and nearly all mental health mediators (88 per cent) and lawyer mediators (87 per cent) often to always begin by explaining to their clients what their professional roles can or can not be. By contrast, only around a half of all lawyers (53 per cent) often to always clarify their professional identity to their clients. It is also interesting to note that around one fifth of all lawyers (21 per cent) as well as mental health professionals (19 per cent) seldom or never provide information on their own professional role or roles.

Several interpretations can be put forward to understand these interprofessional differences. For example, a common belief is that well-informed divorcing couples, who comprehend the different dispute resolution options, will be more likely comply with their divorce agreements. More than two thirds of all lawyers (69 per cent), lawyer mediators (87 per cent), mental health mediators (79 per cent), and mental health professionals (81 per cent) show support for this argument. Less optimistic interpretations are also expressed. For example, around one third of all participating lawyers (33 per cent), lawyer mediators (30 per cent), and mental health professionals (31 per cent), as well as a quarter of mental health mediators (25 per cent), believe that "the role of good information on divorce trajectories is overvalued." That is, the emotional turmoil during divorce is believed to make it difficult for divorcing clients to rationally decide in their own best interests. In the opposite direction, the majority of mental health mediators (61 per cent), mental health professionals (52 per cent), lawyer mediators (51 per cent), and lawyers (48 per cent) explicitly disagreed with such an explanation.

A related argument is that it is important for divorcing couples to be well informed at the beginning of their trajectory in order to make an appropriate decision possible. The underlying idea is that such information will prevent trajectory changes, which are considered a temporary solution resulting in delays, conflict escalation, higher financial costs, and a more difficult process. Agreement with this rationale was found in around half of all lawyers (44 per cent), lawyer mediators (45 per cent), mental health mediators (50 per cent), and mental health professionals (46 per cent). Slightly lower, but still substantial was the explicit disagreement with this stance among nearly one third of lawyers (28 per cent), lawyer mediators (32 per cent), mental health mediators (34 per cent), and mental health professionals (30 per cent). A challenge for future research is to determine which of the possible interpretations can empirically be substantiated.

IMPLICATIONS AND CONCLUSIONS

The main contribution of this study was to disclose noteworthy similarities and differences in actual practices and policy preferences among Flemish divorce professionals. Overall, lawyers, mediators, and mental health professionals approve the introduction of no-fault divorce legislation and support the establishment of a unified family court in Belgium. They are familiar with mediation services, but would prefer mediation to remain independent from the court of law. Divorce professionals generally clarify their different roles during practice and believe that well-informed divorcing individuals will show greater postdivorce compliance. Furthermore, almost no support exists among professionals to award parental authority to the primary caretaker of the child preceding the divorce. Rather, joint parental authority is a frequent outcome in their divorce practice.

The findings also clarify what sets lawyers, mediators and mental health professionals apart from each other. Lawyers' practice typically results in agreements where children are predominantly living with their mother, even though most lawyers have a preference for agreements with equally shared

Table 3
 Divorce trajectory Information

Item	Lawyers (n = 280)	Lawyer-mediator (n = 172)	Mental Health-mediator (n = 60)	Mental Health-professional (n = 98)
Providing information on the different divorce trajectories and divorce professionals				
Never/Seldom	3	5	2	31
Sometimes	11	18	19	24
Often/Always	86	77	79	45
Providing information on how your professional role is similar or different from your possible other professional roles				
Never/Seldom	21	4	5	19
Sometimes	26	9	7	11
Often/Always	53	87	88	70
If divorcing individuals are well informed about which trajectory they start, and what the alternatives are (litigation, mediation, negotiation, . . .), there will be more compliance with agreements following divorce.				
Disagree	10	2	7	5
Undecided	21	11	14	14
Agree	69	87	79	81
The importance of good information is being overvalued.				
A divorce often goes hand in hand with an emotional turmoil which makes it difficult for divorcing individuals to make a rational and well-considered decision on what the best trajectory is (mediation, litigation, negotiation).				
Disagree	48	51	61	52
Undecided	19	19	14	16
Agree	33	30	25	32
Changing from one trajectory to another (e.g., from litigation to mediation) is and remains a less than ideal solution that goes together with delays, needless escalation of the conflict, and results in a more costly and difficult process. Hence, it is important for divorcing individuals to make a well-informed and appropriate decision at the start of their trajectory.				
Disagree	28	32	34	30
Undecided	28	22	16	24
Agree	44	45	50	46

parenting and joint legal authority stipulations. The majority of lawyers also disagree with the idea of a compulsory mediation education for divorcing parents as well as referrals to mediation by judges. In the practice of divorce mediators, equally shared parenting agreements are most common. Yet, lawyer mediators, and particularly mental health mediators, showed the least support for the belief that predetermined, equally shared parenting agreements are positive for children. Finally, although the majority of mental health professionals favored equally shared parenting agreements, they stood out from other professionals in having cases where parental authority was exclusively awarded to the mother. In addition, mental health professionals were least likely to provide information to their clients on different trajectories.

Based on this portrait of professional practice and attitudes, several implications can be proposed. First, the diversity among professionals can help to create a better match between professionals and divorcing individuals. For example, if one or both divorcing parents would like to explore equally divided alternate residency, their question may fit better in mediation than in litigation or mental health practice. Similarly, if divorcing couples would like to make a well-informed decision between different divorce trajectories, a referral to lawyers and mediators may be preferred over mental health professionals.

Second, these results invite professionals to recognize each others' expertise, and possible sensitivities, which may facilitate interprofessional collaboration. For instance, mental health professionals appear to specialize in working with individuals with more atypical divorce agreements such as exclusive maternal authority. Lawyers might draw on this expertise when difficulties arise with children who are predominantly living with one parent. In a similar fashion, lawyers and mediators are complementary in their parenting agreement practices and corresponding attitudinal preferences. As such, it may particularly be beneficial for lawyers and mediators to combine their strengths when negotiating the more intractable parenting disputes.

Finally, policy makers can also look at this study to pinpoint ways to bridge areas of tension that may fuel interprofessional disagreement and suspicion. Indeed, one obvious candidate are the opposing attitudinal preferences between lawyers and nonlawyers on issues such as a compulsory introduction to mediation, and the practice of judges in referring individuals to mediation. Such interprofessional tensions may diminish through sustained efforts to clarify and communicate similarities and differences between lawyers, mediators, and mental health professionals. The present findings are one step in this journey.

NOTES

1. As stipulated in art. 229, §1 BW) this legal prove can be both fault-based (e.g., domestic violence) and no-fault based (e.g., mental disorder).

2. This duration is 6 months when both partners agree to divorce, and 1 year in the case of an unilateral divorce (art. 229, §2 en §3 BW).

3. This duration is 3 months when both agree to divorce and 1 year in the case of unilateral divorce (art. 229, §2 en §3 BW).

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