

NEGOTIATING THE LEGAL DIVORCE PROCESS: MOTHERS'  
PERCEPTIONS AND EXPERIENCES OF THE LEGAL SYSTEM

Sarah Elaine Catherine Malia, J.D.

Dr. Marilyn Coleman, Thesis Advisor

ABSTRACT

This study explored divorcing mothers' perceptions of the legal system and divorce in order to develop a grounded theory based on their experiences of this complex process. Divorce in the U.S. often places a disproportionate burden on women and children. Around half of all first marriages are expected to end in divorce, and nearly 40% of all children will experience parental divorce before age 18.

Based on participants' interviews, I developed a Divorce Control Efforts Framework and found that navigating the unfamiliar, intimidating legal system contributes to divorce-related stress, uncertainty, and sense of powerlessness that many divorcing women experience. Mothers actually negotiate their divorce issues with both their ex-spouse and the legal system, and they seek to establish a sense of control through legal and nonlegal resources and methods. Their approaches to divorce can be described along a continuum from private/personal to legal/professional divorces. Mothers' satisfaction with the legal system and divorce outcome depends on the extent to which they achieve their divorce goals and gain or maintain a sense of control throughout the process. Although many aspects of legal divorce process remain out of women's hands, those women who generally believe and expect they should be and are in charge of their divorce process (rather than external legal system supports) will more likely experience a satisfactory divorce.