



# Managing the Stress of Separation

Strategies to help you make effective legal decisions

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**PRINCIPAL**



# Guideline

For general information purposes only

The following guide is given as general information only and may or may not be suited to your specific needs. Always seek legal advice to ensure that your particular circumstances are met.

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# Separation can be stressful

People tend to take for granted the fact that separation is going to be a stressful experience. The reaction is “of course” separation is stressful - your going through a major life change. More often then not, there is a lot of hostility linked with that change and a desire to break away to become independent.

This guide will help you understand how stress impacts your ability to make effective legal decisions and will give you evidence-based strategies to manage this

There are 3 key take-home points you will derive from this guide:

- Although feelings of “stress” impair our ability to make decisions, knowledge about how this process works can help us to reduce the impact
- Stress has had a bad wrap. You can harness it to work for you rather than against you by reframing your perspective
- It’s not really the feeling of “stress” that is hurting you. Rather, it's the feeling that you may not have control over your future that is the underling issue. There are steps you can take so that you can feel like you are back in control of your life.

# How we make decisions

One way of overcoming the impact of stress in the separation journey is to understand the physiological mechanism behind how we make decisions during times of stress.

Daniel Kahnemann, an Israeli-American psychologist and economist came up with a theory of decision making for which he was awarded the 2002 Nobel Memorial Prize in Economic Sciences. He identified that when we make decisions we use a combination of two primary brain processes in a dynamic manner.

- A fast brain system, and
- A slow brain system

The fast brain system works often unconsciously and drives about 95% of human behaviour. Because it is fast, it is also very efficient in getting a lot of things done (e.g. driving a car, picking what your going to eat for breakfast) and doesn't use up a lot of energy. But it is also prone to errors and biases. The fast brain makes a series of rules of thumb - quick guides - to help you make decisions quickly based on emotional information. So this brain pathway is quick and efficient when you need to make a fast decision but is also more likely to make mistakes.

The slow brain system is the opposite of the fast brain system. It makes slow, deliberate decisions and takes up a lot of energy. It is not very efficient but it is less likely to make mistakes. This system acts like a brake on the fast system to damper our instincts and urges. It's what helps you to form opinions after taking the time to consider a range of options, it helps you to revise your emotional and biased thinking with new information.

We tend to adopt the automatic fast brain system most of the time because our brain likes to conserve energy, and particularly when we are stressed or when we are not sure about the outcome of an event. This is important to understand for family law decisions.

# Framing information

## How you frame information is vital

Because we rely too regularly on our fast brain system, the way in which we frame information is critical to ensure that we deliberately engage our slow brain system

A practical example is shown below to demonstrate how easy it is to influence your legal decision making through the framing of information.

You see an advertisement for a House & Land package.

You ask the sales person:

***"How much is the land worth?"***

The sales person replies:

***"The house is worth \$500,000 more than the land"***

So, how much is the land worth? Did you say, \$50,000? If you did, you were incorrect.

**SALE**  
**SALE**  
**SALE**

House & Land  
Package

Total \$550,000

### **Incorrect Fast Brain System**

House \$550,000  
Land \$50,000  
Total \$600,000

### **Correct Slow Brain System**

House \$525,000  
Land \$25,000  
Total \$550,000

Most people automatically assume the land is worth \$50,000 because assume the house is worth \$500,000. This sort of mistake would be critical in a family law property settlement.

# Make Better Decisions

## Improve your ability to make better decisions in your separation

There are some very practical steps you can take:

- If your energy is low, don't make the decisions until your energy levels are replenished. Lack of sleep, hunger, looking after the kids all day, or spending the day concentrating at work. These are all going to zap you of energy, making your brain want to avoid engaging the slow system.
- Improve your mood: emotions tend to evoke the fast brain system so don't make decisions when you are in a bad mood. Equally don't make decisions when you are in a really great mood such as following a holiday, as you are likely to be too giving. Research shows that smiling improves your mood even if you are faking it. Next time you are preparing for negotiation, smile as much as you can throughout it. You will not only improve your mood but it will drive the other side mad.
- Slow down your thinking deliberately: take the time to consider your options. Have your lawyer set out your options in writing. Set aside time without distractions to consider the future consequences of particular options.
- Ask experts questions: the process of considering expert information itself is going to engage your slow brain system and force you to have to question any biased emotional associations you may have previously created with your fast brain. This could be your lawyer, tax accountant, financial advisor, or real estate agent. Turn to people who can give you independent non-emotional advice.
- Write down all the reasons why you have made a particular decision or why you are seeking a particular order. Then check your language. Are you using emotional or negative words? Who does the decision benefit? You or your children?

# Information overload

## Avoid feeling overwhelmed with a brain dump

Going through separation means you are having to juggle a lot of information coming from a lot of different sources. You have information from your lawyer, information from the court, online information, advice from family and friends, your own documents you have to go through, diaries, and the list goes on. It is very easy to become overwhelmed.

You are effectively trying to piece together the history of your life, as well as you can remember it, then trying to communicate that in a way that will be persuasive to your case without being misunderstood.

An effective way of dealing with information overload is to do what is known as a brain dump. We take all of our thoughts/ideas/opinions and take them out of our brains so that we don't have to retain the information anymore and dump them out. We tend to do this unconsciously when we look for support in people. We tell a friend, we find a support group, or talk to a trusted advisor. There are helpful methods.

Another healthy way of doing a brain dump is to write down all of those thoughts/ideas onto paper in handwriting, much like a stream of uninterrupted thoughts. The act of writing itself and interacting with the paper is part of the process. Afterwards shred the paper. Don't look at it again. Don't use it to form the basis of your affidavit. Just walk away.

Then sit down again a day or two later and write again. Because you have completed a brain dump, your brain has been given space to properly process and analyse information, and you will be able to engage your slow brain system. You have given your brain room to start to employ other processes, allowing you to focus on the relevant aspects of your case with laser-like focus.

# Overcome hopelessness

Hopelessness is a learned response  
and it can be unlearned

A common feeling among people going through the family legal system is a feeling of hopelessness. How many times have you said to yourself and others the following statements?

***“This is hopeless. I’m never going to get a good result.  
The court isn’t listening to me.”***

Hopelessness is a learned response that flows from feeling helpless about your situation. Research shows that in a situation where a subject is required to escape, if a painful stimulus is delivered repeatedly with each attempt the subject makes to escape, over time that pairing between the painful stimulus and the attempt to escape becomes a connection. The subject learns to stop attempting to escape. Even if the door is left open, the subject will eventually be too afraid to even make an attempt to escape. This is a powerful experiment that explains why some people may feel like giving up following significant trauma and why they feel like their situation is hopeless.

But hopelessness is a learned response. Therefore, it can be unlearned. Studies have shown that re-framing the idea of stress so that you allow the feelings of stress to occur without judging yourself, will actually significantly reduce the negative impact of those feelings on decisions. When people were told that (a) stress is natural (b) it is not harmful to them, (c) it is necessary for survival, and (d) that the feelings of stress are not going to hurt them but rather make them stronger. This was enough to actually influence people’s performance in situations requiring high level decisions.

Next time you start to experience all the feelings, thoughts and body reactions associated with stress, do not panic. Simply accept that your brain is becoming frazzled, accept that you feel like you want to fight or flight, and accept that you do not have control.

## **KEY MESSAGE**

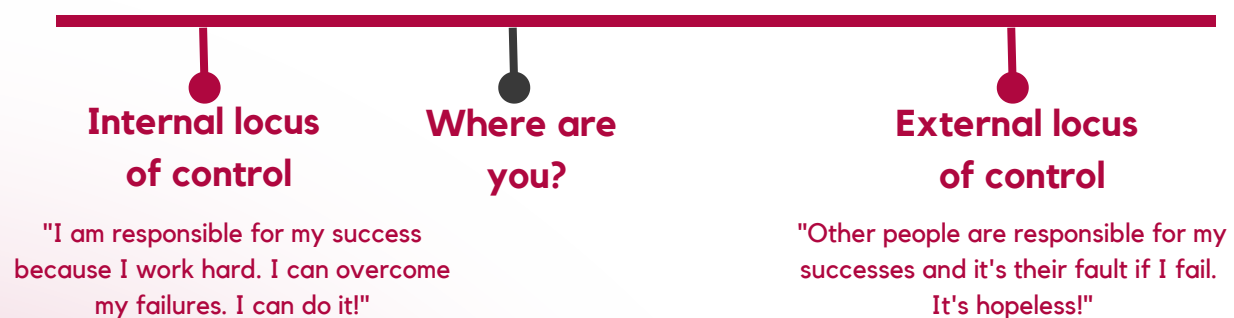
In stressful situations, our bodies react in very specific ways. The increase in arousal you may feel during stress is NOT harmful. Instead, these responses evolved to help our ancestors survive by delivering oxygen to where it is needed in the body.

# Shift your locus of control

## Regain control over your life

Every human being needs to feel like they have some level of control over their lives. People who feel that "they" are primarily responsible for what happens in their lives are happier compared to people who believe the outcomes in their lives are due to external sources (such as other people, luck, fate).

When faced with challenges, a person who believes they are largely in control of their lives will feel encouraged, are proactive and feel more satisfied with an outcome (even if the outcome isn't necessarily the outcome they would have liked). Conversely, people who believe they have little control over their lives experience emotional distress, become very passive in their behaviour and have feelings of hopelessness. Trauma and learned helplessness will impact a person's sense of control significantly.



Going through a family law dispute is precisely the kind of situation that makes people feel like they have no control over their lives. People fear the possibility of losing their children or losing their financial freedom, and in court, someone else dictates what is going to happen next.

To regain the feeling that you are in control over your life, **GET BUSY**. Make an action plan with steps and tasks you need to complete. Ask your lawyer to give you a list of things that need to be done and things that you can help them with. Focus on ticking off each task.

By committing to taking action you will feel that you have some control over the process and this will help keep you from feeling helpless. Even if the outcome of your case is ultimately not exactly what you hoped for, having regained some sense of control will help equip you with resilience to deal with the outcome.



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