Bill as Introduced

HB 1301 – AS INTRODUCED

2001 SESSION

01-2115
05/10

HOUSE BILL ***1301***

AN ACT relative to grounds for divorce for persons with minor children.

SPONSORS: Rep. Hopper, Hills 5; Rep. Matthew Quandt, Rock 20; Rep. Gilman, Graf 1; Rep. Stohl, Coos 1; Sen. Boyce, Dist 4; Sen. Roberge, Dist 9; Rep. Johnson, Dist 3

COMMITTEE: Children and Family Law

ANALYSIS

This bill permits no fault divorce based on irreconcilable differences only if there are no minor children of the parties.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

01-2115
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to grounds for divorce for persons with minor children.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Causes for Divorce; Absolute Divorce, Irreconcilable Differences; Limited to Cases Without Minor Children. Amend RSA 458:7-a to read as follows:

458:7-a Absolute Divorce, Irreconcilable Differences. A divorce from the bonds of matrimony shall be decreed, irrespective of the fault of either party, on the ground of irreconcilable differences which have caused the irremediable breakdown of the marriage ***if there are no minor children of the parties***. In any pleading or hearing of a libel for divorce under this section, allegations or evidence of specific acts of misconduct shall be improper and inadmissible, except [~~where child custody is in issue and such evidence is relevant to establish that parental custody would be detrimental to the child or~~] at a hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences. If, upon hearing of an action for divorce under this section, both parties are found to have committed an act or acts which justify a finding of irreconcilable differences, a divorce shall be decreed and the acts of one party shall not negate the acts of the other nor bar the divorce decree. The court's findings and decree may be based on oral testimony or written stipulations of the parties.

2 Effective Date. This act shall take effect January 1, 2003.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1301 Date January 8, 2002

Committee Children and Family Law

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
QUANDT	MONTHLY [illegible] EXAM	772-3417	ROCKS	X	
Rep. Morse (Carol)	Merr. 19				✓
Carol Beauchesne	62 Washington St. Concord	496-0173		X	
Rep. Russ Albert	230 Gonic Rd Rochester		State Rep	X	
Gary S. Hopper	Keene	525 7710	WCNH	X	
Kurt Wuelper	PO Box 42 Center Strafford	664-2924	Christian Coalition	X	
Sen Robt Boyce	Dist 4			✓	
Alfred V. White	[illegible]	[illegible]		X	
Rep. Eric Stohl - Coos 1				X	
[illegible] Conversion				X	
Tony Marshall	1475 Bedwell Rd #3	Manch NH	6228191	X	
ED HOLDGATE	63 ROYAL RANGE	SANDOWN	NHRTL	X	
Karen Testerman				X	
JERRY COTE	9 WILLARD ST	CON	228-2300	X	

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1301

BILL TITLE: relative to grounds for divorce for persons with minor children.

DATE: January 8, 2002

LOB ROOM: 206

Time Public Hearing Called to Order: 11:10 a.m.
Recessed at: 12:20 p.m.
Reconvened at: 1:30 p.m.
Adjourned at: 4:10 p.m.

(please circle if present)

Committee Members: Reps. Dowling, Lyman, Arnold, Bickford, K. Hutchinson, Moran, Greenberg, D. Bouchard, Itse, Furman, Gargasz, McHugh, Palermo, Seibel, Dokmo, L. Pratt, Allison, Richardson, L. Johnson, Grassie, Pantelakos, Ginsburg, and Gile.

Bill Sponsors: Rep. Hopper, Rep. Matthew Quandt, Rep. Gilman, Rep. Stohl; Sen. Boyce, Sen. Roberge; Rep. Johnson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Hopper, prime sponsor – supports. He introduced this legislation partly as a result of children's violence. He believes divorce contributes to this problem. He believes there should be a reduction in the anger involved in divorces, and he hopes the divorce rate will decrease. He says there are some good single parent households, but many contribute to children's problems. He believes we are more in danger of losing our constitutional rights as a result of children's violence. He said some housing projects were all searched because of the high incidence of crime and drugs. He said he did not hear of the ACLU being upset about this. He thinks most children on Ritalin are from single parent homes. He submitted a report from the Heritage Foundation (contained in the record). He believes no-fault divorce laws are a mistake. He said currently the divorce rate is about 50%. He believes passage of this law would lower the divorce rate. A question was asked about whether this bill would make it more difficult for divorce in situations where there is domestic violence. It was also asked whether this bill might decrease the number of marriages, encouraging cohabitation and having children out of wedlock.

Rep. Kathleen Souza – supports. She believes this bill sends a message to young people that New Hampshire takes marriages seriously. She said an article said that children in North Dakota had the highest math scores and the state had the second lowest divorce rate.

*Mike McManus, President and Co-Chair of Marriage Savers (information contained in record).

Kathy MacDonald, Deputy Clerk, Merrimack Superior Court – opposes. As an attorney, she practiced law for a number of years, and she also was a teacher for 10 years. She thinks we should keep in mind the ends we want to achieve. All 50 states have irreconcilable differences as grounds for divorce. The two reasons the no-fault grounds was passed are: (1) in many divorces, there is no such thing as one person being at fault – one must prove that one or the other caused the problems

leading to divorce; and (2) with fault divorce, there is much animosity generated, which can be very damaging. This bill classifies two different categories – those with children, and those without. She disagrees with some of the statistics that have been presented. There are many people who will perpetrate a fraud upon the Court in order to get a divorce if this law passed. Not allowing no-fault divorce will not necessarily help families. The child impact seminar has been helping, and marital mediation also helps people communicate with each other. She thinks perhaps it should be harder to get marriage licenses. There was a lot of hostility toward the child impact seminars in the beginning, but now they are accepted and are proving to be helpful. Proving a fault grounds case often produces custody problems that might not have otherwise arisen.

Pastor Garrett Lear, Well of Living Water Church – supports. He said when he began being a pastor, he used to perform the marriage ceremony for all who came to him. He recognized how much the lives of those couples changed when they had children. He said he didn't know when the State stepped in to control marriages and divorces. Originally, it was the church that performed marriages and the State was not involved. He believes we need this legislation. To get a driver's license, one must go through a lot of training – and violations are dealt with appropriately. He has told people coming to him for a divorce who are unwilling to get counseling or give their marriage another chance that they would need to go to another church. Children do not look at divorces the same way adults do.

*Terri deLangis, Commission on the Status of Women – opposes.

Steve Poirier, Goffstown – supports. He said he was a counselor for delinquent young boys in Massachusetts. He said from 65% to 70% of these youngsters came from broken homes. He provided one-on-one as well as group counseling. Most of these youngsters lacked a sense of trust. Those from broken families had more problems with drugs, suicide, etc.

Michael Geanoulis, New Castle – supports. He asks what we've been doing for the last 30 or 40 years – only one party needs to want the divorce in order to obtain one. He says domestic violence is more prevalent in non-married couples than among married couples. He says restructured families are in even more trouble than original families.

*Ellen Shemitz, Executive Director of Children's Alliance – opposes. She says she has heard that this bill is "pro family". However, she says this bill will make it far more difficult to co-parent following a fault divorce. She says making divorce more difficult does not actually lower the divorce rate. There are many other factors contributing to the increased number of divorces. Children in high conflict homes suffer more than in single parent homes.

George Jobel, Concord – supports. He talked about his three daughters. He was divorced against his will when he was a pastor. He said he entered adulthood with very low self-esteem. They went to a counselor when they were considering a divorce. His 22-year-old has a daughter out of wedlock, his next daughter also has a child out of wedlock, and his youngest daughter has problems. He said he was very involved with his children and paid over and above the child support. He circulated photo albums of his children. Their lives were changed for the worst, he said, due to the divorce. He said every couple that came to him for help has received it and their problems have healed. He said

second marriages do not work out. When people work at their marriages, they can learn to get along, he said.

Atty. Jack Lightfoot, Child and Family Services – strongly opposes. They agree that strong stable marriages are good for children, but this bill would increase the acrimony in post-divorce situations. The divorce rate has been relatively stable over the past four years. Non-marital births have increased by a small amount, but the teenage birthrate has decreased. He said the legislature cannot deal with an individual's problems – it must look at what is best for the entire population.

Wesley Shattuck, Derry – supports. He has been a counselor for 22 years. He wants to challenge the thoughts and beliefs of no-fault divorce. The answer is not to decrease or remove the conflict – it must be faced and dealt with. He said men tend to flee from conflict, whereas women want to work it out. Equal power between men and their wives is important and should be respected. The way adults look at divorce is totally different from the way children look at it. He recommends the Judith Wallerstein book, *The Unexpected Legacy of Divorce*. All of the people who have come to him for counseling love their children. He used an amoebas strip to demonstrate the couple's feelings about marriage. Children see one continuous surface as their view of mom and dad. When there is a break in this surface, children are heavily impacted. He says anything that slows the process of divorce is important. He also thinks making it more difficult to get married might well cut down on the numbers of divorces.

Marilyn Mahoney, Child and Family Services – opposes. Had to leave. Did not testify.

Jonathan Baird, NH Legal Assistance – opposes. He said there would be an effort to darken the reputation of the other party if this bill were passed. It would raise the cost of divorce, as attorneys would have more work in pursuing fault divorces. Money for TANF had been suggested as being used for preventing divorce. If there were money, it should be used to help underemployed and unemployed people better themselves. Poverty is a bigger cause for divorce than it is given credit for. Atty. Baird said he works with low-income divorcing couples. Requiring pre-marital counseling might help in preventing divorces.

Larry Mailhot, Manchester – supports. He spoke of his own divorce and said emotional stress due to financial problems was a contributing factor. When he and his wife separated, it deeply affected his two daughters. The five-year-old became assaultive toward her one-year-old sister, would exhibit rage, and cried often. First grade was very difficult for the older child. She was depressed and had low self-esteem. She had to repeat second grade. They kept asking if mom and dad were ever going back together – they asked if it was their fault. Divorce proceedings took two years. There was legal warfare and conflict ensued. He said exhaustive efforts must be made to avoid divorce. His daughters have suffered greatly over the years, through their separation and their subsequent divorce.

Sheila Evans, NH Women's Lobby – opposes. She says adult behavior and the breakdown of families are what contribute to divorces. She thinks this bill mixes religious views and State policy. Increases in the cost of divorce would be a result of the passage of this bill. This seems like a controlling issue – what about the discriminative aspect of those with children and those without? She encourages

women to be economically self-sufficient prior to marriage; funding for education is important. By eliminating the no-fault divorce, 500 divorces could be prevented in New Hampshire. However, she believes this will not improve situations.

*Atty. Graham Chynoweth, Concord – supports. He said if parties want to argue, they will. The State issues a license for marriage and regulates marriage through the divorce proceedings. He said this is a child protection bill. Children are the victims of divorce. No other state has passed a bill similar to this. This, he said, is an opportunity for New Hampshire to be a leader in this issue. He urges Ought to Pass action.

Linda Griebsch, NHCADSV – opposes. She believes the negative consequences of this bill outweigh the positive ones. The mediation bill recently passed in the House will help in dealing more positively with divorce. She believes many other factors contribute to children's violence. Most of the children in these situations come from two-parent families. She said couples wanting a divorce will lie to have their needs met, coming up with fault reasons if this bill were passed. She does not believe the 12% reduction in divorces would hold in New Hampshire if this bill were passed. We don't know what happens in peoples' homes – hearing anecdotal situations may not present the whole picture. We must do no harm – this should be the Committee's top priority. Other bills are working on the entire issue of family law. There are other solutions to the problem than HB 1301. She thinks young people should be educated in building relationships.

Dan Hogan, retired Lt. Colonel in the Air Force and a teacher for a number of years – supports. Divorces do have a severe impact on children. He works with youngsters helping them to delay childbirth. He recommends a book, *Wing to Wing, Oar to Oar* – he is not sure of the author. He cited some anecdotes of women who had boyfriends and got no-fault divorces. He wants the bill to be passed. He commends Atty. Chynoweth's testimony.

The Chairman appointed a subcommittee: Reps. Gargasz, Moran, Pratt and Johnson.

Pink Cards:

- Rep. Gary Hopper, prime sponsor. Supports the bill.
- Rep. Kathleen Souza. Supports the bill.
- Mike McManus, representing Marriage Savers, 9311 Harrington Drive, Potomac, MD, 301-469-5873. Supports the bill.
- Kathy MacDonald, Deputy Clerk, representing Merrimack Superior Court, Concord, NH. Opposes the bill.
- Pastor Garrett Lear, representing Well of Living Water Church, P.O. Box 555, N. Hampton, 964-5883. Supports the bill.
- Terri deLangis, representing Commission on the Status of Women, 271-2660. Opposes the bill.
- Steve Poirier, Goffstown, 497-3153. Supports the bill.
- Mike Geanoulis, P.O. Box 45, New Castle, NH, 436-8810. Supports the bill.
- Ellen Shemitz, representing Children's Alliance, 2 Greenwood Avenue, Concord, 225-2264. Opposes the bill.
- George C. Jobel, 128 Loudon Road, Concord, NH, 224-1115. Supports the bill.

- Jack Lightfoot, representing Child and Family Services, P.O. Box 448, Manchester, 668-1920, Ext. 145. Opposes the bill.
- Wesley E. Shattuck, 9 Ash Street, Derry, NH, 434-5069. Supports the bill.
- Marilyn Mahoney, representing Child and Family Services, 51 High Street, Manchester, 668-0359. Opposes the bill. Had to leave; could not testify.
- Jonathan Baird, representing NH Legal Assistance, 206 Moody Bldg, Claremont, NH, 542-8795. Opposes the bill.
- Larry Mailhot, 1475 Bodwell Road, #13, Manchester, NH 03109, 622-8191. Supports the bill.
- Sheila Evans, representing NH Women's Lobby, P.O. Box 1072, Concord, NH, 224-9105. Opposes the bill.
- Graham Chynoweth, 188 N. Main Street, Concord, NH 03301. Supports the bill.
- Linda Griebsch, representing NHCADSV, Concord, NH, 224-8893. Opposes the bill.
- Dan Hogan, 21 Watson Street, Nashua, NH, 880-8157. Supports the bill.
- Karen Testerman, 55 Kendall Hill Road, Mont Vernon, NH, 672-4735. Supports the bill. Provided written testimony, but could not stay.

Respectfully submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson
Committee Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 1301

BILL TITLE: relative to grounds for divorce for persons with minor children.

DATE: January 29, 2002

Subcommittee Members: Reps. Gargasz, Moran, Johnson, Pratt

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Moran

Seconded by Rep. Johnson

Vote: 3-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Carolyn M Gargasz

Respectfully submitted,

Rep. Carolyn M. Gargasz
Subcommittee Chairman/Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 1301

BILL TITLE: relative to grounds for divorce for persons with minor children.

DATE: January 16, 2002

Subcommittee Members: Reps. Gargasz, Moran, Johnson, Pratt

Comments and Recommendations: DISCUSSION ONLY. NO ACTION. ANOTHER MEETING WILL BE SCHEDULED.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Carolyn M. Gargasz
Subcommittee Chairman/Clerk

HB 1301
Subcommittee meeting, January 16, 2002
10:am, Room 206 LOB

Attendance: Representatives Gargasz, chair, Moran and Pratt
Representative Johnson unable to attend.

Summary of testimony by Rep. Gargasz

The intent of the bill is good – To keep families together to benefit minor children.
To reduce the divorce rate.

Does this bill accomplish this? Is this the speed bump/stop sign that keeps people together with minor children? Should couples with minor children be held to a different standard? Should there be a greater priority on children's well being rather than the adults?

According to MIT study provided by Attorney Chynoweth, by removing no fault divorce there would be a 12% reduction in divorce. In his testimony in New Hampshire there are 3000 or more divorces involving 5000 or more children, which would equal a reduction of 360 divorces.

It will prevent some divorces. Testimony indicated other impacts.

People will still get divorced – they will perjure themselves when they have to prove fault. This is what happened before laws changed. Divorce will be more acrimonious, more expensive, take longer. In marriages where there is domestic violence there is concern about this issue when it is more difficult to get divorced. It would be more harmful to children to go through this process where one person has to blame the other. Children will be pulled in as an ally of one parent versus the other. It will be more difficult to cooperate post-divorce in raising the children. Longer lasting problems for children.

What harm does divorce do to children. According to testimony from the Marriage Savers organization
12% more likely to be incarcerated
14 times more physically abused
The Wallerstein long term study of 60 families 10 and 15 years after divorce
As they become adults there are long term effects
They have more trouble with relationships
They have problems with visitation
Financial support for college is less
Heritage Foundation effects of divorce on children
More likely to have health, behavioral, emotional problems
More likely to perform poorly in school
More likely to be in poverty (if they were not in poverty before divorce)

E. Mavis Heatherington study just being released.

She is described as the "gold standard" of researchers
1400 families, 2500 children, some studied for 3 decades
75% to 80% of children from divorced families coping reasonably well.
70% of children in stepfamilies pretty happy.
However, 70% see divorce as an acceptable solution.
Divorce is still painful but may not have as serious of long term effects as other studies have indicated.
Her opinion. She is not pro-divorce, does not recommend it. She believes People should work harder at marriage. If parents are kept in a marriage where they are contemptuous of each other – very bad for kids.

Some other ways to reduce divorce rates that don't involve changing the law:
Marriage Savers has very successful program of Community Marriage Policy.
Marriage Ministry
Retrouvaille
Marriage Encounter
Involve religious institutions
Question – don't people need to be willing to try to have success in these programs.

Other testimony – those performing marriage need to do more than be a "wedding factory." Need to do more pre-marriage. Many people said it would be better to approach this earlier – make it more difficult to get married. Pre-marital counseling – Education such as parenting.

Testimony was that divorce rate trend is down a little bit in the country but up in New Hampshire.

One suggestion: Use surplus TANF funds to promote marriage. This sounds like it could tie in with President Bush's Faith Based Initiative.

Question – do both people have to tell what the irreconcilable differences are even if only one wants the divorce.

Subcommittee Meeting

Moran – Suggestion – put this under the Task Force on Family Law that is a current bill in the legislature. What percentage of people with minor children are not getting married? What is their record of staying together?

January 1, 2002 – new regulations that serving of divorce paper is to be less confrontational – first choice is served by non-sheriff – if not possible then the sheriff will serve papers.

Pratt – Need to remember that family court in only 2 counties. Atmosphere not replicated in other 8 counties. More acrimony, children feel more at blame, with lawyers involved there is more muscle flexing.

Joan Bishop Superior Court - Services are available in Superior Court as well as in other courts. Child Impact Seminars in all counties. Alternate Dispute Resolution available. Superior Court does not have case managers that the Family Division has. Most cases are pro se – don't have attorneys. Family Division costs more with more services.

Bilateral (Judge Korbey's definition) refers to joint petition, both parties are in agreement, much less acrimonious.

Rep Itse – 30 year old knots in stomach. Experienced divorce as a child. Impact – indelible trauma, nothing more painful, leaves scars. Lack of trust remains. Mother left father, there was still affection, marriage could have been saved. His wife, parents divorced when 18, younger sister was 7. Attempt at reconciliation happiest time in her life. Didn't last. Wife's parents very bitter toward each other. Recommends trying to impede the process. People go into marriage with attitude that if it doesn't work out they will get divorced. Suggestion – have more adults testify who have experienced divorce as children.

Attorney Marilyn Mahoney, divorce attorney for 20 years. Superior Court is doing beter at reducing acrimony. There are some differences from Family Court. She hears from divorcing parents that the child impact seminars are having a positive effect.

Moran – Idea to do child impact seminars around the time of pregnancy – prenatal. The earlier the better. Question – how to do it? At the end, at the time of divorce, it is more like damage control.

Itse – incorporate this education into childbirth classes.

Attorney Mahoney – With irreconcilable difference, have to prove they have tried, even if other party objects, cannot prevent the divorce. Philosophy, it takes 2 to make a marriage. Marriage counselors are kept busy in this state trying to work out problems.

Sheila Evans – NH Women's Lobby – Much fault legislation has been introduced in other states but has failed. Michigan has tried for years. One concern is about poverty, and the expense of fault divorce would be even more costly.

Linda Greibsch – Divorce statistics – 50% of all marriages – how many of first time marriages? In 1970-80, increase small. Leveling off.

Michael Geanoulis – 800% increase in living together – how was this data arrived at? Marriage rate going down.

Moran – If dealing with fault divorce, there would be more fighting.

Cause of divorce? Failure of expectations? Expectations entering marriage may be unrealistic.
Suggestions: pre-marriage counseling would bring out uncomfortable issues. Have child impact seminar at time of pregnancy.

Pratt – When marriage takes place is when you really get to know each other. Amazing that so many people stay married. There is stress when children come into marriage. Should not force people to stay together. There are problems with children also when they are with both birth parents.

Attorney Mahoney – Changes in New Hampshire – shift from custody fights today to the presumption that there will be joint legal custody. High move towards fathers spending more time with kids. Don't know yet what long term effect of this change will be. No fault divorce was adapted because of demand from public.

Moran – Increased acrimony if have to prove fault.

Attorney Chynoweth – could reduce acrimony if changed procedures.

Moran – In these situations there is increased anger. People don't fight fair – don't know how to deal with it. Try to push problem onto other person.
What is an appropriate intervention the state could take that would be productive? How can we facilitate what works? What can we do to intervene in a positive manner?

Pratt – There are irreconcilable differences – a better way to resolve relationships whether there are children or not.

Terry de Langis – Commission on Status of Women
Agrees that the Child Impact Seminars come too late in the process. Her experience in Illinois – require that family attend counseling after divorce. Specifically for newly divorced families including children. It was effective – made relationships and raising child better. Reasons for divorce – failure of expectations one of them.

Opinion – people take marriage very seriously going into it. Don't get married thinking they will get divorced if it doesn't work out.

Steve Varnum – Children's Alliance – This bill puts one category of divorce into another category. If it reduced divorce and strengthened families he would be in favor – but doesn't think it will do that. Therefore, opposed to bill. There are been overwhelming societal changes. One being many more women in the workforce.
He would like to get to parents before divorce.

Geanoulis – asks committee to consider impact on parents versus impact on children.

Moran – People need more relationship skills.

Pratt – Society has changed, different attitudes. For example, people used to stay with same company for a lifetime – now there is job hopping.

Moran - Rise of affluence – people lack consequences of their actions. Evolution – women don't have to stay in relationship – can be financially independent.

Itse – Consider somehow having a speed bump on unilateral divorce, such as lengthy counseling. His concern is that divorce is for convenience or impulse. Make sure irreconcilable really is.

Sheila Evans question – what is the role of the state?

Moran – Suggestions – studies – task force (on family law)
Do research – interview those who got divorce. At what point would intervention have been successful? What kind of intervention? They would have after the fact perspective. Also interview intact families – ask what their difficult times have been and what would have been helpful.

Pratt – Can't simplify a complex situation. People stay together but many not be happy.

Recommendation – talk to Barbara French about Family Resource Centers – what they are doing and what could be done through them.

Notes taken by Carolyn Gargasz

Testimony

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FOR THE HB1301 (no-fault) File
Submitted by Mr. Michael Geanoulis

June 1995

Empty Nest Divorce

Divorce damages parent-child relationships even when it occurs *after* the children have grown up and left the home. In a recent study at the University of Wisconsin-Madison, researcher William S. Aquilino analyzed parent-child relationships among 3,281 young adults. All of these young adults grew up in intact families, but 304 of them saw their parents divorce or separate after they had left home. "Later-life parental divorce," reports Aquilino, "is linked to lower relationship quality and contact in both the mother-child and father-child [relationships]." The erosion of parent-child relationships after a later-life divorce appears especially remarkable for divorced fathers and their children. While "weekly contact with parents drops from 78% for still-married mothers to 62% for divorced mothers," it drops from "78% for still-married fathers to 44% for divorced fathers." Not only did frequency of contact between adult children and their divorced parents decline, so too did "relationship quality." Predictably, compared to peers whose parents had not divorced, "adult children whose parents divorced were significantly less likely to agree that adult children should support their aging parents financially."

(Source: William S. Aquilino, "Later-Life Parental Divorce and Widowhood: Impact on Young Adults' Assessment of Parent-Child Relations," Journal of Marriage and the Family *56 [1994]: 908-922.)*

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June 1995

Troubled Young Adults

Children who have seen their parents divorce often find themselves entangled in vexing psychological and social problems. In a recent study at McGill University in Montreal, researchers investigated the relationship between parental divorce and social development among more than 600 young adults. Overall, the findings suggest that "parental divorce is associated with interpersonal problems" with "overcontrol" and "submission" showing up with significantly greater frequency among young adult children of divorced parents than among young adult peers from intact families. That is, compared to peers from intact families, adult children of divorce reported "more difficulty being submissive" and "a greater sense of themselves as uncontrolling."

The young adults reporting the most interpersonal problems, including "problems with intimacy," were those whose mothers had never remarried after a divorce or who remarried more than once. The McGill researchers interpret their findings as evidence that if parents *do* divorce, "stable maternal remarriage is positive for both sons and daughters."

(Source: Robert Bolgar, Hallie Zweig-Frank, and Joel Paris, "Childhood Antecedents of Interpersonal Problems in Young Adult Children of Divorce," Journal of the American Academy of Child and Adolescent Psychiatry *34 [1995]: 143-150.)*

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June 1995

Deteriorating Home Life

Home life typically deteriorates for young children whose mothers divorce or whose mothers never marry. In a recent study at The Ohio State University, sociologists Elizabeth G. Meneghan and Toby L. Parcel analyzed "social sources of change in children's home environments." By tracking over 1,400 mothers with children between the ages of 3 and 6 for two years, the researchers established, "not surprisingly, [that] mothers who have ended their marriage...show a decline in the quality of the home environments they are able to provide their children." Meneghan and Parcel found "the same decline in the quality of home environments" among mothers who remained unmarried. "The persistence of single motherhood seems to leave mothers less able to provide the cognitive and emotional stimulation" as time passes.

The authors of the new study underscore the importance of their findings in light of evidence that "children's immediate family environments are a potent source of both cognitive stimulation and affective experience, and have important consequences both for children's later cognitive skills and academic achievement."

(Source: Elizabeth Meneghan and Toby L. Parcel, "Social Sources of Change in Children's Home Environments: The Effects of Parental Occupational Experiences and Family Conditions," Journal of Marriage and the Family *57 [1995]: 69-84.)*

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Shaken Up

Compared to teens living in intact families, adolescents living in single-parent families or step-families are not only more likely to commit suicide but also more likely to suffer severe emotional distress if one of their peers commits suicide. Past research has documented a link between teen suicide and parental divorce (see "Over the Edge," New Research, April 1991). Now researchers working with the Allegheny County Coroner's Office and the Western Psychiatric Institute of Pittsburgh have shown that teens who do not live with both biological parents are especially vulnerable to "post-traumatic stress disorder (PTSD)." In their study of 146 adolescent friends and acquaintances of 26 adolescent suicide victims, the researchers report that "disruption of important social bonds" was "associated with the development of PTSD," noting that only a quarter (25%) of those in their study who suffered from post-traumatic stress disorder lived with both biological parents, compared with almost half (48.9%) of those who did not. The authors of the new study further pointed out that "subjects with PTSD had higher rates of parent-child disruptions" than did those not so diagnosed (62.5% versus 25.7%). "Early [parent-child] separation," the Pittsburgh researchers speculate, "may somehow render certain individuals more vulnerable to the effects of trauma."

(Source: David A. Brent et al., *"Post-traumatic Stress Disorder in Peers of Adolescent Suicide Victims: Predisposing Factors and Phenomenology,"* Journal of the American Academy of Child and Adolescent Psychiatry *34 [1995]: 209-215.)*

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August 1995

Violent Youth

Researchers have repeatedly established a link between family disintegration and juvenile delinquency. (See, for instance, "Josefina Figueira-McDonough, Residence, Dropping Out, and Delinquency," *Deviant Behavior* 14 [1993]: 101-132, and Claudia J. Coulton and Shanta Pandey, "Geographic Concentration of Poverty and Risk to Children in Urban Neighborhoods," *American Behavioral Scientist* 35 [1992]: 238-257.) Why, then, have some commentators recently given assurances that juvenile delinquency has been going down during recent decades of skyrocketing divorce and illegitimacy? It turns out that the apparent decline in juvenile crime is a misleading reflection of another symptom of family decay: the Birth Dearth.

Reports that juvenile crime is going down thus hide the ugly reality that today's teenagers are actually much more likely to commit violent crimes than any previous generation. In an article recently published in the *International Review of Modern Sociology*, researchers Burk Foster and Craig J. Forsyth dissect the claim that today's adolescents are "no more criminal than those of earlier times and may in fact be even less so." Commentators who make such claims, Foster and Forsyth argue, usually "look simply at arrest statistics," without taking into account the dramatic decline in the juvenile population. Because the Baby Boom has been followed by a prolonged Birth Dearth, America has seen a dramatic drop in its juvenile population: there were approximately 6 million fewer 10 to17 year olds in 1988 than there were in 1973. Consequently, a slight decline in juvenile arrests between 1973 and 1988 does not necessarily reflect a decline in criminality among young Americans. Indeed, statistical analysis which gives us "a crime-specific, age-specific index of per capita arrest rates" reveals some alarming trends. The murder rate among Americans aged 10 to 17, for instance, "jumped abruptly" between 1963 and 1988, "so that by 1988 it was more than four times what

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August 1995

Trouble Ahead

Children living with divorced parents today are likely to suffer from more psychological, physical, and social problems in the years ahead than are peers living in intact families. In a study recently concluded at the University of Vermont, psychiatrists analyzed data from a national survey of almost 2,500 children to determine what social or psychological characteristics in 1986 best predicted serious problems six years later in 1992. The researchers found that "1986 parental marital status significantly predicted five 1992 syndromes for boys...and two for girls." That is, compared to peers living in intact families, boys living with separated, divorced or never married parents in 1986 were more likely in 1992 to be diagnosed with "somatic complaints" or to be identified as "delinquent," "aggressive," "anxious," "depressed," or "withdrawn." Similarly, compared to peers in intact families, girls in single-parent homes in 1986 were more likely to suffer from "attention problems" in 1992 or to be labelled "aggressive."

In interpreting their data the authors of the new study note that for both boys and girls, "Aggressive behavior was the most predictable behavior." However, the researchers also acknowledge that other than "earlier assessments of the subjects' own behavior," parental marital status was the *only* statistically reliable 6-year predictor of such aggressive behavior.

(*Source: Thomas M. Achenbach* et al., *"Six-Year Predictors of Problems in a National Sample of Children and Youth: I. Cross-Informant Syndromes,"* Journal of the American Academy of Child and Adolescent Psychiatry *34 [1995]: 336-346.)*

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September 1995

The Divorce Revolution

Because divorce rates were climbing sharply before the enactment of no-fault statutes, many commentators have asserted that these statutes did not themselves drive up the rates, but were merely a legislative accommodation to a trend beyond the control of law. But some analysts have contested this analysis, arguing that no-fault divorce laws have themselves fostered divorce and helped push up the divorce rates. The latest evidence comes from a team of scholars at the University of Oklahoma analyzing state-level divorce statistics from 1950 through 1990. After performing various statistical tests, they conclude that nationwide, "The switch from fault divorce law to no-fault divorce law led to a measurable increase in the divorce rate. The magnitude of this increase was an average of .80 divorces per 1,000 individuals per year in the state population, which is equivalent to an effect size of .91—a large effect size."

In their state-by-state analysis, the Oklahoma researchers found it "clear that no-fault divorce law did positively influence the divorce rate in 44 of the 50 U.S. states, with the six exceptions [Nevada, Arkansas, Oklahoma, Utah, Illinois, and Maryland] being directly interpretable because of peculiarities." Nevada stood out as the most glaring exception to the general pattern of no-fault divorce driving up state divorce rates, for divorce rates dropped markedly in Nevada after enactment of no-fault. But this peculiar pattern may be easily explained, since in the years before no-fault Nevada was "a divorce mill where an expedient divorce was available" for out-of-state couples. The consequence of "pervasive adoption of no-fault divorce" was "a reduced need for couples to travel to Nevada for a quick divorce."

The Oklahoma scholars are not surprised by their finding that "enactment of no-fault divorce law had a clear positive influence on divorce rates." After all, they point out, fault-based

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September 1995

A Step Behind

Why is it that children who live in stepfamilies often perform less well in school than their peers who are reared by both biological parents? In a new study, Douglas B. Downey from the department of sociology at Ohio State University claims the answer lies in his findings that on average, stepparents tend to invest less of their "interpersonal parental resources" (time, emotion, discipline, etc.) and less of their economic resources (to purchase books, dictionaries, atlases) on their children than do biological parents. Stepparents, he adds, are also less likely than biological parents to expose their children to society's "cultural resources" (through extracurricular activities, music, dance lessons).

Downey asserts that the "bulk of research demonstrates that children in stephouseholds perform less well than those from mother/father households" and that the achievement levels of such children often "closely resemble the achievement levels of youths from single-parent households." After analyzing data from a national survey of nearly 25,000 eighth-grade boys and girls, Downey concludes that the reason for this poorer scholastic performance of stepchildren is that "children in stephouseholds receive fewer parental resources than children in households containing both mother and father." What is more, Downey finds that even after controlling for "differences in socioeconomic status and other factors," stepparents are less likely to talk to their children about class topics, less likely to join PTA, less likely to attend school activities, and less likely to know their children's friends than are biological parents. Downey concludes "a sizable portion" of the difference in scholastic performance between children in stepfamilies and children in two-parent biological families "can be explained as a result in the differences in parental resources. Overall, children in stephouseholds are not securing the same level of economic, interpersonal, and cultural resources that their counterparts in mother/father households receive."

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December 1995

Parental Divorce, Premature Death

Children who see their parents divorce will quite likely die before peers who grow up in an intact family. In the pages of the *American Journal of Public Health*, a team of researchers from New York, California, and Massachusetts recently published what they identified as "the first study to demonstrate an association between parental divorce and longevity." To demonstrate the link between parental divorce and elevated mortality rates, the researchers applied a series of statistical tests to data obtained from records kept on 856 men and 672 women—mostly middle-class whites—born in the first two decades of this century. In a simple bivariate analysis of the data, the researchers discovered—after controlling for sex—that "parental divorce before age 21 was associated with a *44% increase in mortality risk* ($p<.01$)." In contrast, the researchers could find no significant elevation of mortality risk among men and women who before age 21 had lost a parent to death.

When the researchers analyzed their data using a more sophisticated multivariate model, they still found that "the 13% of subjects whose parents divorced (or were separated for an extended period) before the subject's 21st birthday had a 34% higher mortality rate than those whose parents had stable marriages." What this means is that men and women who experienced parental divorce or separation before age 21 "tended to have a shorter life span, by more than 4 years, than children who did not experience parental divorce." Calculations thus show that among males born in 1910, those reared in intact homes had an average life-span of 80 years, compared to an average lifespan of 75-1/2 years among peers who, before they turned 21, saw their parents divorce. Among women born the same year, the comparable average lifespans were 86 years among those reared in intact families and 81-1/2 years among those from broken homes. The researchers stress that "controlling for

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socioeconomic status did not alter the results" and that "the effect of parental divorce [on longevity] is largely independent of the effects of childhood personality."

The authors of the new study admit that it is difficult to establish "the precise causal mechanisms" linking parental divorce to reduced longevity." But they note the possibility that "early stress leads to unhealthy behaviors such as substance abuse...and risk taking." They also conjecture that "problems with self-esteem, chronic hostility, depression, and related psychophysiological imbalances [might] lead to health problems in adulthood." The "social isolation" created by divorce might compound such problems.

(Source: Joseph E. Schwartz et al., *"Sociodemographic and Psychosocial Factors in Childhood as Predictors of Adult Mortality,"* American Journal of Public Health *85 (1995): 1237-1245; emphasis added.)*

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January 1996

Indifferent Students, Destructive Adolescents

Teenagers living with a single parent or with a stepparent are less likely than peers from intact families to be academically motivated but more likely to be criminally inclined. In a recently completed study at Temple University, educational sociologist Patricia H. Jenkins analyzed the relationships between students' social background and their commitment to and behavior in school. Jenkins discovered that living with a stepparent has "negative direct effects" on academic commitment, while "living with a single parent has an indirect negative effect on school commitment via [reduced] parental involvement and [lower] ability grouping."

Further statistical analysis clarified why teens in single-parent or stepparent homes are more likely than peers in intact families to commit a school crime (possess, use, or distribute alcohol or drugs; possess a weapon; assault a teacher, administrator, or other student). Parsing of the data reveals that "the effects on school crime of living with a stepparent or a single parent...operate via school commitment." That is, *because* teens from single-parent and stepparent homes are less likely to be academically motivated than peers from intact families, they are more likely to commit school crimes.

Analysis of "school misconduct" (use of abusive language, defacing school property, insubordination, cheating, throwing things in class, smoking) likewise revealed that because they are less committed to academic performance than peers from intact families, teens from single-parent and stepparent homes are more likely to engage in such troublesome behavior. However, "the effects of living with a single parent...are only *partially* mediated by commitment to school." In other words, school misbehavior among teens from single-parent homes is too frequent to be explained simply as a consequence of their depressed levels of academic commitment.

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Jenkins outlines a similar pattern in her analysis of truancy. The tendency of teens from stepparent homes to cut class more than peers from intact families can be satisfactorily explained as an effect of their lower commitment to academic success; however, the absenteeism of teens from single-parent homes runs even higher than can be accounted for as an effect of depressed academic commitment.

Professor Jenkins stresses the importance of her findings at a time when more and more adolescents are in "family circumstances [that] put them at risk."

(Source: Patricia H. Jenkins, "School Delinquency and School Commitment," Sociology of Education *68 [1995]: 221-239; emphasis added.)*

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February 1996

The Seeds of Marijuana Use

Adolescents growing up in a single-parent or stepparent family often feel estranged from their families and consequently drift into unfortunate associations with drug-using peers. In a recent study at the University of Chicago, researcher John P. Hoffmann investigated the effects of family structure on adolescent marijuana use by parsing data from a nationally representative sample of over 1,700 youths. By a series of statistical analyses Hoffmann identified a three-link chain connecting single-parent and stepparent homes to adolescent marijuana use: first, "a parental divorce or living with a stepparent decreases family attachment among adolescents"; second, "attenuated family attachment and involvement increase the likelihood of associating with drug-using peers"; and third, "less family involvement and increased associations with drug-using peers increase the probability of initiating marijuana use and elevate frequency of use."

Hoffmann argues that adolescent marijuana use ought to be viewed as just one of many "forms of deviance or emotional withdrawal" which spring from "weak family bonds."

(Source: John P. Hoffmann, "The Effects of Family Structure and Family Relations on Adolescent Marijuana Use," The International Journal of the Addictions *30 [1995]: 1207-1241.)*

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From Divorce Court to Self-Inflicted Mort

Divorce looms largely as an antecedent to suicide in the first-ever sociological study of suicide conducted "at the individual level" rather than "at the aggregate level." By analyzing longitudinal data collected between 1979 and 1985 for a nationally representative sample of white males ages 15 and up, researchers at the National Center for Health Statistics and elsewhere established a clear link between marital status and suicide risk. "The risk (hazard) of suicide was 2.65 times as much for the divorced and separated as for the married," the researchers report. "Moreover, being single was associated with significantly higher risk of suicide death. Compared to married individuals, the risk of suicide mortality was 61 percent greater among the single." Overall, "persons living alone were more than twice as likely (2.36) to commit suicide than those living with others." Being widowed, however, was "not significantly related to suicide risk."

The researchers re-analyzed their data with a more sophisticated multivariate statistical model. Even after controlling for "place of residence, age, nativity, education, occupation, and family income," they still found a clear statistical linkage between divorce and suicide. "Compared to their married counterparts," the authors report, "those who were divorced or separated had a 136 percent higher risk of suicide." Using the same sophisticated statistical model, the researchers further established that although single status by itself was not a statistically significant predictor of suicide, "living alone still contributed significantly to higher risk [relative risk of 2.16] of suicide in comparison to living with others."

(Source: Augustine J. Kposowa, K.D. Breault, and Gopal K. Singh, "White Male Suicide in the United States: A Multivariate Individual-Level Analysis," Social Forces *74 [1995]: 315-323.)*

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The Source Is Divorce

Children who watch their parents divorce are especially likely to grow up to be young adults who leave their homes because of friction, cohabit rather than marry, and bear (or beget) children out of wedlock. These and other long-term consequences of experiencing parental divorce are documented in a study recently published by demographers from Johns Hopkins, the University of Chicago, and the London School of Economics and Political Science. After studying a nationally representative sample of 12,537 British young people whose social behavior had been tracked from birth to age 23, this research team concluded that "parental marital disruption...and its aftermath does affect some, although not all, life transitions pertaining to leaving home, union formation, and parenthood."

The authors of the new study found that "the odds of leaving home because of friction versus not leaving home are five times greater for those whose parents divorced" than for those whose parents remained married (odds ratio of 4.82 for young men and 5.07 for young women). The researchers further established that "the odds of cohabiting are more than twice as great among those whose parents divorced than among those whose parents remained married" (odds ratio of 2.51 for young men and 2.32 for young women). Using the same statistical tests, the researchers discovered that "parental divorce increases the odds ratio for having a premarital birth (or becoming a father premaritally)" (odds ratio of 1.95 for young men and 3.34 for young women). The tests used to produce these findings were sophisticated multivariable tests which controlled for "predisruption characteristics of the child and the family, including emotional problems, cognitive achievement and socioeconomic status."

Surveying the wreckage, the researchers identify parental divorce as the stimulus for "a pattern of behavior characterized by early home-leaving due to conflict with parents and

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stepparents and early sexual activity—leading...to a greater likelihood of premarital birth and cohabitation." Thus, "19 percent of the women who left home because of friction had given birth to a child outside of marriage by age 23, compared with 6 percent of those who left home for other reasons and 5 percent of those who did not leave home."

The researchers offer two possible reasons that "early sexual activity may be a key to the effects of divorce on the transition to adulthood." First, "the obvious sexual activity of divorced parents may stimulate nonmarital sexual activity in their children." And second, "adolescents' early sexual activity could constitute rebellious or acting-out behavior begun in reaction to an unwelcome parental divorce or to...an unwelcome new stepparent."

(Source: Andrew J. Cherlin, Kathleen E. Kiernan, and P. Lindsay Chase-Lansdale, "Parental Divorce in Childhood and Demographic Outcomes in Young Adulthood," Demography *32 [1995]: 299-316.)*

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April 1996

Damaged Daughters

Feminists have typically supported liberal divorce laws. Yet it is young women who often pay a high psychological price when their parents divorce. In a recent study at Rhode Island College, researchers Terry Clifford and Roger Clark investigate the effects of parental divorce on young women by analyzing the psychological well-being of 198 female college students, 27 percent of whom had experienced parental divorce. Clifford and Clark's statistical tests suggest that parental divorce does scar daughters: "adult female children of divorce have lower self-esteem than other adult female children."

Further parsing of the data establishes that the diminished self-esteem of adult daughters of divorce can "*not* be interpreted in terms of abusive environments in families of divorce," for the researchers see no evidence of such abusive environments in the young women's responses. But this diminution of self-esteem "*can* be interpreted in terms of the loss of access to a parent that frequently... accompanies divorce." Indeed, regression analyses indicate that "virtually all" of the association between parental divorce and diminished self-esteem among adult daughters of divorce "may be accounted for in terms of divorce's impact upon parental access, on the one hand, and parental access's impact upon self-esteem," on the other.

(Source: Terry Clifford and Roger Clark, "Family Climate, Family Structure and Self-Esteem in College Females: The Physical- vs. Psychological-Wholeness Divorce Debate Revisited," Journal of Divorce and Remarriage, *Vol. 23, Nos. ¾, 97-110; emphasis added.)*

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April 1996

Ruptured Families/Fractured Lives

Children who are abused—physically, sexually, or emotionally—are considerably more likely than their unscarred peers to become depressed, suicidal, sexually malfunctioning adults who suffer from eating disorders. This is the finding of a quintet of austral authors in *Child Abuse & Neglect.*

The researchers interviewed 497 New Zealand women under 65 years of age. Using relatively narrow definitions of "abuse," they discovered that adult women who had experienced childhood sexual abuse had "significantly poorer mental health," "were more likely ...to have histories of eating disorders and depression," "had more chance of drinking at hazardous levels...and greatly enhanced risk of having attempted suicide," "were more likely to describe having sexual problems," and exhibited "poor self-esteem and a decline in socioeconomic status." Most of these doleful consequences were also found in adult women who had experienced childhood physical or emotional abuse.

None of this is terribly surprising. Nor are the factors associated with abuse or non-abuse. For instance:

—"Abuse was reported more frequently in those who grew up in families where the parents separated during the subject's childhood, in reconstituted families, and those with solo parents."

—"Those who had parents who demonstrated physical affection to each other and to the children were less likely to report abuse."

—"Strong religious affiliations in the family of origin were related to lower reporting rates for abuse."

—"Those whose parents had separated prior to them reaching the age of 16 years were more likely to also have suffered a decline in socioeconomic status...sexual problems...and to have

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made a suicide attempt. Growing up in a nuclear family...was associated with *reduced* rates of separation and divorce... sexual problems...having an eating disorder...and suicidal behavior." (Emphasis added.)

The authors write, "Abuse was not randomly distributed through our population but occurred more often in those from disturbed and disrupted family backgrounds. Those who had grown up in intact nuclear families were significantly less likely to report any form of abuse." Or, subsequently, to pay the heavy toll that such abuse often extracts from the adult survivors. *(Source: P.E. Mullen, J.L. Martin, J.C. Anderson, S.E. Romans, and G.P. Herbison, "The Long-Term Impact of the Physical, Emotional, and Sexual Abuse of Children: A Community Study,"* Child Abuse & Neglect, *Volume 20 [1996]: 7-21.)*

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May 1996

Divorcing Parents, Fornicating Teens

What household circumstances predispose teens to sexual experimentation? To answer this question, researchers Kristin A. Moore, Donna R. Morrison, and Dana A. Glei analyzed data from a nationally representative sample of 2,301 young people whose social conduct had been tracked from 1976 to 1987. Their statistical tests provided "modest support" ($p < 0.10$) for the hypothesis that "a family history of welfare receipt bears an association with early sexual behavior" among daughters. The same tests, however, identified a much stronger link ($p < 0.05$ or $p < 0.001$, depending on statistical model and on sex of children) between parental divorce and adolescent sexual experience. "Family structure and disruption have a strong influence on the hazard of early intercourse for *both* daughters and sons," the research team reports. Noting that "young people whose biological parents were ever separated or divorced bear a heightened risk of early sexual initiation," Moore and her colleagues point out that "the risk was further elevated during the so-called crisis period of disruption and the initial period of adjustment to remarriage."

In their conclusion, the authors of the new study suggest that "stressful life experiences such as parental marital disruption" can create a "vulnerability for early parenthood" among teenage children.

(Source: Kristin A. Moore, Donna Ruane Morrison, and Dana A. Glei, "Welfare and Adolescent Sex: The Effects of Family History, Benefit Levels, and Community Context," Journal of Family and Economic Issues *16 [1995]: 207-230, emphasis added.)*

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May 1996

How to Raise an Underachiever

Although they may perform about as well on achievement tests as peers in intact families, young adolescents who have seen their parents divorce earn significantly lower grades in school. Sociologist Thomas Ewin Smith of the University of South Carolina recently re-examined the data used in a 1990 study of almost 1,700 seventh and ninth-grade South Carolina public-school students which found that children of divorced parents did not score significantly worse than peers in intact homes, when parental occupation and education were taken into account.

Smith discovered that even though the children of divorced parents scored about as well as peers from intact families on achievement tests, they had significantly worse ($p < 0.001$) grades, even after controlling for parental occupation and education, as well as race and family size. Smith reasons that "parental separation would have a stronger negative effect on grades than on achievement [scores]" since in previous research "grades were related to effort more strongly than were academic achievement scores and... parental involvement was related to school grades more strongly than to academic achievement scores." Smith cautions his colleagues that "research which concentrates on academic achievement [scores] to the exclusion of grades may underestimate the effect of parental separation on academic success."

(Source: Thomas Ewin Smith, "What a Difference a Measure Makes: Parental-Separation Effect on School Grades, Not Academic Achievement," Journal of Marriage and Divorce *23 [1995]: 151-164.)*

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June 1996

You'd Better Sit Down, Kids

Divorce colors—or discolors—children's attitudes toward premarital sex, cohabitation, childbearing, marriage, and divorce. New evidence of this skewing effect comes from a study by sociologists William G. Axinn of Penn State and Arland Thornton of the University of Michigan.

Axinn and Thornton used an 18-year, six-wave study of mothers and their children in the Detroit area. The mothers were interviewed between 1962 and 1980; their offspring, born in 1961, were queried in 1980 about their attitudes toward matters sexual. (Fathers were not included, though in 1961 all the mothers were married.)

Among the findings:

—"Children who experienced a parental divorce are more likely to endorse premarital sex." (The effect is even stronger for those children whose divorced mothers remarried, leading the authors to believe that "children's exposure to their parents' postmarital involvement in the courtship process changes their attitudes toward premarital sex in a more approving direction.")

—"Parental divorce has a dramatic impact on children's attitudes toward cohabitation." (Widow-hood, by contrast, does not have the same effect.)

—"Children of divorce express more negative attitudes toward marriage than others." (This is mitigated by remarriage; again, the loss of a parent through death does not dispose children to view marriage harshly.)

—"Children of mothers who divorce and do not remarry prefer significantly smaller families than children of mothers who never divorced. Maternal remarriage appears to mitigate this effect."

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—"Parents' divorce, remarriage, and widowhood each increase children's acceptance of divorce."

The authors also measured the extent to which parents' attitudes—as opposed to experiences—may act "as an intervening mechanism" that alters children's attitudes. "Mothers' divorce experiences," the authors found, "dramatically increase their approval of premarital sex and cohabitation, reduce their endorsement of marriage and childbearing, and heighten their tolerance of divorce." And these attitudes "have a strong positive association with their children's attitudes." (Mothers' attitudes do not explain everything, however; "there remain substantial direct effects of mothers' marital experiences" on the way their children view the world.)

None of this bodes well for those who value family solidity. For as Axinn and Thornton note, their previous research has established that "children's attitudes toward family formation are especially strong predictors of their family formation behavior." Expect many of these children of divorce to someday produce their own children of divorce.

(Source: William G. Axinn and Arland Thornton, "The Influence of Parents' Marital Dissolutions on Children's Attitudes Toward Family Formation," Demography, *Volume 33, Number 1 [1996]: 66-81.)*

National divorce statistics

YEAR	DIVORCES	PER 1000
1950	385,000	2.6
1960	393,000	2.2
1970	709,000	3.5
1980	1,189,000	5.2
1990	1,175,000	4.7

Statistical Abstract of the United States, 115th edition, issued in September 1995, reports that for 1988, per 100 divorces, 11.8 involved women under 20 years of age, 55.7 between 20 and 29, 25.8 between 30 and 44, and 6.8, 45 or older.

Statistics show that divorces rose in the years after California — and by 1985 all of the other 49 states — adopted no-fault divorce law provisions.

There are year-to-year fluctuations, but the divorce rate has been below 5 percent since 1985. It was 4.6 percent in 1993, the latest year for which figures were available.

In Michigan, divorces per thousand have steadily declined from 4.9 in 1980 to 4.3 in 1985 to 4.1 in 1990, according to *Statistical Abstract*.

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• **Back to What God hath joined together**

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More About Divorce Statistics

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This site, part of the Divorce Statistics Collection, explores:

1. What do all those different versions of the "divorce rate" mean? What is the real divorce rate?
-- Excellent explanation of the above topics by Scott Stanley.
--50% and 40% Divorce Rate Statistics are Wrong--Lou Harris (or at least misinterpereted -- John Crouch)
--Interpreting Divorce Rates and Ages in Light of Marriage Rates and Ages

Basically, it's very hard to say what the divorce rate is because there are several different ways to measure it, and because the constant question is, what do you use as the denominator of the fraction or ratio? Do you weigh people getting divorced per year against the number of people who are getting married that same year, or against people who got married when the divorcing people got married, or against everyone who is married, or who ever has been, or do you try to project how many people who are getting married _will_ divorce in the future, disregarding older people who are in more stable marriages?

Taking the number of marriages per year and comparing it with the number of divorces per year is very often done in the media, often just using a single county or city (which brings in the factor that people select certain counties or states for both marriage and divorce that aren't necessarily where they both live). A researcher who corresponded with me on this question likened this technique to "an apple-orange comparison ... like comparing the number of falling acorns to the number of new oak trees planted each year; it doesn't take into account that falling acorns come from oaks already growing. Around 2% of existing marriages in the U.S. fail each year."

The easiest rate to calculate is divorce per year per capita, or per marriage, but that figure is really only useful for comparing against other states or countries or, not as reliably, other decades.
--John Crouch

2. Where do Divorce Statistics come from? And what information is collected?

3. Why are Divorce Statistics so incomplete and hard to get?
-- Current Marriage and Divorce Data is Meager
-- Census and Marital Status Question

4. How could more divorce statistics be made available?

5. How are they computed?
-- Problems with State Divorce Numbers

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50 percent statistic untrue?

The 50% projection was not erroneous at the time it was made, but it was only a prediction and projection of what would happen to people getting married at that time if current trends continued. In 1993, the Census Bureau revised the projection down to 40%. This, too, is only a projection based on current trends.
--John Crouch

"Pollster Louis Harris has written, "The idea that half of American marriages are doomed is one of the most specious pieces of statistical nonsense ever perpetuated in modern times."
"It all began when the Census Bureau noted that during one year, there were 2.4 million marriages and 1.2 million divorces. Someone did the math without calculating the 54 million marriages already in existence, and presto, a ridiculous but quotable statistic was born.
"Harris concludes, "Only one out of eight marriages will end in divorce. In any single year, only about 2 percent of existing marriages will break up."
--J. Allan Petersen in *Better Families*, quoted on the Christianity.Net home page, "Preaching Resources," Copyright(c) 1996 by Christianity Today, Inc./LEADERSHIP journal -- Summer 1996 Vol.XVII, No.3, Page 69
More on the 50% projection issue

Jeanne Hinds (jmhinds@nando.net) wrote:
: That divorce stastitic (50% of marriage end in divorce) has been
: debunked by legitimate researchers due to its poor data analysis. When
: divorces are tracked by *year* in which the couple married, the divorce
: rate is closer to 18- 22%. And the reason why combined divorce
: statistics have risen over the years is due to the advent of no-fault
: divorces. Marriages had a tendency of staying together when alimony
: was more of a reality but with no-fault divorces, divorce became much
: more easier to acquire and many people exited long-standing marriages.
[Note- this "debunking" has itself been debunked. Probably more than 22% of people have _already_ been divorced]

"42.7 percent of all statistics are made up on the spot."
--The Hon. W. Richard Walton, Sr.

And, along the same lines:
"I really shouldn't tell a Sufi story without quoting it precisely - but I've got about a dozen Sufi books and can't take time to look it up. Anyway, one of the stories reminds me of the people who want to believe ridiculous statistics just because they're from "studies" instead of believing what's right there in their face in they're willing to see it.
"Nasrudin's neighbor came over and asked to borrow his donkey.
Nasrudin said the donkey was not there.
At that moment, the donkey brayed.
The man said, "the donkey is here; I just heard him bray."
To which Nasrudin replied, "Who are you going to believe? Me or a donkey?"
"So I'll keep going right to the source (the donkey), the real people, instead of what somebody else reports ... ."
Peggy Vaughan - http://www.vaughan-vaughan.com

50 percent statistic untrue?

Quoted from the Coalition for Marriage, Family and Couples Education, LLC (CMFCE) Website, http://www.smartmarriages.com

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4) New data shows that first-born kids are now less likely to be born to a married person than an out-of-wedlock person.

For the Smart Marriages Archive, go to http://lists.his.com/smartmarriages/
Or return to the Divorce Statistics Collection

HB1301

1/11/01 Telephone Conversation between Carolyn Gargasz and Judge John Korbey, Rockingham County Family Division. Previously in charge of all the family division courts, currently in Rockingham County only. Practiced law since 1972. Full time judge since 1995. Domestic relations work.

He believes the intent of the bill is to discourage divorce when there are minor children. People will be forced to stay in a marriage. However, he feels most couples will still get a divorce. They will file on false grounds and perjure themselves. This is what happened before no-fault divorce. He believes divorce will be more difficult, take longer, and be more acrimonious, but people will still get divorced. It won't deter it, it will encourage people to circumvent the law.

In all his years, one time only there was a fault grounds divorce. In 5 years as judge, never a case other than irreconcilable differences.

He believes these are truly irreconcilable differences. People have made up their mind by the time they have filed for divorce. From what he has observed he believes most root causes are alcoholism and other substance abuse and/or financial problems.

He is concerned that removing no fault/irreconcilable differences would result in divorce being more of a battle, longer and more expensive.

Currently each person must tell the court what the irreconcilable differences are; however, now they can submit this in writing rather than having to tell the judge in court.

He is not a proponent of divorce. The aim of keeping families together is admirable but he does not believe this is the way to do it. His concern is that it would be worse for the minor children to keep people together--concern about them being in a home where fighting is occurring. That's no better, if not worse, than being in a single parent family home.

He has seen many divorced parents who cooperate with each other for the children and do a good job co-parenting.

Judges currently can recommend counseling or deny divorce. He does not feel ordering people to counseling is effective unless they are willing to try it.

Neutral case evaluations. He has served in this position several times and finds it rewarding. People need a third party who will listen to both sides. They can't talk to each other. He can do this when he is not the judge hearing the case (therefore neutral). Almost all cases are resolved. He hears both sides separately and then together. People are more likely to comply with a decree when they have a say in fashioning the divorce.

Unilateral divorce with no fault. Technically it is true but factually not true.

Bilateral divorce – in Family Division Court
Divorce papers are filed jointly. Not one person versus the other. Not adversarial. Papers don't have to be served. It is easier for clients and attorneys.

Recommendations. He would support pre-marital counseling. There is a great need for parenting classes.

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Is Making Divorce Easier Bad for Children? The Long Run Implications of Unilateral Divorce

Jonathan Gruber

NBER Working Paper No. W7968
Issued in October 2000

An NBER digest for this article is available.

— Abstract —

Most states in the U.S. allow for unilateral divorce, which increases the ease of divorce by not requiring the explicit consent of both partners. Such regulations have come under fire for their perceived negative consequences for marital stability and resulting child outcomes, but there is no evidence to date to support the contention that easier divorce regulations are actually bad for children. I assess the long run implications for children of growing up in a unilateral divorce environment, by measuring how such youth exposure affects adult outcomes. Using 40 years of census data to exploit the variation across states and over time in changes in divorce regulation, I confirm that unilateral divorce regulations do significantly increase the incidence of divorce. I also find that adults who were exposed to unilateral divorce regulations as children are less well educated and have lower family incomes. They are also more likely themselves to be both married and separated, and both of these effects appear to reflect primarily a shift towards earlier marriage and separation. Women in these exposed cohorts are less attached to the labor force, while men are somewhat more attached; the timing of these effects appears consistent with a causal role for marriage. Thus, exposure to easier divorce regulation as a youth appears to worsen adult outcomes along a number of dimensions, but the ultimate implications depend on the long run impacts of earlier family formation among this cohort.

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IS MAKING DIVORCE EASIER BAD FOR CHILDREN? THE LONG RUN IMPLICATIONS OF UNILATERAL DIVORCE

Jonathan Gruber

Working Paper 7968
http://www.nber.org/papers/w7968

NATIONAL BUREAU OF ECONOMIC RESEARCH
1050 Massachusetts Avenue
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October 2000

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Is Making Divorce Easier Bad for Children?
The Long Run Implications Of Unilateral Divorce
Jonathan Gruber
NBER Working Paper No. 7968
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JEL No. J12, J13, J24

ABSTRACT

Most states in the U.S. allow for unilateral divorce, which increases the ease of divorce by not requiring the explicit consent of both partners. Such regulations have come under fire for their perceived negative consequences for marital stability and resulting child outcomes, but there is no evidence to date to support the contention that easier divorce regulations are actually bad for children. I assess the long run implications for children of growing up in a unilateral divorce environment, by measuring how such youth exposure affects adult outcomes. Using 40 years of census data to exploit the variation across states and over time in changes in divorce regulation, I confirm that unilateral divorce regulations do significantly increase the incidence of divorce. I also find that adults who were exposed to unilateral divorce regulations as children are less well educated and have lower family incomes. They are also more likely themselves to be both married and separated, and both of these effects appear to reflect primarily a shift towards earlier marriage and separation. Women in these exposed cohorts are less attached to the labor force, while men are somewhat more attached; the timing of these effects appears consistent with a causal role for marriage. Thus, exposure to easier divorce regulation as a youth appears to worsen adult outcomes along a number of dimensions, but the ultimate implications depend on the long run impacts of earlier family formation among this cohort.

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One of the most striking trends in postwar social indicators in the U.S. is the rise in divorce rates. Figure 1, updated from Friedberg (1988), illustrates the rate of divorce per 1000 persons in the U.S. over time. After staying at low levels for many years, divorce rates began to rise precipitously in the mid-1960s, with the rate of divorce rising by over 200% in only fifteen years. This "breakdown of the traditional family" has been decried in many circles, particularly due to its perceived negative implications for children. Indeed, there are large literatures in sociology, developmental psychology, and economics which document the negative consequences for children of divorce, both as children, and then later as adults.

A common villain in these criticisms is state regulations that increase the ease of divorce. The rise in divorce rates corresponds quite strikingly to the advent of state regulations that allowed for *unilateral divorce*, or divorce that did not require the explicit consent of both partners. Unilateral divorce laws were passed in a number of states in the wake of the no-fault divorce revolution that moved the basis for divorce from the fault of one spouse to general "irreconcilable differences" (Weitzman, 1985). These unilateral laws substantially increased the ease of divorce by allowing one partner to leave without obtaining the consent of the other. The second line in Figure 1 shows the percent of persons living in states with unilateral divorce laws in place. Exposure to these unilateral divorce regimes rose in tandem with divorce rates over the 1970s.

As a result, critics of rising divorce rates have called for a reversal of the 1970s trend towards unilateral divorce regimes, in an effort to maintain the traditional two-parent family and improve child outcomes. Two states (Arizona and Louisiana) have passed "covenant marriage" laws whereby the couple receives pre-marital counseling and signs a covenant that makes divorce

more costly through separation periods with intensive counseling (although still possible unilaterally). These laws have been proposed in at least 17 other states as well. And there is a broader movement in religious communities as well to increase the stringency of the marriage contract (Nordinger, 1998). In a recent debate over such regulations in Virginia, the Associated Press Wire on February 14, 2000 quoted the legislation's author, Rep. McDonnell, as saying that "he was concerned about the rising divorce rate and the impact it was having on families".

The key underlying assumption of this movement is that regulations which increase the ease of divorce have negative implications for children. This line of argument involves three key suppositions, however: that the increase ease of divorce under state regulations contributed to (or even fully caused) the rising rate of divorce in the U.S.; that divorce is actually bad for children, relative to the counterfactual of maintaining potentially damaged marriages; and that changes in divorce regulation do not have any other impacts on families which may offset any direct influences through divorce, such as through the decision to enter into marriage or through changes in the nature of within-family bargaining. The existing evidence on the first of these suppositions is quite mixed; the evidence on the second has yet to convincingly address potential selection biases associated with the decision to divorce; and there is little empirical work on the third supposition. Thus, on net, there is no convincing evidence that unilateral divorce regulations actually have an adverse impact on child well-being.

The purpose of this paper is to provide a careful assessment of the implications for children of making divorce easier, in a framework which allows me to integrate all of the issues above. I do so in three steps. I first show that there is a sizeable and significant impact of unilateral divorce on the stock of divorced parents of child-bearing age. I then directly examine

the implications of growing up in a unilateral divorce regime for children when they themselves become adults, allowing for a long run assessment of the ultimate consequences for children of growing up in an environment which divorce is easier. Finally, I extend the basic results to consider the process through which unilateral divorce affects outcomes, by examining how the effects vary with length of exposure to unilateral divorce laws and by age.

I do so by using data on state divorce regulations, matched to information from the 1960, 1970, 1980, and 1990 censuses. This broad historical sweep allows me to consider both the direct impact of unilateral divorce regimes on the cohorts of adults at the time they are passed, and the later impact on their children when they themselves become adults. And I can do so within models that account for both fixed state preferences towards divorce, as well as changes in those preferences over time.

I have several notable results, besides the finding noted above that unilateral divorce increases the stock of divorces. I find that adults who were exposed to unilateral divorce regulations as children are less well educated and have lower family incomes. They are also more likely themselves to be both married and separated, and both of these effects appear to reflect primarily a shift towards earlier marriage and separation. Women in these exposed cohorts are less attached to the labor force, while men are somewhat more attached; the timing of these effects appears consistent with a causal role for marriage. Thus, exposure to easier divorce regulation as a youth appears to worsen adult outcomes along a number of dimensions, but the ultimate implications depend on the long run impacts of earlier family formation among this cohort.

The paper proceeds as follows. In Part I, I present background on the potential links

between unilateral divorce laws and child outcomes. In Part II, I discuss my data and empirical strategy. Part III presents the results on the how unilateral divorce impacts marital status. Part IV then examines the impact of exposure to unilateral divorce as a youth (and currently) on adult outcomes. Part V considers a number of extensions of the basic results. Part VI concludes.

Part I: Background

As noted in the introduction, there are three key links between legislation which makes divorce easier, and the outcomes of children. In this background section, I review each link in turn. Before doing so, I provide some background on the unilateral divorce regulations which are the subject of this study.

Legislative Background

As nicely reviewed by Weitzman (1985), traditional state regulation in the U.S. provided for divorce only for grounds such as infidelity, physical abuse, etc. Moreover, such divorce had to be mutually agreed upon by both partners. This law was widely viewed as inadequate, largely because of the enormous financial and emotional transaction costs that the establishment of fault placed on the divorce process. Indeed, marriages that were viewed by both parties as "broken" for mundane reasons could not be dissolved without more elaborate justification. And fault was viewed as a tool that was often used by one spouse (typically the wife) to "extort" excessive settlements from the other spouse. As Wheeler (1974, quoted in Weitzman, 1985) wrote:

> It was unanimously agreed that elimination of the present grounds... would conform the law to prevailing reality, eliminate the existing evils of dissimulation, hypocrisy, and outright perjury, and end the use of conduct not formally alleged as

> a weapon in obtaining extortionate and frequently inequitable and unworkable concessions from the defending spouse.

These concerns led to a movement for reform of U.S. divorce laws. But, according to Weitzman, the reformers did not appear to recognize that they might be swinging the pendulum too far in the other direction, by removing the powerful property rights that mutual consent, fault divorce gave to women. Indeed, most expert accounts of this period viewed this reform as an attempt to remove the legal inefficiencies of the divorce process, not as a tool of social policy.

The first steps in these reforms was moving to no-fault divorce, which was in place before 1950 in a number states, while maintaining the mutual consent feature. Unilateral divorce, which allowed divorce with the consent of just one rather than both spouses, was rare before the late 1960s but was in place in most states by the mid-1970s. My paper focuses on unilateral divorce, following the economics literature growing out of Peters (1986), which is discussed in more detail below.

I have documented the availability of unilateral divorce in each state from 1950 to the present, updating the legislative details in Friedberg (1998). The results of doing so are presented in Table 1.[1] States could pass either unrestricted unilateral divorce, or unilateral divorce with the requirement that spouses live separated for some period of time (typically 1-5 years). I focus on unilateral divorce laws that do not include separation requirements; Friedberg finds that the impacts of laws with separation requirements on divorce flows is positive, but

---

[1]There is some disagreement in both the economics and legal literatures on the appropriate coding of unilateral divorce. This table is based on a careful state-by-state review of the actual divorce laws to ensure a consistent definition. An appendix is available on request which gives the legislative cites and language for each states's law, and which compares this definition to that used by other authors. There are ambiguities in coding for two small states (Delaware, and Montana), but the results are not sensitive to alternative coding of these states.

much weaker than for unrestricted unilateral divorce.

Does Unilateral Divorce Affect Divorce Decisions?

As noted above, unilateral (and no fault) divorce is perceived to be a cause of the dramatic rise in divorce rates in the U.S. Besides the obvious time series parallels, the theory behind such arguments is perceived to be quite straightforward: if there is one partner that wants to terminate the marriage, but the other does not, then a unilateral divorce will cause the marriage to end.

In a well-known article, Peters (1986) pointed out the flaw in this theory from the perspective of Coasian bargaining. If a marriage is a contract between two partners, and one partner wants to end that contract, he or she can just pay their partner for that privilege. Thus, moving from multilateral to unilateral divorce does not change the fundamental likelihood of divorce; it simply changes the amount of payment that must be made from the partner who wants to leave to the partner who wants to stay. That is, under the typical presumption from the 1970s that men were the ones that wanted to terminate their marriage contracts, unilateral divorce would not lead to rising divorce; it would simply lead to lower alimony and child support payments to the wives left behind.

Peters supported her theoretical argument with an empirical analysis of the impact of unilateral divorce regimes on divorce rates. She used a cross-section of data on women to examine whether women were more likely to be divorced in states with unilateral divorce regimes, and she found no significant correspondence between the two.

This striking conclusion generated a number of follow-on analyses, with mixed results.

Allen (1992) claimed that for alternative specifications of the divorce variable and the model there were impacts of unilateral divorce regimes on divorce, but Peters (1992) disputed his law classification and his omission of important regional controls. Friedberg (1998) carefully revisited this question using panel data on divorce rates by state and year, and found that for the most detailed specification there was an impact of unilateral divorce on divorce rates; similar analysis is found in Reilly and Evenhouse (1997). Wolfers (2000) shows that much of Friedberg's effect on flows of divorces arose from a large increase in divorces soon after the passage of unilateral divorce laws, and that the long run effect on the divorce flow is quite small. But Gray (1998) does not find an impact of unilateral divorce on divorce rates using the 1970 and 1980 censuses. Thus, the impact of unilateral divorce regimes on divorce rates remains an open question.

Is Divorce Bad For Children?

The second supposition that drives criticisms of easier divorce regulations is that *divorce is actually bad for children*. This supposition is supported by an enormous literature which can only be crudely summarized here. After reviewing 92 studies, Amato and Keith (1991) report that children of divorce have more difficulty than children in intact families adjusting both socially and psychologically. Surveys show that children of divorce are more likely to exhibit behavior that is antisocial, impulsive or acting out. They are more likely to become delinquents (Matsueda and Heimer 1987, Zill et al 1993), and perform worse academically; Guidubali, Perry and Cleminshaw (1984) find that first, third and fifth graders from divorced families (compared with children of intact families) scored lowered on IQ, reading, spelling and math scores. They

are also more likely to suffer psychological symptoms such as dependency, low self-esteem, anxiety and depression. Children whose parents have divorced score above clinical cutoffs on psychological tests of behavior problems twice as often (20% vs. 10%) in comparison to children from intact households. (See for example Achenberg and Edelbrock, 1983, Hetherington and Clingempeel, 1989, Isaacs, 1986).

The research on adolescents from divorced families also documents negative consequences. Adolescents of divorce are two to three times more likely to drop out of school, become pregnant, engage in antisocial and delinquent behavior, and score above clinical cutoffs on standardized tests of behavior (Acenback and Edelbroch, 1983). They begin to date and have sex at younger age (Flewelling and Bauman, 1990). Other researchers find that these youngsters are more aggressive, noncompliant, sexually active and likely to use and abuse drugs and alcohol than adolescents from intact households (Baumrin, 1989; Doherty and Needle, 1991, Dornbusch et. al, 1985). Adolescents of divorce are more likely to have lower academic performance and higher dropout rates even after controlling for socio-economic status (Guidubaldi et. al., 1984; Krein and Beller, 1988).

By age 23, a British longitudinal study of children shows, children of divorce are more likely to leave home because of friction (Cherlin et. al. 1995). Adult children of divorce are less likely to attend or complete college, more likely to be unemployed and on welfare and to possess fewer resources (Keith and Finley, 1988; McLeod, 1991; McLananahan and Sandefur, 1994; Aquilino, 1994; Cooney, 1994). Children of divorce marry and cohabit at earlier ages, and are more likely to terminate those marriages through separation or divorce (McLanahan and Bumpass, 1988; Amato and Keith, 1991; Kiernan and Hobcraft, 1997; Feng et al., 1999; Kiernan

and Cherlin, 1999), although Wolfinger (1999) claims that transmission of divorce across generations is waning.

Thus, the negative implications of divorce for children are broadly supported by a large previous literature (and the even larger volume of research not summarized above). But a central limitation of these studies is that divorce is not an exogenous event with respect to other determinants of child outcomes. Another large literature on the determinants of divorce finds that divorce is strongly correlated with socioeconomic characteristics that also determine child outcomes, such as income and family size. For example, divorce rates are higher when men have experienced serious unemployment within the past five years (Ross and Sawhill, 1975), and states with higher male earnings have lower divorce rates (Ferber and Sander, 1989). Moreover, in theory, the implications of divorce for child well being are ambiguous. While depriving the family of one potential earner and caregiver can clearly have negative implications, breaking up emotionally or physically harmful marriages can have benefits for children.

A number of the studies above attempt to control for socioeconomic characteristics in assessing the impact of divorce (e.g. McLanahan and Sandefur, 1994). But they do so armed with only a limited set of family background characteristics that might not fully capture underlying differences between families and do and do not divorce. Even conditional on background characteristics such as socioeconomic status, families that choose to divorce are different in unmeasured ways, and these differences can have important implications for children; for example, it may be the families with the weakest tastes for marriage that divorce, and this could lead to more unstable marriages among their children not because of parental divorce per se, but rather because of inherited weak tastes for marriage.

What is required to appropriately identify the impacts of divorce is an exogenous instrument that causes some families to divorce and others not, based on a factor independent of the determinants of their children's outcomes. No previous study has been able to uncover such an instrument, making it somewhat hard to interpret causally this large literature.

Moreover, the previous literature has focused on the impact of the *average* divorce, not of the *marginal* divorce that is induced by a change in the regulatory regime. Even relative to the effects of divorce on average, the divorces induced by a shift to unilateral divorce regulation may have larger or smaller negative implications for children. For example, the average divorce may be taking place for reasons of fault, such as spousal abuse or infidelity, while the marginal divorce that arises from a law change is due to spousal incompatibility. If marriages that end due to abuse or infidelity have worse/better implications for children than do marriages that end due to incompatibility, then unilateral law-induced divorces will have better/worse implications than the average divorce.

Are There Other (Potentially Offsetting) Impacts of Unilateral Divorce?

The third supposition behind these arguments is that *there are not offsetting impacts of unilateral divorce on child well being*. In fact, there are at least three additional effects that unilateral divorce regulations may have on child well being, beyond direct effects on the propensity to divorce; these effects may either offset, or augment, the direct divorce effects. First, and most obviously, unilateral divorce can lower the incidence of separation, as families substitute official for de facto divorce; that is, parents who are living apart may now formalize a divorce. If it is having two parents in residence that is important for child development, then

such a shift may be of little consequence for well-being.

Moreover, unilateral divorce may *increase the incidence of marriage*, by reducing the barriers to exiting that marriage. That is, individuals who are reticent to enter marriage in a regime where unilaterally terminating that marriage is not possible may be more willing when they have a source of exit. Unilateral divorce may thereby lead to more "marital churning", with both more marriages and more divorces, and little impact on the net stock of married couples (or of children living in two-parent households). If what matters for child well-being is being in a two-parent household, then even if divorce is rising in unilateral divorce regimes, child outcomes may be unaffected. This point has not been considered by previous empirical studies, which have focused on divorce, and not marriage, as the outcome of interest; but it is discussed theoretically in Bougheas and Georgellis (1999).

Finally, even if families see no change in marital status as a result of unilateral divorce, making divorce easier can change the nature of the bargaining relationships between husband and wife. If these relative positions of power have implications for child well-being, then this is an additional channel through which unilateral divorce can impact children. For example, there is a large literature which suggests that resources in the hands of women are more beneficial to children than are resources in the hands of men (e.g. Strauss & Thomas, 1995). If unilateral divorce weakens the within-household bargaining position of the wife, because the husband can now leave without large compensation, this may have negative implications for children, who benefitted from the relative power of their mothers. Of course, this effect could operate in the opposite manner as well, depending on who is strengthened and who weakened by this change in property rights.

This paper will not be able to separate the direct effects of unilateral divorce through divorce versus the indirect effects through these other channels. But the existence of these other channels highlights that *unilateral divorce laws are not useful instruments for divorce.* That is, moving to a unilateral divorce regime has impacts that go beyond any simple effect on the divorce rate. Thus, the results from this exercise should be interpreted as the reduced form effects of making divorce easier on outcomes, and not as the structural effects of divorce on outcomes.

A new paper by Johnson and Mazingo (2000), written at the same time as this paper, also explores the implications of unilateral divorce for child outcomes as adults. They follow a somewhat different strategy than the one employed here, using cross-sectional data from the 1990 census to compare the effects of unilateral divorce on those exposed to the law for different lengths of time as a child. A number of their key findings echo those reported below, although, as I describe below, it is impossible to separate the impact of the amount of time exposed to these laws from the age first exposed, suggesting that it is useful to begin by examining whether a child was exposed at all.

Part II: Data

The data for this analysis comes from the 1960, 1970, 1980, and 1990 PUMS files from the U.S. census. These data provide very large samples so that information can readily be gleaned on the response to state divorce laws. Most importantly, the data also report both state of current residence and state of birth, and they cover the period both during the unilateral reforms and many years thereafter, so that the effect of both current and youth exposure to unilateral

divorce can be assessed. Due to the large samples, and the fact that the relevant legislative variables vary only at the state/year/age level, the data are collapsed into state/year/age cells for the analysis.

These data are parsed into three data files for the analysis. The first has information by state of residence and year for children 0-18 years old, so that data are cells by state, year, and child's age; all regressions are weighted by cell size to replicate the underlying microdata. This file contains information on the marital status of the parent with whom the child resides. The second data set is the parallel data set by state/year/age for adults of child-rearing age (25-50 years old), to examine the impact of unilateral divorce laws in one's state of residence on own divorce probabilities.

The third file is a data set for adults age 25-50 that is organized by age, state of birth, state of residence, and sex. This finer level of detail is necessary for us to examine jointly the impact of unilateral divorce regimes with which the individual grew up and unilateral divorce regimes within which they now reside. The data are also divided by sex because many of the outcomes I examine (e.g. labor force participation) differ significantly across the sexes. These data have information for each of these cells on marital status, family size, family income, individual education, individual work status, and individual earnings. Once again, these are all averages for the year/age/state of birth/state of residence/sex cell, and the regression is run at that level, weighted by cell size.

These census data are matched to information on the presence of unilateral divorce regimes across states and over time. The means of the first and third data sets are presented in Table 2; the means in the second and third data sets for adults are identical, since the third is just

a more finely parsed version of the second. Among children, 6.6% are living with a divorced mother, and roughly 1% are living with a divorced father. Among all adults of child bearing age, 11% of females and 8.2% of males are divorced.

Part III: Does Unilateral Divorce Affect Marital Status?

In this section, I address the first of the predicate questions raised above: does unilateral divorce actually affect marital status? I examine both the impact on the likelihood that adults are divorced, and the impact on other marital states that may be affected by this shift in legal regimes. As noted earlier, while a number of papers have focused on the impact of unilateral divorce on the flow of divorces, only Gray (1998) has looked at the stock, and he finds little impact.

To assess the impact of unilateral divorce on marital status, I run regressions of the form:

(1) $$DIVORCE_{ajt} = \alpha + \beta_1 UNILAT_{jt-1} + \beta_2 RACE_{ajt} + \beta_3 \eta_a + \beta_4 \delta_j + \beta_5 \tau_{t+} \beta_6 \eta_a * \tau_t + \epsilon$$

where a indexes ages, j indexes states, and t indexes years; DIVORCE is the cell mean divorce rate (or some other marital status indicator); UNILAT is a dummy for the presence of a unilateral reform law in the year before the census year (since the census is carried out in the spring of the year and many of the questions that I will use refer to the previous year); RACE are dummies for percent black and white, respectively, in the cell; η_a, δ_j, and τ_t are full sets of dummies for age group, state, and year, respectively; and $\eta_a * \tau_t$ is a full set of age*year interactions to allow for differential time patterns by age. This model controls for fixed factors that vary by age, location, or year, and is identified by the passage of unilateral divorce laws over time.

One concern with this approach, however, is that there may be trends in marital status that are correlated with the passage of unilateral divorce laws. That is, unilateral divorce may pass where divorce is rising, rather than the opposite causal interpretation. The evidence in Wolfers (2000) suggests that there are not large pre-existing trends in divorce rates in the unilateral divorce states, once data back to 1960 is used. Nevertheless, I will attempt to address this concern by including in the model, along with state fixed effect, state-specific trends. This is not a perfect solution given these census data, since there are only four underlying time series observations, so fixed trend models are fairly demanding. Moreover, if the endogeneity is in the short run, then trends that measure decade time spans (as with the census) will miss them. But this is the best feasible approach to the problem, and if the results are robust to the inclusion of trends it offers some comfort that they are not driven by endogeneity of the laws.

Another econometric concern is that the variable of interest (unilateral divorce laws) varies only by state and year, while the underlying data here also varies by single year of age. As a result, I correct all standard errors for clustering on state of residence and year.

The results of running regressions such as this for various measures of marital status are shown in Table 3. The first set of columns is for women, and the second set for men. Within each set of columns, I show results with and without state-specific trend controls. Within each cell, I present the coefficient, the standard error (in parentheses), and percentage impact (relative to means in Table 2). The coefficients are all multiplied by 100 for ease of interpretability. Each cell in the table is from a separate regression.

I find that there is a very sizeable and highly significant impact of unilateral divorce on the likelihood of being divorced. For women, unilateral divorce being place raises the odds of

divorce by 0.0127 percentage points, or 11.6%. For men, the increase is 0.0095 percentage points, or 11.6%. The results are even stronger when state-specific trends are included, with the coefficient for females rising to 0.014 percentage points (12.7%) and for men rising to 0.0096 percentage points (11.7%).

On the other hand, there is no robust evidence on the odds of being either separated or never married. For women, there is some suggestion of a reduction in the odds of being never married, but it is highly insignificant and small when state trends are included; for men, the effect is wrong-signed with trends included.

These results show the effects on parents of child-bearing age. But it is possible that the impacts of divorce reform may be different for parents who actually have children. So the next panel of Table 3 focuses on the marital status of parents of children in the data set. The regression run is the same as above, except that the sample is now children age 0-18, and the dependent variables are whether their mother or father are divorced, separated, or never married.

The results for the parents of children echo those for adults of child-bearing age. Controlling for state-specific trends, there is a 0.0096 percentage point increase in the odds that a child is living with a divorced mother, which is 14.5% of baseline, and a 0.0011 percentage point increase in the odds of living with a divorced father, which is 11.1% of baseline. Overall, the odds of living with a divorced parent rise by 0.0107 percentage points, which is quite similar to the odds for adults of being divorced. These child-based results offer more evidence for increased entry into marriage when divorce is made easier. For mothers, in the model without trends, there is a very large impact on the odds of living with a never married mother; however, this result disappears when trends are included. For fathers, the impact is significant even when

trends are included. There are negligible impacts on living with separated parents.[2]

Thus, there is clear evidence from the census data that making divorce easier increases the stock of divorced women and men, and that as a result children are more likely to be living with a divorced parent. There is mixed evidence for an offsetting impact on other marital decisions.

Part IV: Impact of Unilateral Divorce on Outcomes

I now turn to assessing the impact of unilateral divorce as a youth on adult outcomes. To do so, I turn to the data which is created by both state of residence and state of birth, and run expanded regressions of the form:

$$(2) \quad OUTCOME_{ajbt} = \alpha + \beta_1 UNILAT_{jt-1} + \beta_2 KIDUNI_{abt} + \beta_3 RACE_{ajt} + \beta_4 \eta_a + \beta_5 \sigma_b + \beta_6 \delta_j + \beta_7 \tau_t + \beta_8 \eta_a * \tau_t + \epsilon$$

where, in addition to the other indices, b indexes state of birth; OUTCOME is one of the measures of outcomes; KIDUNI is a dummy for having a unilateral divorce law in your state of birth before you were age 18; and σ_b is a full set of state of birth dummies. Thus, this regression framework allows for both effects of contemporaneous and youth laws on outcomes. Once again, I also explore the sensitivity of results to state-specific trends, where now I include trends for both state of birth and state of residence. And the standard errors are now corrected for state

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[2]One problem with these data is that they only measure marital status at a point in time. As a result, adults may have been divorced and remarried, and children may have thus been exposed to some time in a divorced family, but it will not be captured here. I can explore this in the 1970 and 1980 censuses, which along with current marital status asked about previous marital status. The basic results for current marital status are similar when restricted to these censuses. There is in fact a negative and insignificant impact on the odds of being married and previously divorced, which actually offsets somewhat the positive impact on being divorced.

of residence * state of birth * year clustering.

The results of running these regressions for females age 25-50 are presented in Table 4. The first and third columns show the results of estimating equation (2) without trends, and present the key coefficients on KIDUNI and UNILAT; the second and fourth columns show the results of estimating equation (2) with trends, and once again present those same coefficients. So there are two regressions presented per row.

I show the results for several sets of variables, denoted in blocks in the table. Since there are many outcome variables and their effects are likely to be related, I first review below the full set of findings, and then after doing so turn to offering discussion of their implications. For regressions where the dependent variable is a cell mean of a discrete variable (e.g. marital status measures), the coefficients on unilateral variables are multiplied by 100; for continuous variables (e.g. number of children, years of education, earnings), the coefficients are directly reported (and not multiplied by 100).

Results

The first block of results shows the impact on marital status and number of children; the coefficients for current divorce law parallel those shown in Table 3, and the results are indeed quite similar, suggesting little bias from examining the current laws in a vacuum (ignoring youth laws). But the coefficients for laws as a youth are strikingly different: I find that unilateral divorce as a youth is associated with no rise in the odds of being divorced, but a much *higher* likelihood of being married. The coefficient with state-specific trends included indicates that being exposed to unilateral divorce as a youth raises the odds of being married by 0.0066

percentage points, or 0.9% of the sample mean. There is a correspondingly much lower likelihood of being never married. There is also a significant rise in the odds of being separated. These results are all very robust to the inclusion of state-specific time trends; indeed, the trends serve to increase the precision with which the coefficients are estimated.

Corresponding to the increase in the odds of being married, there is a significant rise in the number of children on average associated with being exposed to unilateral divorce as a youth. This result is somewhat sensitive to the inclusion of trends, with the coefficient doubling to 0.021 more children if exposed to a unilateral divorce regime as a youth.

The next block examines the impact of unilateral divorce on educational attainment. There is in fact a significant decline in years of education attained for those exposed to unilateral divorce as a youth, with exposure associated with 0.065 fewer years of education (0.6% of mean). This impact appears to arise mostly from a significant and sizeable increase in the odds of being a high school graduate, and a corresponding large decline in the odds of being a college graduate. There is a also a large increase in the odds of being a high school dropout. There is little net effect on the odds of getting some college education (but not a degree), but this result is hard to interpret since there are both flows into this group (from reductions in college completion) and flows out (from reductions in college attainment).

The next block examines the impact on living standards. There is a significant deterioration in average income per capita for those women exposed to unilateral divorce as a youth, with exposure associated with a reduction in income per capita of $431, or 3.2%. But there is no effect on the percentage of the cell living below the poverty line, suggesting that the

reductions in income are concentrated in middle and higher income families.[3]

The next block shows the impact of unilateral divorce on labor supply. Being exposed to unilateral divorce as a youth significantly lowers labor supply. The odds of being employed fall by 0.48 percent, which is 0.7% of the sample mean; weeks worked fall by 0.32, which is 1% of the sample mean; and earnings fall by $246, which is 2.3% of the sample mean. The much larger impact on earnings than on labor supplied implies that wage rates are falling as well; direct examination of hourly wages yields a negative, but insignificant, coefficient.

Table 5 shows corresponding results for males. The basic pattern of results for the first three blocks is quite similar: increased marriage probabilities; reduced educational attainment; and reduced living standards. But the effects on labor supply are quite different: being exposed to unilateral divorce as a youth appears to increase labor supply for men, albeit not significantly.

The second set of columns in both tables shows the results of current unilateral divorce regimes. In both cases, except for marital status, there are relatively few significant coefficients. This reflects the much more limited variation in the current unilateral regime than in the state of birth unilateral regime.

Interpretation

This panoply of results paints an interesting picture of the impact of being exposed to unilateral divorce as a youth. Exposure to unilateral divorce leads for both men and women to more marriage (but more separation as well), less education, and lower family incomes. For

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[3]While easy to interpret, income per capita measures ignore economies of scale from changes in family size. But the results are very similar if I use instead a measure of the ratio of family income to the poverty line, which uses census equivalence scales to adjust.

women, being exposed to unilateral divorce leads to lower labor force attachment and earnings; for men, labor force attachment and earnings actually rise, albeit insignificantly.

Distinguishing causal pathways for these effects, however, is somewhat difficult, as educational attainment, marital status, and labor force attachment are all jointly determined. Since, in the raw data, there is a strong positive association between education and marriage, it seems likely that the increase in marriage and reduction in education are both direct effects of unilateral divorce, rather than one being a secondary effect of the other. The increase in marriage is not inconsistent with the previous literature, which found earlier marital formation for children of divorce; in these cross-sections of a given set of ages, a higher likelihood of being married on average could result from either increased odds of marriage at every age or from a shift forward in the timing of marriage. I return to this point below.

The reduction in education could arise from at least two channels. The first is liquidity constraints: to the extent that children of divorce have fewer resources, they may be unable to afford higher education. The second is stress in childhood which leads to worse performance in school as a youth, with resulting ramifications for ultimate educational attainment. The fact that, for women at least, the impact on high school graduation is much larger than on dropping out from high school would be consistent with liquidity constraints operating particularly on the college attendance margin; this is not true for men, however, where there are equal effects on high school dropping out and on high school graduation.[4]

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[4]A liquidity constraints explanation for reduced educational attainment would suggest that the effect would be largest where the costs of secondary education are the highest. To assess whether this is true, I obtained data on public school tuition levels across the states and estimated models where I allowed the education effects to vary by underlying public tuition levels (I am grateful to David Card for providing these data). The data are far from ideal for my purposes;

The reduction in labor force attachment and earnings for women could arise directly through unilateral divorce impacts, or indirectly through either of the marriage or education channels. The direction of the impacts is inconsistent with a causal pathway through education, as both males and females are suffering similar reductions in educational attainment, but female labor supply falls while male labor supply rises. On the other hand, the direction is consistent with the reduction in female labor supply and increase in male labor supply that would typically arise from marriage. But even here the magnitudes are too large to be explained by typical estimates of the effect of marriage on labor supply. For example, cross-sectional estimates in our census data show that being married lowers earnings by 70% for females; at this magnitude, a 0.66% rise in the odds of marriage cannot explain a 2.3% decline in earnings. On the other hand, these cross-sectional estimates suffer from a number of selection biases which make it hard to use them to infer the indirect effect of unilateral divorce through marriage on labor supply. Further evidence presented below is consistent with a causal pattern from marriage decisions to labor supply.

Another interpretive issue with these results is the mechanisms through which unilateral divorce regulation leads to later outcomes: is it solely through increased divorce, or through the other mechanisms discussed above? It is impossible to answer this question precisely, given that I only have one instrument and two channels of effects. But back of the envelope calculations

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they only go back to 1972, whereas most of my sample graduated high school well before then. I therefore made a ranking of the states in terms of their tuition levels, and used the average ranking over the 1972-1983 period as my regressor for all cohorts, assuming that states are either consistently high or low tuition state. Doing so, I found no evidence of stronger reductions in college attainment from unilateral divorce where tuition ranking was higher. But this test is not a strong one due to the limitations of the tuition data for my purposes.

from the estimates in Tables 3 and 4 suggest that the effects of divorce must be enormous if unilateral divorce has its impacts through the divorce channel only. For example, I find in Table 3 that the odds for a child of living with a divorced parent is rising by 0.0107 percentage points. Putting this together with the findings in Table 4, and assuming that the impacts of unilateral divorce arise through increased divorce only, would imply that coming from a divorced family raises for females the odds of being married by 62 percentage points (84%), lowers education by 6.1 years (56%), lowers the odds of graduating college by 140 percentage points (607%), lowers average incomes per capita by $40,340 (300%), and lowers earnings by $23,016 (215%)! These substantial effects seem unlikely to be driven solely by parental divorce.[5]

Part V: Extensions

The initial results are suggestive of important long run effects of unilateral divorce on adult outcomes. In this section, I consider a two extensions designed to assess the mechanisms through which these effects arise.

Exposure to Laws

One interesting question is whether the amount of exposure to unilateral divorce laws strengthens the effects that have been shown thus far. To the extent that additional years of exposure to unilateral divorce regimes raises the odds that parents divorce, it could lead to

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[5]Of course, to the extent that some children exposed to divorce are now in remarried households, this "first stage" coefficient will understate the net effect of divorce exposure, so that these implied IV coefficients are too large. But, as noted earlier, data from 1970 and 1980 do not suggest a rise in the odds of living with a remarried mother when exposed to unilateral divorce, so this does not seem an empirically important consideration.

stronger impacts on the outcome of children who grow up in unilateral divorce regimes. On the other hand, if there is a pent-up stock of divorce demand that is satisfied shortly after the unilateral divorce law is passed, and then divorces decline again, there may not be a strong relationship with exposure. Wolfers (2000) suggests that such a "blip" may occur over the first eight years that a unilateral divorce law is in place.

Examining impacts by amount of exposure also has the potential to help determine the causal pathways of the effects that were shown above, in two senses. First, if the time pattern of impacts of later outcomes matches that of exposure to divorce, then it lends some credence to the notion that the effects are occurring through the divorce channel and not other (e.g. household bargaining) channels. Second, if the time pattern of some effects (e.g. marriage) matches that of others (e.g. labor supply), it provides some more evidence that can be helpful in interpreting causal pathways of effects of unilateral divorce.

To examine exposure effects, I calculate the number of years that each adult in the sample was exposed to unilateral divorce as an adult (after age 18) and as a youth (up through age 18). I then divide these current unilateral and unilateral as youth dummies into three exposure categories: one to four years of exposure; five to eight years of exposure; and nine or more years of exposure. It is important to note that, by the nature of the construction of years exposed, the exposure effects of laws as a youth pick up two effects: amount of time exposed and age first exposed. That is, an individual who is exposed for 8 years is by definition first exposed at age 10. This makes it difficult to interpret the effects below as effects of additional exposure rather

than as affects of being exposed at a younger age.[6]

Table 6 first explores the impact of additional exposure on marital status, mirroring Table 3. For presentational simplicity, I show only the results with state-specific trends. The basic finding from both female divorce, and for the odds of living with a divorce mother, is that there appears to be an increasing effect from 1-4 to 5-8 years of exposure, but little additional effect beyond eight years. This is consistent with Wolfers' (2000) conclusion. For men and for the odds of living with a divorced father, there is more of a monotonic increase over all three ranges.

I also find an interesting pattern of exposure effects for the variables measuring unilateral exposure as a youth, as shown in Table 7; the first set of columns show results for females, and the second set for males, and all results include state-specific trends. For the marital status and labor supply variables, the impacts are roughly constant or only slightly increasing for 1-4 and 5-8 years of exposure, and then growing substantially after eight years. The pattern of effects on years of education is fairly flat; but when subcategories of education are examined, there emerges the same pattern of relatively flat effects through eight years and then a significant rise for nine or more years of exposure. Thus, this exposure timing evidence appears to confirm that channels other than increased divorce are responsible for the impacts of unilateral divorce that we observe. Despite an impact of unilateral divorce on divorce levels that is fairly flat after eight years, the impacts on marriage and labor supply increase significantly with eight or more years of exposure.

In terms of causal channels among the impacts of unilateral divorce, these findings appear to offer further suggestion of a causal effect of marriage patterns on labor supply. Reductions in

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[6]The framework used in this subsection mirrors that used by Johnson and Mazingo (2000) in their recent working paper. The results are broadly consistent with their findings.

earnings for women, and increases for men, are occurring mostly after eight years of exposure, which is exactly when the marriage effect grows.

Age Effects on Marriage

As shown above, exposure to unilateral divorce as a youth leads to a higher likelihood of being married. But, in these cross-sections of a given set of ages, a higher likelihood of being married on average could result from either increased odds of marriage at every age or from a shift forward in the timing of marriage. I explore this issue in Table 8. I show the results, for the marriage variables, of models that interact the current unilateral law and unilateral as youth dummies with age. I focus solely on results with state-specific trends. The first block of the table shows the results for women; the second block for men.

In fact, I find that the effects of exposure to unilateral divorce as a youth on marriage appear to mostly arise through marriage timing. The age interaction with the unilateral-as-youth dummy is negative, significant, and sizeable; it indicates that the impact at age 25 is .015 percentage points, but that by age 36 the impact is roughly zero. That is, unilateral divorce exposure as a youth raises the odds of being married at younger ages, but actually lowers them at older ages. Moreover, there are positive and large impacts on being divorced (not significant) and separated (significant) at younger ages that also fade with time. The pattern of results is very similar for males. It is also interesting to note that, for current exposure to unilateral divorce regimes, there are only very modest increases in the impact of unilateral divorce on divorce propensities with age for women, although more sizeable increases with age for men.

Thus, the findings here echo the conclusions of the observational literature on

intergenerational effects of divorce cited earlier: exposure to easier divorce as a child leads to earlier marriage, but more marital instability as well. By the time adults are in their late 30s, in fact, there is little net impact on marital status. This suggests that these children of easier divorce laws, perhaps reacting to increased parental marital instability induced by easier divorce laws, move more quickly to form their own unions once they leave the home, but that these unions end up being less stable than do marriages of children not exposed to unilateral divorce.

Moreover, in results not reported, I have investigated the age interaction effects on labor supply, and they continue to be consistent with a causal pathway through marriage: both the reduction in labor supply for women and the increase in labor supply for men fade with age. Thus, while the magnitudes of the labor supply effects appear too large to be explained by marriage impacts, the pattern of results continues to suggest that causal pathway.

Part VI: Conclusions

Does making divorce easier have negative long run implications for children? The results in this paper suggest that the answer is a qualified yes. Those who are exposed to unilateral divorce regulations are more likely to be living with divorced parents as youths. As adults, they are less educated and have lower family incomes. These lower family incomes appear to largely arise because of earlier marriage, more children, and reduced labor force attachment by women. The evidence on both amount of exposure to the laws and on timing of the law impacts suggests that the reduction in female labor supply arises through this increase in marriage propensities. But these earlier marriages also appear to be more likely to end in separation and divorce; on net there is little impact on marital status at middle ages, but more marital churning at younger ages.

Thus, the qualification: children of unilateral divorce are living with worse living standards later in life, but largely because the females in this group are staying at home with children rather than working at younger ages. Therefore, the question of whether making divorce easier is bad for children is fundamentally determined by the welfare impacts of this earlier family formation and resulting reduction in labor supply. In other words, the answer to this question gets pushed back yet another generation: is it beneficial or detrimental for the "grandchildren" of unilateral divorce to be born to younger mothers, with lower incomes but more maternal time in the home? Given that the children of unilateral divorce regulations are not only marrying but also dissolving marriages earlier and more frequently, it seems likely that this was on net detrimental to this "grandchild" cohort. But further research is required to confirm this conclusion.

Moreover, further research is necessary to understand the mechanisms behind the results uncovered here. For example, the impacts on adult outcomes appear simply too large to be explained by increased exposure to divorce as a youth; clearly, these laws had other effects which impacted the upbringing of youths. Trying to get inside the "black box" of intact marriages, particularly with respect to issues of bargaining power, is central to assessing these causal pathways.

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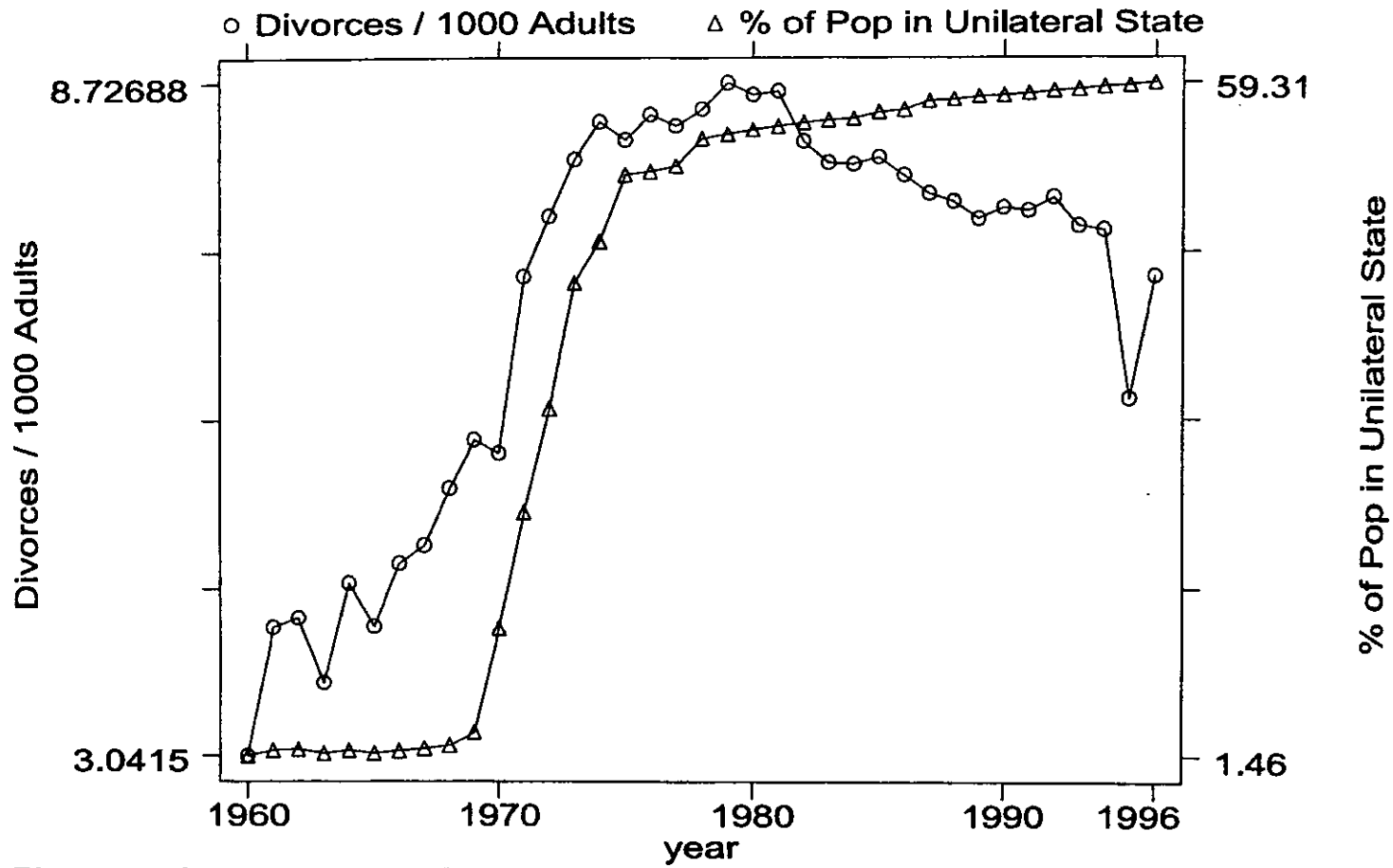


Figure 1: Divorce Rates and Exposure to Unilateral Divorce

Table 2: Means		
Children		
Mother Divorced		0.0664
Mother Separated		0.0349
Mother Never Married		0.037
Father Divorced		0.0099
Father Separated		0.00334
Father Never Married		0.0036
Income Per Capita		8432.73
Number of Obs		3876
	Female Adults	**Male Adults**
Family Structure		
Married	0.717	0.726
Divorced	0.110	0.082
Separated	0.034	0.023
Never Married	0.120	0.166
Number of Children	2.024	1.169
Educational Attainment		
Years of Education	11.683	11.933
HS Dropout	0.189	0.195
HS Graduate	0.365	0.308
Some College	0.216	0.216
College Graduate	0.231	0.281
Living Standards		
Income per Capita	13513.41	15159.06
Below Poverty	0.118	0.086
Labor Supply		
Work Last Year	0.712	.946
Weeks Worked	29.758	45.040
Earnings	10682.1	26222.66
Number of Observations	159884	159487

Table 3: The Impact of Unilateral Divorce on Marital Status

	Adults			
	Females		Males	
	No Trend	Trend	No Trend	Trend
Divorced	1.277	1.396	.948	.961
	(.257)	(.43)	(.258)	(.412)
	[.116]	[.127]	[.116]	[.117]
Separated	.216	-.142	-.057	-.097
	(.148)	(.224)	(.09)	(.178)
	[.063]	[.042]	[-.025]	[-.042]
Never Married	-.613	-.255	-.37	-.088
	(.487)	(.332)	(.593)	(.432)
	[-.051]	[-.021]	[-.022]	[-.005]
Number of Obs	5304	5304	5304	5304
	Children			
	Living with Mother who is		Living with Father who is	
Divorced	.606	.963	.192	.11
	(.179)	(.281)	(.045)	(.067)
	[.091]	[.145]	[.194]	[.111]
Separated	.003	-.251	-.016	-.001
	(.204)	(.264)	(.024)	(.028)
	[0]	[-.072]	[-.048]	[-.003]
Never Married	-1.003	-.133	-.088	-.097
	(.225)	(.201)	(.033)	(.043)
	[-.271]	[-.036]	[-.244]	[-.269]
Number of Obs	3876	3876	3876	3876

Note: Standard errors in parentheses; percentage impacts in square brackets. All coefficients multiplied by 100. Each coefficient is from a separate regression that includes: race; state of residence dummies; age dummies; year dummies; age*year dummy interactions. First panel uses data on adults, examining own marital status, in the first two columns for women, and in the second two columns for men. Second panel uses data on children, examining marital status of the parent with whom they reside; in first two columns dependent variable is for residing with mother who is divorced/separated/never married, and parallel for living with a father in second two columns. First column in each panel excludes state specific linear time trends; second column includes those trends.

Table 4: Unilateral Divorce and Outcomes as Adults - Females

	Unilateral as Youth		Unilateral as Adult	
	No Trend	Trend	No Trend	Trend
Family Structure				
Married	.591 (.246) [.008]	.664 (.285) [.009]	-1.263 (.325) [-.018]	-.734 (.474) [-.010]
Divorced	.058 (.29) [.005]	.007 (.292) [.001]	.942 (.141) [.086]	1.073 (.212) [.098]
Separated	.347 (.091) [.102]	.326 (.079) [.096]	.119 (.104) [.035]	-.166 (.166) [-.049]
Never Married	-1.198 (.469) [-.1]	-1.222 (.497) [-.102]	.136 (.298) [.011]	-.16 (.353) [-.013]
Number of Children	.011 (.01) [.005]	.021 (.009) [.010]	-.054 (.019) [-.026]	-.017 (.025) [-.008]
Educational Attainment				
Years of Education	-.076 (.04) [-.006]	-.065 (.029) [-.006]	-.132 (.072) [-.011]	-.025 (.136) [-.002]
HS Dropout	.837 (.51) [.044]	.622 (.389) [.033]	2.7 (.86) [.142]	.195 (1.0) [.010]
HS Graduate	1.05 (.608) [.029]	1.16 (.422) [.032]	-4.26 (1.32) [-.117]	-1.28 (1.85) [.035]
Some College	-.235 (.291) [-.011]	-.284 (.205) [-.013]	.932 (.44) [.043]	2.46 (.933) [.114]
College Graduate	-1.656 (.533) [-.072]	-1.497 (.397) [.065]	.633 (1.054) [.027]	-1.378 (2.075) [-.06]

		Living Standards		
Income Per Capita	-521.35 (152.85) [-.039]	-431.63 (120.24) [-.032]	213.45 (268.49) [.016]	54.21 (581.43) [.004]
Below Poverty	.026 (.234) [.002]	.091 (.195) [.008]	.557 (.822) [.047]	.343 (.747) [.029]
		Labor Supply		
Work Last Year	-.76 (.257) [-.011]	-.478 (.25) [-.007]	1.284 (.502) [.018]	2.197 (.584) [.031]
Weeks Worked	-.399 (.137) [-.013]	-.32 (.127) [-.010]	.817 (.263) [.027]	.976 (.293) [.033]
Earnings	-336.35 (114.97) [-.031]	-246.28 (92.73) [-.023]	198.77 (206.11) [.019]	91.01 (375.07) [.009]

Note: Standard errors in parentheses; percentage impacts in square brackets. Coefficients on dummy variables multiplied by 100; coefficients on continuous variables unchanged. First and third columns are from one regression, which excludes state specific time trends; second and fourth columns are from a second regression, which includes linear time trends for both state of residence and state of birth. Each regression also includes: race; state of residence dummies; state of birth dummies; age dummies; year dummies; age*year dummy interactions.

Table 5: Unilateral Divorce and Outcomes as Adults - Males

	Unilateral as Youth		Unilateral as Adult	
	No Trend	Trend	No Trend	Trend
Family Structure				
Married	.555 (.338) [.008]	.625 (.397) [.009]	-.926 (.361) [-.013]	-.693 (.549) [-.010]
Divorced	.027 (.279) [.003]	-.107 (.272) [-.013]	.723 (.152) [.088]	.689 (.208) [.084]
Separated	.248 (.056) [.108]	.261 (.049) [.113]	-.116 (.068) [-.050]	-.065 (.117) [-.028]
Never Married	-.897 (.572) [-.054]	-.839 (.621) [-.051]	.315 (.365) [.019]	.121 (.412) [.007]
Number of Children	.037 (.013) [.032]	.046 (.015) [.040]	-.074 (.016) [-.063]	-.054 (.022) [-.046]
Educational Attainment				
Years of Education	-.079 (.054) [-.007]	-.072 (.039) [-.006]	-.076 (.096) [-.006]	.041 (.192) [.003]
HS Dropout	1.05 (.488) [.054]	.889 (.367) [.046]	1.584 (.856) [.081]	-.272 (1.219) [-.014]
HS Graduate	.633 (.51) [.021]	.781 (.329) [.025]	-3.627 (1.125) [-.118]	-1.329 (1.771) [-.043]
Some College	-.364 (.204) [-.017]	-.335 (.165) [-.016]	.575 (.368) [.027]	2.484 (.679) [.115]
College Graduate	-1.32 (.642) [-.047]	-1.335 (.493) [-.048]	1.468 (1.252) [.052]	-.883 (2.702) [-.031]

	Living Standards			
Income Per Capita	-431.96 (157.73) [-.028]	-266.72 (137.14) [-.018]	237.45 (295.54) [.016]	255.44 (604) [.017]
Below Poverty	-.08 (.199) [-.009]	.057 (.149) [.007]	.398 (.798) [.046]	.502 (.604) [.058]
	Labor Supply			
Work Last Year	.083 (.127) [.001]	.161 (.111) [.019]	.301 (.165) [.035]	.259 (.32) [.030]
Weeks Worked	-.017 (.102) [0]	.103 (.097) [.002]	.235 (.132) [.005]	.281 (.210) [.006]
Earnings	93.65 (251.53) [.004]	418.8 (285.78) [.016]	-54.36 (446.30) [-.002]	309.73 (1014.33) [.012]

Note: Standard errors in parentheses; percentage impacts in square brackets. Coefficients on dummy variables multiplied by 100; coefficients on continuous variables unchanged. First and third columns are from one regression, which excludes state specific time trends; second and fourth columns are from a second regression, which includes linear time trends for both state of residence and state of birth. Each regression also includes: race; state of residence dummies; state of birth dummies; age dummies; year dummies; age*year dummy interactions.

Table 6: Amount of Exposure to Unilateral Divorce Regulation and Marital Status

	Adults					
	Females			Males		
	1-4 Years	5-8 Years	9+ Years	1-4 Years	5-8 Years	9+ Years
Divorced	.568	1.677	2.08	.521	1.183	1.724
	(.416)	(.446)	(.789)	(.38)	(.418)	(.726)
	[.052]	[.152]	[.189]	[.064]	[.144]	[.210]
Separated	-.19	-.161	-.33	-.179	-.107	-.271
	(.237)	(.247)	(.315)	(.175)	(.198)	(.267)
	[-.056]	[-.047]	[-.097]	[-.078]	[-.047]	[-.118]
Never Married	.163	-.245	.382	-.02	.01	.609
	(.369)	(.36)	(.599)	(.367)	(.466)	(.642)
	[.014]	[-.020]	[.032]	[-.001]	[.001]	[.037]
	Children					
	Living with Mother who is			Living with Father who is		
Divorced	.736	1.177	1.088	.005	.172	.263
	(.17)	(.207)	(.313)	(.029)	(.035)	(.057)
	[.111]	[.177]	[.164]	[.005]	[.174]	[.266]
Separated	-.128	-.598	-.715	.016	-.021	-.045
	(.183)	(.245)	(.248)	(.018)	(.024)	(.025)
	[-.037]	[-.171]	[-.205]	[.048]	[-.063]	[-.135]
Never Married	-.196	.282	.772	-.106	-.152	-.208
	(.154)	(.215)	(.268)	(.04)	(.07)	(.092)
	[-.053]	[.076]	[.209]	[-.294]	[-.422]	[-.578]

Note: Standard errors in parentheses; percentage impacts in square brackets. All coefficients multiplied by 100. Each set of coefficients from a separate regression that includes: race; state of residence dummies; age dummies; year dummies; age*year dummy interactions; and state-specific linear time trends. First panel uses data on adults, examining own marital status, in the first three columns for women, and in the second three columns for men. Second panel uses data on children, examining marital status of the parent with whom they reside; in first three columns dependent variable is for residing with mother who is divorced/separated/never married, and parallel for living with a father in second three columns. Each set of three columns is from same regression that replaces UNILAT dummy with dummies for exposure for 1-4, 5-8 and 9 or more years.

Table 7: Amount of Exposure to Unilateral Divorce Regulation and Adult Outcomes

	Females			Males		
	1-4 Years	5-8 Years	9+ Years	1-4 Years	5-8 Years	9+ Years
Family Structure						
Married	.525 (.295) [.007]	.428 (.327) [.006]	1.171 (.519 [.016]	.481 (.357) [.007]	.264 (.481) [.004]	1.219 (.81) [.017]
Divorced	.031 (.236) [.003]	.051 (.319) [.005]	.046 (.53) [.004]	-.041 (.239) [-.005]	-.032 (.278) [-.004]	-.189 (.492) [-.023]
Separated	.206 (.068) [.061]	.35 (.093) [.103]	.622 (.15) [.183]	.204 (.046) [.089]	.25 (.062) [.109]	.404 (.117) [.176]
Never Married	-.93 (.416) [-.078]	-1.092 (.536) [-.091]	-2.158 (1.014) [-.18]	-.699 (.55) [-.042]	-.541 (.659) [-.033]	-1.51 (1.255) [-.091]
Number of Children	.008 (.008) [.004]	.021 (.012) [.010]	.056 (.116) [.028]	.034 (.013) [.029]	.042 (.02) [.036]	.08 (.023) [.068]
Educational Attainment						
Years of Education	-.052 (.027) [-.005]	-.062 (.032) [-.005]	-.088 (.042) [-.008]	-.058 (.037) [-.005]	-.064 (.041) [-.005]	-.092 (.059) [-.008]
HS Dropout	.504 (.349) [.027]	.549 (.428) [.029]	.837 (.643) [.044]	.629 (.326) [.032]	.852 (.397) [.044]	1.435 (.686) [.074]
HS Graduate	.826 (.385) [.023]	1.27 (.462) [.0345]	1.815 (.617) [.05]	.643 (.316) [.021]	.72 (.438) [.023]	.928 (.49) [.030]
Some College	-.086 (.182) [-.004]	-.469 (.271) [-.022]	-.395 (.38) [-.018]	-.089 (.169) [-.004]	-.561 (.24) [-.026]	-.44 (.272) [-.020]
College Graduate	-1.244 (.336) [-.054]	-1.35 (.463) [-.058]	-2.257 (.631) [-.098]	-1.183 (.429) [-.042]	-1.011 (.584) [-.036]	-1.922 (.857) [-.068]

Living Standards						
Income Per Capita	-261.93 (108.83) [-.019]	-512.04 (147.76) [-.038]	-800.44 (168.93) [-.059]	-141.23 (127.24) [-.009]	-254.24 (169.57) [-.017]	-610.26 (201.49) [-.040]
Below Poverty	-.016 (.212) [-.001]	-.006 (.251) [-.001]	.405 (.331) [.034]	-.074 (.147) [-.009]	.085 (.218) [.01]	.317 (.254) [.037]
Labor Supply						
Work Last Year	-.303 (.265) [-.004]	-.255 (.303) [-.004]	-.902 (.335) [-.013]	.127 (.106) [.001]	.231 (.14) [.002]	.102 (.173) [.001]
Weeks Worked	-.176 (.139) [-.006]	-.155 (.164) [-.005]	-.679 (.173) [-.023]	.114 (.094) [.003]	.092 (.1) [.002]	.038 (.173) [.001]
Earnings	-105.41 (95.42) [-.010]	-243.36 (118.47) [-.023]	-624.72 (134.90) [.058]	310.17 (216.24) [.012]	368.27 (289.11) [.014]	592.12 (494.99) [.023]

Note: Standard errors in parentheses; percentage impacts in square brackets. All coefficients multiplied by 100. Each set of coefficients from a separate regression that includes: race; state of residence dummies; age dummies; year dummies; age*year dummy interactions; and state-specific linear time trends. First set of columns presents results for women, second set for men. Each set of three columns is from same regression that replaces UNILAT dummy with dummies for exposure for 1-4, 5-8 and 9 or more years.

Table 8: Age Pattern of Effects of Unilateral Divorce on Marital Status

	Unilateral as Youth		Unilateral as Adult	
	Unilateral	Unilateral * (Age - 24)	Unilateral	Unilateral * (Age - 24)
		Females		
Married	1.496	-.133	-.782	-.005
	(.438)	(.04)	(.591)	(.025)
	[.021]	[-.002]	[-.011]	[0]
Divorced	.406	-.037	.788	.026
	(.31)	(.02)	(.246)	(.016)
	[.037]	[-.003]	[.072]	[.002]
Separated	.427	-.026	-.073	-.011
	(.091)	(.008)	(.186)	(.006)
	[.126]	[-.008]	[-.021]	[-.003]
Never Married	-2.26	.184	-.28	.025
	(.664)	(.052)	(.492)	(.032)
	[-.188]	[.015]	[-.023]	[.002]
		Males		
Married	1.745	-.17	-.851	.004
	(.592)	(.051)	(.718)	(.032)
	[.024]	[-.002]	[-.012]	[0]
Divorced	.239	-.019	.306	.037
	(.309)	(.026)	(.202)	(.013)
	[.029]	[-.002]	[.037]	[.005]
Separated	.279	-.014	.043	-.012
	(.074)	(.007)	(.124)	(.004)
	[.121]	[-.006]	[.019]	[-.005]
Never Married	-2.256	.199	.479	-.022
	(.819)	(.061)	(.646)	(.041)
	[-.136]	[.012]	[.029]	[-.001]

Note: Standard errors in parentheses; percentage impacts in square brackets. All coefficients multiplied by 100. Each set of coefficients from a separate regression that includes: race; state of residence dummies; age dummies; year dummies; age*year dummy interactions; and state-specific linear time trends. Each row reports coefficients from one regression that includes current exposure, youth exposure, and interactions of each exposure dummy with (current age - 24). First panel is for females; second for males.

Table 1: Divorce Regulations Across the States

State	No-Fault Date	Unilateral Date	State	No-Fault Date	Unilateral Date
Alabama	1971	1971	Missouri	1974	
Alaska	1935	1935	Montana	1973	1973
Arkansas	1937		Nebraska	1972	1972
Arizona	1931	1973	Nevada	1931	1967
California	1970	1970	New Hampshire	1971	1971
Colorado	1972	1972	New Jersey	1971	
Connecticut	1973	1973	New Mexico	1933	1933
District of Columbia	1966		New York	1967	
Delaware	1957	1968	North Carolina	1910	
Florida	1971	1971	North Dakota	1971	1971
Georgia	1973	1973	Ohio	1974	
Hawaii	1965	1972	Oklahoma	1953	1953
Idaho	1945	1971	Oregon	1971	1971
Illinois	1984		Pennsylvania	1980	
Indiana	1973	1973	Rhode Island	1910	1975
Iowa	1970	1970	South Carolina	1969	
Kansas	1969	1969	South Dakota	1985	1985
Kentucky	1962	1972	Tennessee	1963	
Louisiana	1916		Texas	1910	1970
Maine	1973	1973	Utah	1943	1987
Maryland	1969		Vermont	1969	
Massachusetts	1975	1975	Virginia	1960	
Michigan	1972	1972	Washington	1921	1973
Minnesota	1933	1974	West Virginia	1969	
Mississippi	1978				

Note: From author's compilation of previous research and relevant state statutes

State of New Hampshire Revised Statutes Online

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TITLE XLIII DOMESTIC RELATIONS

CHAPTER 458
ANNULMENT, DIVORCE AND SEPARATION

Causes for Divorce

Section 458:7

458:7 Absolute Divorce, Generally. – A divorce from the bonds of matrimony shall be decreed in favor of the innocent party for any of the following causes:

I. Impotency of either party.

II. Adultery of either party.

III. Extreme cruelty of either party to the other.

IV. Conviction of either party, in any state or federal district, of a crime punishable with imprisonment for more than one year and actual imprisonment under such conviction.

V. When either party has so treated the other as seriously to injure health or endanger reason.

VI. When either party has been absent 2 years together, and has not been heard of.

VII. When either party is an habitual drunkard, and has been such for 2 years together.

VIII. When either party has joined any religious sect or society which professes to believe the relation of husband and wife unlawful, and has refused to cohabit with the other for 6 months together.

IX. When either party, without sufficient cause, and without the consent of the other, has abandoned and refused, for 2 years together, to cohabit with the other.

X. [Repealed.]

XI. [Repealed.]

XII. [Repealed.]

XIII. [Repealed.]

Source. RS 148:3. CS 157:3. GS 163:3. GL 182:3. PS 175:5. PL 287:6. 1938, 4:1. RL 339:6. RSA 458:7. 1957, 67:1, eff. June 9, 1957. 1999, 198:1, eff. Jan. 1, 2000.

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LATE SPORTS

Duke whips N.C. State, stays No. 1, 10C



By Jon M. Fletcher, AP

Steve Spurrier: 5-year, $25M deal.

Redskins set to sign Spurrier

Washington nabs former Florida coach after firing Schottenheimer. 1, 5C

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Matt Lauer and Katie Couric by NBC

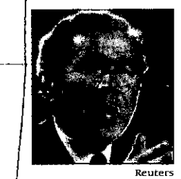
Monday, January 14, 2002

Newsline

News ■ Money ■ Sports ■ Life

Hong Kong stocks slip overnight

Japan's financial markets are closed for a holiday today; yen is 131.79 per dollar. Hong Kong's Hang Seng index is down 14 points, 0.1%, to 11,152.



Reuters

President doing well after choking on pretzel

President Bush was at the White House watching a football game on TV when he choked on a pretzel, fainted and fell off a couch. He hit his head and suffered an abrasion but is said to be doing fine. 2A.

Pilot arrested for 'inappropriate remarks'

FBI will meet with U.S. attorney today about Sunday's arrest of a US Airways pilot charged with disorderly conduct and making terrorist threats. Elwood Menear's comments raised "some security concerns," US Airways spokesman says. 3A.



By Marco Di Lauro, AP

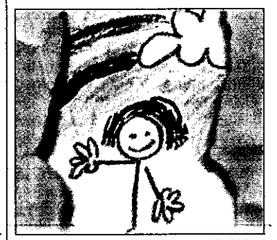
Arab-ally reforms sought in war

As new group of prisoners arrives in Cuba, U.S. forces return to Kandahar airport Sunday after secret mission, above. Meanwhile, Sen. Joe Lieberman, D-Conn., proposes shift in war on terrorism. 8A.

Optimism over India-Pakistan crisis

Bush administration is guardedly optimistic that crisis between India and Pakistan could be ending after Pakistani President Pervez Musharraf makes dra-

Kids, parents can make best of divorce



By Sam Ward, USA TODAY

Negatives overstated, in-depth study says

By Karen S. Peterson
USA TODAY

CHARLOTTESVILLE, Va. — A new, book-length study to be published this month says that the negative impact of divorce on both children and parents has been exaggerated and that only about one-fifth of youngsters experience any long-term damage after their parents break up.

One of the most comprehensive studies of divorce to date, the research will bring balm to the souls of parents who have chosen to end their marriages. It probably also will incense those who see divorce as undermining American society.

Cover story

After studying almost 1,400 families and more than 2,500 children — some of them for three decades — trailblazing researcher E. Mavis Hetherington finds that about 75% to 80% of children from divorced homes are "coping reasonably well and functioning in the normal range." Eventually they are able to adapt to their new lives.

About 70% of their parents are leading lives that range from "good enough" — the divorce was "like a speed bump in the road" — to "enhanced," living lives better than those they had before the divorce.

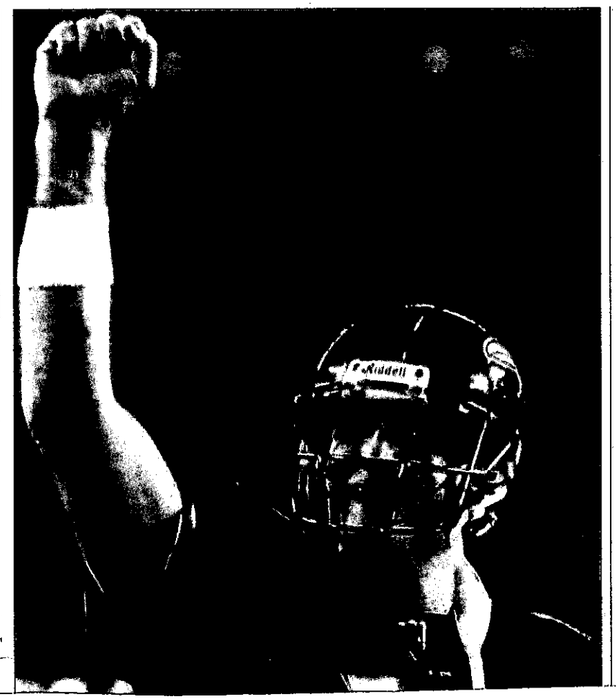
About 70% of kids in stepfamilies are "pretty happy," Hetherington says. And

Please see COVER STORY next page ►

NFL playoffs

Ravens play like champs in Miami

Elvis Grbac and the Baltimore defense shut down the Dolphins 20-3. Packers run past 49ers 25-15. Playoff pairings, analysis ■ 1, 3-5, 7C



Enron, Cabinet contacts detailed

Laws need mending, senior Democrat says

By Jim Drinkard
USA TODAY

WASHINGTON — Top Bush administration officials were in contact with executives of the failing Enron Corp. at least 14 times last year, more than the administration first reported. But a senior Senate Demo-

Though painful, divorce can be an 'opportunity' for a new, better life

Continued from 1A

40% of couples in stepfamilies were able to build "stable, reasonably satisfying marriages."

Critics will cite a laundry list of studies with contrary findings, including the work of Judith Wallerstein. She is the high-profile, controversial researcher whose dire 1989 findings that children basically never get over divorce caught the public's attention and helped spark a national debate.

Hetherington is publishing her relatively positive findings in *For Better or For Worse: Divorce Reconsidered* (Norton, $26.95), out Jan. 21. Her co-author is journalist John Kelly. The summation of her life's work is long awaited by polarized academics — and aimed at clearing up confusion among moms and dads worried about divorce.

Much of the current writing about divorce, both popular and academic, "has exaggerated its negative effects and ignored its sometimes considerable positive effects," Hetherington writes.

Ending a marriage, she says, "is an experience that for most people is challenging and painful. But it is also a window of opportunity to build a new and better life."

Cover story

The gold standard of research

Hetherington, whose research methods are regarded by her peers as the gold standard, is professor emeritus in the department of psychology at the University of Virginia. She writes:

- The vast majority of children within two years after their parents' divorce "are beginning to function reasonably well again."
- Most young adults from divorced families were "behaving the way young adults were supposed to behave, choosing careers, developing permanent relationships, ably going about the central tasks of young adulthood."
- For every young adult from a divorced family that is having social, emotional or psychological problems, four others are functioning well. Most divorced women "manage to provide the support, sensitivity and engagement their children need for normal development." Single moms "deserve a prize" for their efforts, she says. "Many of them are real heroes."
- Women tend to come out of divorce better than men, despite the financial dilemmas many experience. "A subset of our women and girls turned out to be more competent, able people than if they had stayed in unhappy family situations."



By Wayne Scarberry for USA TODAY

Hetherington: Author/researcher studied 1,400 families and 2,500 children for divorce report.

Hetherington's new book comes at a pivotal time. The divorce rate actually has dropped slightly in the 1990s, from a high of more than 50% of new marriages ending in divorce to about 43% currently. But for most experts, the numbers still are unacceptably high.

Just how much damage divorce does to kids is a real hot-button topic. Hetherington's findings contradict those of several renowned experts who say the children are at risk for a variety of difficulties, including dropping out of school, emotional problems, substance abuse, having babies out of wedlock and having their own marriages end in divorce.

Over the past decade, researchers highlighting such results have dominated the public deliberations, leading some state legislatures to debate changes in divorce laws.

Hetherington now steps in, hoping to alter the national dialogue. The country has been so caught up in believing that the long-term effects of divorce are inevitably harmful that it is almost becoming a self-fulfilling prophecy, Hetherington says.

"I think it is really important to emphasize that most do cope and go on to have a reasonably happy or sometimes very happy life," she says.

She adds a caveat. To ensure an emotionally healthy youngster, "there must be a competent, caring parent," she says.

The 75-year-old developmental psychologist — she volunteers her age — does have credentials. She invented many of the in-depth tools now commonly used to measure well-being in families, producing a nuanced look at what happens in divorce. And she has a control group of intact families for much of her work, so she can make comparisons with the normal troubles non-divorced families encounter.

That control group, the size of her sample, the length of time she has gathered data and the thoroughness of her work awe her peers. "She is the leading social scientist who studies the effects of divorce on children," says Andrew Cherlin, a sociologist at Johns Hopkins University in Baltimore. "She was the pioneer in her field, and we have all followed in her wake. She was the first serious researcher to do excellent, rigorous studies of children and families. Everyone has read her work and learned from it."

Family historian Stephanie Coontz, co-chairman of the Council on Contemporary Families, says Hetherington is "the perfectly balanced scholar. She is absolutely respected among her peers. Her advice is as good as you are going to get."

Seated in her 100-year-old home, a renovated schoolhouse overlooking the Blue Ridge mountains, Hetherington elaborates on her incendiary goal: altering the national debate. Her voice takes on a slightly sharp edge. She does not believe that divorce is all right. "I am saying it is painful," she says.

But it is also true that the disastrous results of splitting up have been exaggerated for both children and parents. A lot of people believe that "if you have gone through a divorce, you are inflicting a terminal disease on your children," she says.

Few criticize Hetherington outright. But even as many tip their hats to her, the disapproving already are lining up.

David Blankenhorn, one skeptic, is the author of *Fatherless America* and a leader of the growing "marriage movement," which seeks to reduce the number of marriages that end in divorce.

Hetherington's book will stoke "a sort of backlash," Blankenhorn says. "We have made so much progress in the last 10 years in what I would call realism about divorce. Reputable scholars have led a trend away from a kind of 'happy talk' approach to divorce. Even the title of her book says something: that we are reconsidering divorce, the fact that divorce is harmful to children." He takes issue with those like Hetherington who believe, he says, that "we shouldn't worry so much" or that "the kids will be fine."

Wallerstein, a rival doyenne of family research, is ready to do battle with Hetherington. In 1989, Wallerstein's *Second Chances* became a surprise best seller. While some academics faulted the small size of her sample (about 60 families), some of her research methods and her sweeping generalizations, the public noticed her results. Parents worried about what the children of divorce said, that while splitting up might be seen as a second chance for happiness by adults, it is not by their kids.

The problems of divorce

Wallerstein found that children of divorce lack role models for healthy marriages, have a longer adolescence as they help heal wounded parents, have less of a chance at college, greater substance-abuse problems, less competence in social relationships and often difficulty bonding in stepfamilies.

Wallerstein's follow-up in 2000, *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, continued her troubling findings. A parental split is not something that children get over, she emphasizes, and in fact the consequences follow them throughout their adult lives.

Wallerstein sees statistics in Hetherington's book as representing a glass half-empty, not half-full. Hetherington, for example, found that 40% of adults who divorce are living "good enough" lives and have the same problems they had before their divorces, though they are now with different partners.

Having the same problems is not progress, Wallerstein says, adding, "That is not a finding to go dancing about."

And while Hetherington's findings may initially seem positive, many of her comments about the children themselves could have come from Wallerstein's own writings, Wallerstein says. "She could be quoting me. She finds the two most common themes with the young men and women in divorced families involve trust and safety. She writes that the children display a reluctance to commit and an uncertainty in relationships."

Linda Waite, sociologist at the University of Chicago and co-author of *The Case for Marriage*, questions one of Hetherington's key findings, that perhaps the surest way for a child of divorce to avoid a divorce himself is to marry someone from an intact family. "Then what she is really saying is that if you are a divorced person, nobody should marry your child," Waite says.

When one goes deeper into Hetherington's wide-ranging book, some alarming findings do emerge:

- 70% of young people from divorced families see divorce as an acceptable solution, even if children are present. Marriage is forever "if things work out." Only 40% from intact families do.
- Fewer than 20% of young adult stepchildren feel close to their stepmoms. The divorce rate in remarriages is greater than those in first marriages, frequently because the stepmother is unpopular: She is often caught in the middle, expected to be nurturers of sometimes difficult and suspicious children.
- Men and boys adjust emotionally less well after a divorce in the family than women and girls. Divorced men do poorly alone and remarry quickly, while boys become challenges to the single moms they tend to live with, often losing touch with dads.

Still, most children of divorce make it through. Rather than thinking about "the inevitability of any one kind of outcome of divorce," Hetherington hopes readers think about the "diversity of outcomes. What is striking is that we go from those who are totally defeated, mired in depression and poverty, to these ebullient, happy, satisfied people making wonderful contributions to their families and society."

Hetherington's interest in family goes back in part to her father: She was raised with her folks in British Columbia, Canada. "I have always been interested in fathers. My own played such an important role in my life." All her life, she says, he has told her to "go for it."

She has — writing or editing 15 books, collecting a dozen distinguished science awards, lecturing and teaching classes. She never uses notes in a lecture. "I have something of a photographic memory," she says.

Not 'pro-divorce'

Hetherington has been married 46 years and has three grown sons and three grandchildren. Neither she nor her sons have ever been divorced.

And she would like to make one thing perfectly clear. "The last thing I want to do is sound like I am recommending divorce. I am not pro-divorce. I think people should work harder on their marriages and be better prepared when they go in and more willing to weather out the rough spots and support each other."

But divorce, she says, "is a legitimate decision. If children are in marriages with parents who are contemptuous of each other, not even with overt conflict, but just sneering and subtle putdowns that erode the partner's self-esteem, that is very bad for kids."

Problems children face

When comparing divorced families with a control group of intact families, University of Virginia professor E. Mavis Hetherington found:

- **25%** of children from divorced families have serious social, emotional or psychological problems;
- **10%** from intact families do.
- **75%-80%** of children in divorced families are able to adapt and become reasonably well adjusted;
- **20% to 25%** are troubled — depressed, impulsive, irresponsible or anti-social.
- **20%** of children in stepfamilies are troubled;
- **10%** in intact families have trouble with depression or anti-social behavior.
- **70%** of children in divorced families feel close to their biological moms;
- **80%** in intact families do.
- **70%** of young adults from divorced families say divorce is acceptable even if children are present;
- **40%** from intact families do.

Source: *For Better or For Worse: Divorce Reconsidered*

Types of ex-spouses

Twenty years after their divorces, ex-spouses fall into a number of categories, says University of Virginia divorce expert E. Mavis Hetherington:

- **Enhanced**, 20%. Mostly successful at work, socially and as parents; often in new marriages.
- **Competent loners**, 10%. More emotionally self-sustaining than enhanced ex-spouses, but otherwise look like them. Don't need lifetime companion.
- **Good enoughs**, 40%. Divorce caused tumult but didn't make lasting impression, good or bad.
- **Defeated**, 10%. Succumbed to depression, substance abuse, purposelessness.
- **Seekers or libertines**, 20%. Seekers (often insecure men) want to remarry quickly. Libertines want life in fast lane, casual sex and no rules.

STATE OF NEW HAMPSHIRE
COMMISSION ON THE STATUS OF WOMEN

TO: Rep. Patricia Dowling, Chair
House Committee on Children and Family Law

FROM: Theresa de Langis, Ph.D.
Executive Director
New Hampshire Commission on the Status of Women

RE: HB 1301, relative to grounds for divorce for persons with minor children

DATE: January 8, 2002

Good morning Chairwoman Dowling and members of the Committee.

I am the executive director to the New Hampshire Commission on the Status of Women, and I appear before you today to testify in opposition to HB 1301, eliminating no-fault divorce for those parties with minor children.

The Commission on the Status of Women is a state agency created by legislative mandate in 1969. According to RSA 19-B, it is the duty of the Commission to recommend methods of overcoming discrimination against women in public and private employment and civil and political rights. Inherent in this duty is the responsibility to represent the civil liberties of women in this state, especially as they are represented in the creation and revision of state statutes.

As we understand it, the motivation for HB 1301 is to reduce the incidence of divorce in order to ameliorate its impact on children. While the Commission sympathizes with this sentiment, we question if HB 1301 is the best means to achieve this end.

It is only within the last 150 years that U.S. women have been entitled by law to file for divorce and contest for child custody, and only since the 1960s that women have been fully able, within marriage and after divorce, to establish assets and credit independent of their husbands. The legal rights accorded to women in marriage and divorce, therefore, are of particular concern to the Commission. The institution in the 1970s of no-fault divorce meant that spouses were no longer forced to assign legal blame to end a marriage. No-fault divorce as it was written into New Hampshire law has lead to tangible benefits for women and men undergoing divorce in the state. Indeed, perhaps the greatest benefits have gone to the children caught in the necessary trauma of a parent's divorce.

*Unilateral no-fault divorce empowers and protects domestic violence victims. Researchers argue that fault requirements intimidate abused spouses from leaving an abusive relationship.[1] Indeed, a portion of the rising rate of divorce linked exclusively to no-fault proceedings (cited in earlier testimony today at 12 percent) may be attributed to this vulnerable population, empowered and protected by no-fault laws to dissolve an unhealthy and dangerous marriage.

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*No-fault divorce reduces conflict in dissolution proceedings. Eliminating the need for an adversarial posture, it helps to hasten the normalization of the post-divorce family, which has the most positive affect on children. Indeed, rather than protect children, requiring fault grounds in divorce would exacerbate the negative impact of divorce on minor children. In such contested proceedings, children can be drawn into a legal battle to provide evidence and to establish fault. Certainly, establishing fault diminishes—with legal justification--the child's attachment with the "at-fault" parent.

*No-fault divorce reduces not only the emotional, but the financial, expense of divorce. Fault laws require more aggressive litigation and therefore more legal fees. This would have the greatest impact on the average marriage woman, especially if she has spent her married life as a wife and homemaker as part of the unpaid labor force. In fault litigation, marital assets best used for post-divorce support will be depleted by costly legal fees.

Reducing the incidence of divorce and investing in healthy and resilient marriages is an important goal. Yet, according to family law expert Barbara Dafoe Whitehead, there is "no evidence that the repeal or reform of no-fault divorce will be effective as a deterrent to divorce in general." In fact, Whitehead concludes, "it would do more harm than good" by reinserting an adversarial posture into divorce proceedings.[2]

Many before me today have cited Judith Wallerstein as part of their testimony, pointing to her conclusion that adult children are irrevocably traumatized by the divorce of their parents, unable to sustain emotional commitments. I would like to offer my own research to counter Wallerstein's findings. Contance Ahrons, cited in an article in last Saturday's Union Leader, finds that the effects of divorce on children are most heavily determined by how well conflict is ameliorated between the divorcing parties. According the article, of the 173 adult children of divorce Ahron surveyed, 80 percent are "doing well," with "no signs of special trouble in their relationships and families." Rather than psychologically damaged into adulthood, Ahron found, adult children of divorced parents who worked collaboratively and cooperatively to raise the family post-divorce, were well-adjusted, productive members of society.[3]

Divorce, whether or not "fault" is established, is emotionally traumatic. Yet, for the children involved, the movement from pain to adjustment is best achieved through less contentious divorce proceedings. No-fault divorce provides that avenue.

Does no-fault divorce need reform? Yes. We have done much to address the emotional trauma of divorce—through no-fault proceedings, mediation, family divisions in the court, and child impact seminars. Yet, we have not done enough to address the financial trauma of divorce. In a groundbreaking study on the economic consequences of no-fault divorce, L. Weitzman found that divorced women and their children of all socioeconomic origins were becoming an impoverished class: Women and children suffer an average decline of 73 percent in their standard of living in the year after divorce, while men experience an average increase of 42 percent in the same period.[4]

Perhaps poverty, rather than simply divorce, is what provokes children's traumatic response to the dissolution of the family, manifested in crime, delinquency, and other adverse symptoms most often linked to divorce per se. Yet, the role of financial support in alleviating the negative impact of divorce on children is not part of HB 1301. Because interjecting fault grounds into divorce proceedings for parties with minor children will exacerbate the acrimony of the dissolving family while hindering access to divorce for the average woman, the New Hampshire Commission on the Status of Women opposes HB 1301.

[1] Barbara Dafoe Whitehead. "End No-Fault Divorce?" First Things 75 (August/September 1997): 24-30.

[2] Barbara Dafoe Whitehead. "End No-Fault Divorce?" First Things 75 (August/September 1997): 24-30.

[3] H.J. Cummings. "The Good Divorce: Follow-up of kids whose parents split 20 years ago reveals that most no longer wish their parents had stayed together." The Union Leader. Saturday, January 5, 2002. B-1.

[4] L. Wietzman. The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America (1985). See also Ann Crittenden, The Price of Motherhood (2001), page 147, for supporting figures.

Rep Richardson - Please Insert in HB1301 file.

SUPPORTING EVIDENCE FOR PASSAGE OF HB1301 (grounds for divorce For parents of minor children)

Psychological Changes in the Children of Divorce

Anti-social Behaviour and Crime

Research on antisocial behavior consistently illustrates that adolescents in mother-only households, and in conflict-ridden families, are far more delinquent.43 By age fifteen, regardless of when the divorce took place, the probability of a child's delinquency is significantly greater among children of divorced parents, than non-divorced partents.44 One 1985 study tracked one thousand families with children aged six to eighteen for six years and found that those children living in intact married families exhibited the least delinquency, while children with stepfathers had the greatest risk of the most disruptive behavior. (Single-parent children fell in between.)45

Girls are not immune to these effects, and among adolescent young women there is a strong correlation between family structure, delinquency,46 hostile behavior,47 drug use, larceny, skipping school,48 and alcohol abuse.49

At the city, national and international levels of comparison, rates of divorce are repeatedly linked to high rates of crime. In a study of 171 American cities with populations over 100,000, Robert Sampson, Professor of Sociology at the University of Chicago, found that the divorce rate has the strongest correlation with rates of robbery, regardless of the economic and the racial composition of the city. In these communities, the lower the divorce rates the higher the formal and informal social controls, and the less the crime.50 In Australia the same holds for delinquency rates among offspring of

43 David H. Demo and Alan C. Acock, "The Impact of Divorce on ChildrenJournal of Marriage and the Family, Vol. 50 (1988), pp. 619-648

44 Abbie K. Frost and Bilge Pakiz, "The Effects of Marital Disruption on Adolescents: Time as a Dynamic," American Journal of Orthopsychiatry, Vol.60 (1990), pp. 544-555

45 Annette U. Rickel and Thomas S. Langer, "Short-term and Long-term Effects of Marital Disruption on Children." American Journal of Community Psychology, Vol. 13, (1985), pp. 599-661

46 : Karen Heimer, "Gender, Interaction, and Delinquency: Testing a Theory of Differential Social Control.," Social Psychology Quarterly, Vol. 59 (1996), pp. 39-61

47Bilge Pakiz, Helen Z. Reinherz, and Rose M. Giaconia, "Early Risk Factors for Serious Antisocial Behavior at Age 21: A Longitudinal Community Study," American Journal of Orthopsychiatry, Vol. 67 (1997), pp. 92-100.

48 Neil Kalter, B. Reimer, A. Brickman and J.W. Chen, "Implications of parental divorce for female development. "Journal of the American Academy of Child Psychiatry, Vol. 254, pp. 538-544

49 Abbie K. Frost and Bilge Pakiz, "The Effects of Marital Disruption on Adolescents: Time as a Dynamic," American Journal of Orthopsychiatry, vol. 60 (1990), pp. 544-555

50 Robert J Sampson, "Crime in cities: The effects of formal and informal social control." In M. Tonry and N, Morris eds.,, Crime and Justice Chicago, IL: University of Chicago Press, pp. 271-301

divorced parents.51 Professor David P. Farrington, professor of criminology at Cambridge University in a British longitudinal study of males aged eight to thirty two found that the divorce of parents before age children are aged ten was one of the six major predictors of adolescent delinquency or adult criminality.52 Others have found that these differences between children of divorced and intact families can be as much as six times.53

Increased Use of Drugs and Alcohol

Family factors, such as parental conflict, and parental rejection play a part in who uses drugs and who abuses alcohol, but so too does divorce. If the parent's divorce takes place during the child's adolescence then drug and alcohol abuse are much more likely, than for children whose parents divorced in their early childhood, and even more so again when compared to children of intact married families.54

Behavioral, Emotional and Psychiatric Risks

For children of divorce, contact with their father is very important in maintaining their self confidence after the divorce of their parents, especially for pre-adolescent children (aged 9-12),55 because attachment to their mother alone does not suffice to maintain their self confidence.56

Immediately upon the breakup of their families children experience a wide range of reactions including fear, sadness and yearning, worry, rejection, conflicting loyalties, and anger.57 Children of parents who divorce when they are less than five years of age are particularly vulnerable to these emotional conflicts.58 In these younger children, clinging to parents and what psychiatrists call 'regressive' reactions like bedwetting are frequent, while older children may withdraw from the home and seek relationships elsewhere.59

51 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs, To Have and To Hold (Canberra, Australia, Parliament of Australia: 1998) p., 36, (reporting on Demo and Acock 1991; Wadsworth 1984; Elliot and Richards 1991; Dornbush, Carlsmith and Bushwall 1985; Steinberg 1987; Farrington 1978)

52 D. P Farrington, "Implications of criminal career research for the prevention of offending." Journal of Adolescence, Vol. 13, (1990), pp. 93-113

53 David B. Larson, JamesP. Swyers, and Susan S. Larson, The Costly Consequences of Divorce, Rockville, MD: National Institute for Healthcare Research, 1995), p. 123

54 William J. Doherty and R.H.Needle, "Psychological adjustment and substance use among adolescents before and after a parental divorce," Child Development, Vol. 62, (1991), pp. 328-337.

55 Divorce and Children Margaret F. Brinig George Mason University School of Law... forthcoming in Doug Allen ..get permisison to use

Boys More Affected Than Girls

Whereas divorce earlier in life leads girls to become more anxious in social situations, boys more frequently show a generalized form of hostility and aggression,60 --- up to six times more than their peers of intact families.61 Divorce also leads to leads to higher rates of psychological distress,62 including lower self confidence, heightened anxiety and loneliness, more depressed moods, more suicidal thoughts and even attempts at suicide.63 A major national study conducted by faculty from Kent State University, Ohio, on the effects of divorce found that compared to children from intact families children of divorced parents did more poorly when rated by both parents and teachers on peer relationships, hostility towards adults, anxiety, withdrawal, inattention, and aggression.64

Judith Wallerstein is the clinical psychologist from San Francisco who was the first to disturb the Baby Boom generation with her well-reported research of the effects of divorce on children from affluent families in Marin County. Her fifteen year follow-up study of children of divorce chronicled the ill effects present at five, ten and fifteen years after the divorce. And while eighty percent of the divorced mothers and fifty percent of the divorced fathers reported feeling positive about the divorce 15 years after the dissolution, only one in ten of their children felt the same way.65

In general the effects on boys and girls are different, and are greater for boys than for girls. Boys are more likely to react with more hostile trouble making, though many will suffer from "somatic complaints" (bodily pain with psychological causes) or to be identified as "depressed," or "withdrawn."66 On the other hand girls tend to become more demanding of attention and closeness: clinging to adult females, and seeking praise and attention from adult men.67 The effects last: six years after divorce, boys who lived with their mothers still showed more hostile and less accepted by their peers than boys from intact families.68

Conflict Stress

Paul Amato, professor of sociology at the University of Nebraska, former president of the National Council on Family Relations and his colleague Alan Booth, professor of sociology at Penn State University, are directors of a major longitudinal "Study of Marital Instability Over the Life Course", funded by the federal

60 R. Holroyd and A. Sheppard, "Parental separation: effect on children; implications services," Child Care, Health, and Development Vol.23 (1997), pp. 369-378.

61 Michael Fendrich, Virginia Warner, and Myrna M. Weissman, "Family Risk Factors, Parental Depression, and Psychopathology in Offspring," Developmental Psychology, Vol.26 (1990), pp. 40-50.

62 Peter Hill, "Recent Advances in Selected Aspects of Adolescent Development," Journal of Child Psychology and Psychiatry, Vol.34 (1993), pp. 69-99.

63 Nadia Garnefski and Rene F. W. Diekstra, "Adolescents from one parent, stepparent and intact families: emotional problems and suicide attempts," Journal of Adolescence Vol.20 (1997): 2-1-208.

64 John Guidubaldi, Jooseph D. Perry and Bonnie K. Nastasi, "Growing up in a divorced family: Initial and long term perspectives on children's adjustment," Applied Social Psychology Annual, Vol. 7, (1987), pp. 202-237

65 Judith S. Wallerstein, and Sandra Blakeslee, Second Chances: Men, Women, and Children a Decade After Divorce (New York, NY: Ticknor and Fields, 1989), p. TK

66 Thomas M. Achenbach et al., "Six-Year Predictors of Problems in a National Sample of Children and Youth: I. Cross-Informant Syndromes", Journal of the American Academy of Child and Adolescent Psychiatry, Vol. 34 (1995): 336-346

67 Divorce and Children Margaret F. Brinig George Mason University School of Law... forthcoming in Doug Allen ..get permisison to use...Hetherington et al . . ..(Scott and Scott, 1995, 2444

68 Divorce and Children Margaret F. Brinig George Mason University School of Law... forthcoming in Doug Allen ..get permisison to use...Hetherington et al.

National Institute on Aging.69 Amato and Booth found that psychological distress and a drop in self-esteem are stronger for sons than for daughters.70 While pre-divorce conflict accounts in part for these problems,71 when custody disputes over young children is intense and hostile during the divorce these effects on the children are more severe and more prolonged.72

There is a difference in the effects of high and low conflict marriages that end in divorce. The divorce of parents whose marital conflict was low before the divorce has worse long term effects on their children than does the divorce of parents who had high levels of hostility towards each other prior to the divorce. The children of low conflict marriages which end in divorce are particularly unhappy as adults.73

Depression and relationships

Judith Wallerstein's study shows that when divorce occurs in mid childhood, (when children are between six and eight), a large portion of children have persistent feelings of sadness, and of a need for constant reassurance about their performance in many life tasks. Anxieties about relationships with the opposite sex, anxieties about marriage and about personal commitments later in life run very high, particularly during their late high school years. These young adults are most acutely concerned about betrayal in romantic relationships, both present and future, and are concerned about being hurt or abandoned by their fiancée or spouse.74 Other studies have found the same pattern of 'attachment insecurities' and low self-esteem among college students.75 For instance a major national survey of 20,000 adolescents found that on measures of satisfaction with life such as happiness, sense of personal control, trust, and friendship adolescent offspring of divorced parents did worse than peers raised in intact families, even after accounting for the effects of reduced income.76

If divorce occurs when the children are teenagers (12 -15 of age) they tend to react in one of two very different ways: with an attempt to avoid growing up or with an attempt to "speed through" adolescence.77 Other disturbing outcomes for teenagers include increased aggression, loss of self confidence,78 and particularly a sense of loneliness.79 Early sexual activity, substance abuse or dependence, hostile behavior

and depression, are all more likely, especially if the parents divorced prior to age 5, slightly less so if after age 10, and seemingly least of all during the 5-10 year old phase, that phase sometimes called "the latency phase" by psychologists.80

69 This is an important survey and from it derive many findings and journal articles quoted in this paper.

70 Paul R. Amato and Alan Booth, A Generation at Risk, (Cambridge, MA: Harvard University Press, 1997), p. 199

71 Andrew Cherlin, Frank Furstenberg, P. Lindsay Chase, Kathleen Kierna, Donna Ruane Morrison and Julien Teitler, "Longitudinal studies of effects of divorce on children in Great Britain and the United States." Science, Vol. 252, (1991), pp. 1386-1389

72 Janet R. Johnston, et al., "Ongoing Postdivorce Conflict and Child Disturbance," Journal of Abnormal Child Psychology, Vol. 15 (1987): 493-509.

73 Paul R. Amato and Alan Booth, A Generation at Risk, (Cambridge, MA: Harvard University Press, 1997), p. 201

74 Judith S. Wallerstein, "Children of Divorce: Report of a Ten-Year Follow-Up of Early Latency-Age Children," American Journal of Orthopsychiatry, Vol. 57, No. 2 (April 1987), pp. 199-211

75 Julie J. Evans and Bernard L. Bloom, "Effects of Parental Divorce Among College Undergraduates," Journal of Divorce and Remarriage, Vol. 26,(1997), pp. 69-88.

76 Allan C. Acock and K. Hill Kiecolt, "Is It Family Structure or Socioeconomic Status? Family Structure During Adolescence and Adult Adjustment," Social Forces Vol. 68 (1989), pp. 553-571.

77 Murray M. Kappelman, "The Impact of Divorce on Adolescents," American Family Physician, Vol.35, (1987), pp. 200-206

78 Michael Workman and John Beer, "Aggression, Alcohol Dependency, and Self-consciousness Among High School Students of Divorced and Non-divorced Parents," Psychological Reports. Vol. 71 (1992), pp. 279-286.

79 Randy M. Page, "Adolescent Loneliness: A Priority for School Health Education," Health Education Quarterly Vol. 15 (1988): pp. 20-23.

Serious Mental Health Problems

The National Surveys of Children, a major longitudinal study done in three waves in the 1980s found that divorce was associated with a higher incidence of several mental health problems including depression, withdrawal from friends and family, and aggressive, or impulsive or hyperactive behavior, and either withdrawing from participation in the classroom or being disruptive at school.81

Though suicide is not likely for most children of divorce, nonetheless divorce does lead to a heightened risk of suicide. Much of the increase in adolescent suicide in the past three decades has been repeatedly linked to the increase in the divorce of parents.82 This is frequently precipitated by the child's thoughts that his parents reject him,83 or have lost interest in him.84 In social science studies which preceded the 'divorce revolution' the biggest correlate of suicide had been unemployment, but that has changed. The work of Professor Patricia McCall of the Department of Sociology of North Carolina State University shows that the largest demographic indicator is the family

structure within which the person resides: intact family, divorced family, step family, always single family, or cohabiting family. The divorced family structure is most dangerous.85 Cross-cultural studies of Japan and the United States yield a similar disturbing correlation: High suicide and homicide rates were most strongly associated with divorce rates.86

With findings that have been confirmed in other studies87 the British National Longitudinal Study, which has continuously tracked a national sample of children born in 1958, has shown that divorce is associated with a substantial thirty nine percent increase in the risk of psychopathology.88 U.S and German research yields similar findings.89

80 David M. Fergusson, John Horwood, and Michael T. Lynsky, "Parental Separation, Adolescent Psychopathology, and Problem Behaviors, "Journal of the American Academy of Child and Adolescent Psychiatry, Vol. 33 (1994), pp. 1122-1131.

81 David Popenoe, Life Without Father, (New York, NY: The Free Press, 1996), p. 62.

82David B. Larson, JamesP. Swyers, and Susan S. Larson. The Costly Consequences of Divorce, (Rockville, MD: National Institute for Healthcare Research, 1995), p. 124; and: Carmen Noevi Velez and Patricia Cohen, "Suicidal Behavior and Ideation in a Community Sample of Children: Maternal and Youth Reports," Journal of the American Academy of Child and Adolescent Psychiatry, Vol. 27:3 (1988): 349-356; and Franklyn L. Nelson, et al., "Youth Suicide in California: A Comparative Study of Perceived Causes and Interventions," Community Mental Health Journal Vol. 24 (Spring 1988): 31-42

83David B. Larson, JamesP. Swyers, and Susan S. Larson, The Costly Consequences of Divorce, (Rockville, MD: National Institute for Healthcare Research, 1995), p.126

84 John S. Wodarski and Pamela Harris, "Adolescent Suicide: A Review of Influences and the Means for Prevention," Social Work, Vol. 32, No. 6 (1987), pp. 477-484

85 Patricia L. McCall and Kenneth C. Land, "Trends in White Male Adolescent, Young-Adult, and Elderly Suicide: Are There Common Underlying Structural Factors?" Social Science Research, Vol. 23 (1994), pp. 57-81

86 David Lester and Kazuhiko Abe, "The Regional Variation of Divorce Rates in Japan and the United States," Journal of Divorce and Remarriage, Vol. 18, (1993), pp. 227-230

87 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs, To Have and To Hold (Canberra, Australia, Parliament of Australia: 1998) p., 35, reporting on Wadsworth 1984; and Kuh and Maclean, 1990

88 P. Lindsay Chase-Lansdale, Andrew J. Cherlin, and Kathleen E. Kiernan, "The Long-Term Effects of Parental Divorce on the Mental Health of Young Adults: A Developmental Perspective," Child Development Vol.66 (1995): 1614-1634

89 : Hans-Christoph Steirthausen, et al., "Family Composition and Child Psychiatric Disorders," Journal of the American Academy of Child and Adolescent Psychiatry, Vol.26, (1987), pp. 242-246.

These effects can last

A team of eminent family researchers from the University of Chicago, Johns Hopkins University and The London School of Economics in a large survey (10,353 young men and women monitored from ages seven to twenty three), found a strong statistical link between parental divorce during the middle and late childhood years (ages seven through sixteen) and significantly lower mental health as young adults.90 A large Finnish study has similar findings, showing at age twenty two, much more loss of jobs, and more conflict with bosses for the young men, more conflicts in romantic relations, more separation and divorce, and more abortions.91 Another large sample (over 14,000), this time from Sweden, confirms yet again, the negative mental health effects of parental divorce, no matter what the socioeconomic status of the family.92

Unlike the adult experience, the child's suffering does not reach its peak at the breakup and then level off. The effect of the parents' divorce is played and replayed throughout the first three decades of the children's lives.93 For instance, studies were done on a cohort of children whose parents divorced in 1946. They were tested twenty one years, twenty six years, thirty one years and thirty six years after the divorce of their parents. The findings provide robust evidence that the childhood experience of the divorce of parents can have adverse effects on health, behavior and economic well being even thirty years later.94 That the effects of divorce become more pronounced by the time children reach their mid thirties has been confirmed by other noted scholars.95

Increased Health Risk

Divorce affects not only the emotional and mental life of the child, it also affects his physical health. One study found that mortality was reduced by an average of four years for those whose parents divorced before age twenty one.96 Following the divorce of parents, mortality rates for their children increase, especially for children whose parents divorce before the fourth birthday of the child.97 Other childhood health effects include a doubling of risk of asthma, and a significant increase in injury rates.98 Swedish

90 P. Lindsay Chase-Lansdale, Andrew J. Cherlin, and Kathleen E. Kiernan, "The Long-Term Effects of Parental Divorce on the Mental Health of Young Adults: A Developmental Perspective," Child Development Vol.66 (1995): 1614-1634

91 Hillevi M. Aro and Ulla K. Palosaari, "Parental Divorce, Adolescence, and Transition to Young Adulthood: A Follow-up Study," American Journal of Orthopsychiatry Vol.63 (1992), pp. 421-429.

92 David Popenoe, p. 58, reporting on the findings of Duncan W.T.G. Timms, "Family Structure in Childhood and Mental Health in Adolescence," Research Report, Project Metropolitan. Stockholm, Sweden: Department of Sociology, University of Stockholm, p.93.

93 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs, To Have and To Hold, (Canberra, Australia, Parliament of Australia: 1998) p. 39.

94 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs. To Have and To Hold, (Canberra, Australia, Parliament of Australia: 1998) p., 35.
95 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs, To Have and To Hold, (Canberra, Australia, Parliament of Australia: 1998) p. 41.
96 Joseph E. Schwartz et al., "Sociodemographic and Psychosocial Factors in Childhood as Predictors of Adult Mortality, "American Journal of Public Health, Vol. 85 (1995), pp. 1237-1245.
97 Gopal K. Singh and Stella M. Yu, "U.S. Childhood Mortality, 1950 through 1993: Trends and Socioeconomic Differentials," American Journal of Public Health, Vol.86 (1996), pp. 505-512.
98 Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Legal and Constitutional Affairs, To Have and To Hold, (Canberra, Australia, Parliament of Australia: 1998) p. 35.

researchers have found that even in early adulthood, after controlling for other family and social background, these differences in health risk are still apparent, including increased mortality rates and small increases in rates of hospitalization.99

Destructive Styles of Handling Conflict

The difference between marriages that stay intact and those that end in divorce primarily lies in the couple's ability to handle marital conflict. One sad consequence of the inability of parents to handle such conflict is that their children acquire the same inability.
For instance, college students who come from divorced families use violence to resolve conflict much more than students from intact families, and more frequently they are aggressive and physically violent with their boyfriends or girlfriends.100 Later on in life, compared to children of intact marriages in similar situations, when children of divorce are unhappy in their marriages, they more likely to escalate the conflict, to reduce communication with their spouse, to argue frequently, to shout when arguing, and to physically assault when arguing.101 All of these ways of handling conflict lead to a deterioration of their marriage, and to further increased levels of unhappiness.
Researchers have found that if parental conflict is really intense or violent, children fof such parents do better if the parents divorce rather than stay together; but if the parents' conflict is not violent or intense children of such marriages fare better in their own marriages if their parents stay married, than do children of such marriages where the parents divorce.102 Obviously for all the best solution is for parents to learn how to handle conflict, to learn to cooperate with each other and thus avoid divorce.

Diminished Social Competence

For adolescents the ability to get along with peers is a significant social skill and lays the foundation for much adult happiness. The marital conflict that accompanies parents' divorce places this competence at risk.

Less affection, less responsiveness and more punitiveness towards their children frequently accompany the conflict between divorcing or divorced parents. This leaves

99 Family in America Digital Archive, (Rockford IL: The Rockford Institute, 1996) p. 854. (Reporting on Anders Romelsjö et al., 1992)
100 Robert E. Billingham and Nicole L. Notebaert, "Divorce and Dating Violence Revisited: Multivariate Analyses Using Straus's Conflict Tactics Subscores," Psychological Reports, Vol. 73 (1993): 679-684.
101 Pamela S. Webster, Terri L. Orbuch, and James S. House, "Effects of Childhood Family Background on Adult Marital Quality and Perceived Stability," American Journal of Sociology, Vol. 101, (1995) pp. 404-432.
102 Paul R. Amato and Alan Booth, A Generation at Risk, (Cambridge MA, Harvard University Press, 1997) p. 115.

the children feeling emotionally insecure,103 and these children are more likely to believe that their social environment is unpredictable and uncontrollable.104 As a result adolescents of divorced parents are twice as likely to be concerned about peer rejection,105 have fewer childhood friends, and complain more about the lack of support they received from those friends they do have.106 A University of Michigan study shows that daughters of divorced parents had significantly greater difficulty in having and keeping friends and were more frequently depressed when at college.107 And the worst troublemaker in school, the child who engages in fighting and stealing, is far more likely to come from a broken home than the child who is engaged in minor trouble or is well-behaved.108

Diminished Religious Practice

Religious practice and especially religious worship strengthens family life. It also has, according to repeated research findgs, a positive impact on general and emotional and physical health. Because of the beneficial effects of the practice of regular worship of God on family life, religion is a matter of serious social concern.109

Religious practice is more likely if children are raised in happily married biological parent families and is less likely in divorced and stepfamilies.110 A team of sociologists at Nassau Community College in New York developed a profile of former believers who had stopped practicing their religious beliefs, and found that children of divorce were more likely than those of intact families to stop worshipping God.111 Also children in step families attend religious worship less, while for children raised by intact, happily married parents levels of worship are higher.112

Data from the National Longitudinal Survey of Adolescent Health illustrates the impact of a father worship on the teenage virginity of his children. Also the combined effects of the child's own worship, the mother's worship and the father's worship on teen sexual activity is even stronger.

103 Paul R. Amato and Alan Booth, A Generation at Risk, (Cambridge MA, Harvard University Press, 1997), p. 137, (reviewing the findings of Davies and Cummings, 1994).
104 Paul R. Amato and Alan Booth, A Generation at Risk, (Cambridge MA, Harvard University Press, 1997), p. 137.
105 Dorothy Tysse Breen and Margaret Crosbie-Burnett, "Moral Dilemmas of Early Adolescents of Divorced and Intact Families: A Qualitative and Quantitative Analysis," Journal of Early Adolescence, Vol 13, (1993), pp. 168-182.
106 Sylvie Drapeau and Camil Bouchard, "Support Networks and Adjustment Among 6 to 16-Year-Olds from Maritally Disrupted and Intact Families," Journal of Divorce and Remarriage, Vol. 19 (1993), pp. 75-94.
107 Kristen M. McCabe, "Sex Differences in the Long-Term Effects of Divorce on Children: Depression and Heterosexual Relationship Difficulties in the Young Adult Years," Journal of Divorce and Remarriage Vol. 27 (1997): 123-134.
108 Rex Forehand, "Family Characteristics of Adolescents Who Display Overt and Covert Behavior Problems, "Journal of Behavior Therapy and Experimental Psychiatry, Vol. 18 (1987). pp. 325-328.
109 Patrick F. Fagan, "Why Religion Matters: The Impact of Religious Practice on Social Stability", Heritage Foundation, Backgrounder No. 1064, January 25, 1996.
110 Scott M. Myers, "An Interactive Model of Religiosity Inheritance: The Importance of Family Context," American Sociological Review, Vol.61 (1996), pp. 858-866
111 William Feigelman, Bernard S. Gorman, and Joseph A. Varacalli, "Americans Who Give Up Religion," Sociology and Social Research, Vol.76 (1992), pp. 138-143.
112 Scott M. Myers, "An Interactive Model of Religiosity Inheritance: The Importance of Family Context", American Sociological Review, Vol. 61, (1996) pp. 858-866.

Submitted by
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FILE

HB 1301 - AN ACT Relative to grounds for divorce for persons with minor children
Children and Family Law Committee Hearing - January 8, 2002
Testimony of Graham Chynoweth*

I am an attorney in Concord. For many years I have represented individuals going through a divorce. For identification purposes only, I tell you I am a former Chair of the NH Bar's Family Law Section.

The NH law which you are today being asked to amend (RSA 458:7-a) was introduced as a bill in the NH Senate in 1971. The Senate Judiciary Committee held a hearing, with only the sponsor (Senator Richard Leonard) testifying, on June 4, 1971. The sponsor's testimony included remarks that it was a new concept, much like the California law, (passed in 1970) and that he didn't think the public was "quite ready for it". On June 8 the Committee reported OTP. On June 15 the bill was heard in the House Judiciary Committee. The Committee's records show the sponsor remarked that "The bill (would) probably make divorce more difficult in that the parties would have to prove they can't get along. Half of our divorces are probably fraudulent". The then President of the Bar Association (Frederick Upton) testified "The bill wold work profound sociological and legal changes. It should be referred to the judicial council". The present statute was then passed by the House and Senate and signed into law by then Governor Peterson on June 30, 1971 - 22 days after the first Senate Committee hearing.

The Bar Association President was right in that profound changes have occurred because of the law and the 1971 sponsor was wrong that "no-fault", not-possible-to-contest-divorces would make divorce more difficult.

The national divorce rate skyrocketed after the spate of states joined the California experiment. Today New Hampshire's divorce rate is 20% higher that the national rate and, in the most recent years, increasing when national rates are declining. In some counties in New Hampshire there are 7 divorces for every 10 marriages (the state rate is 6 divorces for every 10 marriages). Each year in NH there are 3000, or more, uncontested divorces, involving 5000, or more, children. An MIT study calculates that about 12% of no-fault divorces would not have happened except for the ease of the no fault divorce process - meaning over the years since 1971 thousands of divorces have been facilitated into happening and many unnecessary thousands of children are from divorce homes because of the present law. Others have told you of the long-term negative effects of divorce on children. I have for the Committee "The Top Ten Myths of Divorce" from the website of 'The National Marriage Project" - a foundation supported effort of the State University of New Jersey (Rutgers). In relation to today's hearing I commend the information in the false Myths numbers 4 and 7.

Its not difficult to get a divorce in New Hampshire. It is easier to get a divorce than to discharge an employee for cause, get out of a car lease or not pay on your credit card. One spouse declares the marriage to be over and it is. Children have no say at all. The law rebutably presumes a 50/50 split of assets and debts and unless custody or visitation is contested, the marriage is over.

I urge you today to recommend this bill as OTP. If you believe in protecting children, promoting the institution of marriage and generally increasing the stability of society through the presence of a greater number of intact families I believe you will do so.

Thank you

*I am a resident of Canterbury. My mailing address is 188 North Main Street. Concord, NH 03301. My day telephone is 225 9900.

Children's Alliance
of New Hampshire
RAISING OUR VOICES FOR CHILDREN

FILE

Testimony of Ellen Shemitz, President
Children's Alliance of New Hampshire
Regarding HB 1301-- Relative to Grounds for Divorce for Persons with Minor Children

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Mary Jane Wallner
John Weeks, Jr.

President
Ellen Shemitz

Good morning. My name is Ellen Shemitz and I am President of the Children's Alliance of New Hampshire and I am an attorney with many years of experience in family law.

I am here today in opposition to HB 1301-- a bill that would make no fault divorces unavailable to all couples with minor children.

This bill has been proposed as a child friendly. In fact, it is just the opposite. By making divorces harder to obtain, by making litigation more protracted and more acrimonious, and by making a judge find one parent the party at fault, this bill will decrease the likelihood that parents will be able to shield their children from parental conflict and will decrease the likelihood that parent will be able to co-parent effectively post divorce.

The bill tries to present itself as a way to reduce the number of divorces in the state. But there is no research that supports the idea that making divorce more difficult will result in a drop in the divorce rate; in fact, we are just a likely to see an increase in acrimonious divorces.

The research cited which links the rise in the divorce rate with the availability of no fault divorces is a classic case of correlation without causality. The fact that the divorce rate has risen over the past 40 years may be explained by any number of factors, all apart from the grounds for divorce. Major social movements such as the feminist movement, the rise in understanding of and supports for women subjected to domestic violence, the increased need for two parent working families to obtain a livable wage-- all of these have occurred over the past 40 years and are as likely linked to the rise in the divorce rate. Eliminating no fault divorce would not change this underlying social context.

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And so, what we are faced with is not a choice between more or less divorce, but rather a choice between more or less acrimonious divorce. And here the research is solid. We know that if indeed divorce becomes more acrimonious, children will be harmed. We know that fault based divorces lead to higher conflict litigation. And we know that higher litigation is negatively correlated to positive outcomes for children.

In fact, research cited in materials provided to us by a proponent of the bill, Attorney Chynewith, states that: "children in very high conflict homes . . . *benefit* from the conflict removal divorce may bring"

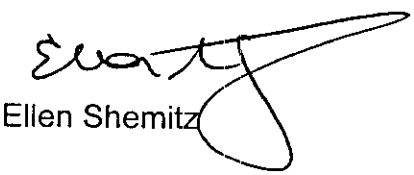
In preparing for this hearing, I contacted Dr. Peggie Ward, the codirector and founder of the Co-Parenting Assessment Center and a Senior Clinician at the Children and the Law Program at Massachusetts General Hospital (resume attached). Dr. Ward was clear in her opposition to the bill, which she explained as follows: "If we make it harder for people, who have decided to go down the path to divorce, to get a divorce several things will happen. There will likely be more litigation - we know that increased litigation tends to, in hi-conflict families, make matters in the home far worse for children. We know these parents do not keep the divorce away from their children. We know that the more children are pulled in as an ally of one parent, the more emotionally distressing it is for that child and the family. We know that the single largest predictor of a child having significant problems with adjustment after divorce is the level of conflict between the adults."

Dr. Ward concluded: "This Bill cannot reduce parental conflict. This Bill would, however, by forcing the legal system to have one party be the "bad guy" i.e. at fault, increase the level of acrimony already in existence in the family. As the level of acrimony increases, the children are pulled into the conflict (either wittingly or unwittingly by the parents). As children face higher conflict - they will have more and significantly longer lasting problems. We know this to be true from 20 years of research. This Bill, while well intentioned, is a recipe for disaster."

As president of the Children's Alliance, an independent, nonpartisan group devoted to giving a voice to children in this state, I would urge the committee to reject this recipe for disaster. It has laudable goal of reducing conflict in families. But it will likely have opposite result, creating instead divorced families with significant obstacles to successful co-parenting. And in creating this situation, one party will pay the highest price-- and that party is the children.

Thank you for your consideration of this testimony.

Very truly yours,



Ellen Shemitz

Curriculum Vitae

Margaret Anne Ward, Ph.D.

Clinical Psychologist
New Hampshire State Certificate 282
Massachusetts State License 2771

Date of Birth: 28 April, 1944
Place of Birth: New York, New York

Mailing Address: 99 East Central Street
Natick, MA 01760

Academic History:

1980	The University of South Dakota Vermillion, South Dakota Doctorate: Clinical Psychology (child and adult)
1976	California State University at Los Angeles Los Angeles, California Master of Arts: Clinical Psychology
1966	Connecticut College for Women New London, Connecticut Bachelor of Arts: Political Science

Clinical Experience:

2001 – present Private Practice, 99 East Central Street, Natick, MA 01760
2000 - present Co-Parenting Assessment Center, Natick MA 01760

Co-Director and Founder. An intensive, specialty clinic with a team approach to systems assessment, recommendations and interventions for families (parents, grandparents, guardians) going through the transition of separation and divorce.

1998 – present Children & the Law Program, Massachusetts General Hospital
Boston, Massachusetts (September 1998)

Senior Clinician, teaching and training to post doctoral students, forensic evaluations Including Guardian ad Litem services.

1987-Present Eating Disorder Awareness and Prevention Committee,
Chairperson, State of New Hampshire (September 1987)

Coordinate all activities in the state with regard to issues of eating disorders including generating a resource directory, coordinating and presenting conferences and aiding schools and community organizations to more effectively cope with early detection, diagnosis and treatment planning for persons with eating disorders

1996-present Southern New Hampshire Regional Medical Foundation
Nashua, New Hampshire (February 1996)

Director, Slatoff & Ward Psychological, Member of Board of Governors
Southern New Hampshire Regional Medical Center, Member of Regional

Behavioral Health Integration Committee with Lahey-Hitchcock Clinic, Administrator Of Clinical Practice including budgets, hiring, contracting and clinical direction. Clinical Psychology practice including individual, family and group therapy to children, adolescents and adults.

1995-present Certified Guardian ad Litem
Superior Court System, State of New Hampshire (September 1995)

Evaluate children and families going through the divorce process as an aide to the Court system to make recommendations in the best interests of children and families

1990-present Trained Divorce Mediatior (September 1990) New Hampshire State Training Advanced Training in Divorce and Post Divorce Mediation (February 1996)

Work with divorcing or post divorced parents, and significant others (if appropriate) to dtermine the best interests of the children involved in custody or visitation situations over a developmental time period.

1984-1996 Slatoff & Ward Psychological Professional Association
Nashua, New Hampshire (September 1984 – February 1996)

President and Clinical Psychologist: Provide out-patient individual, family and group psychotherapy to adults, adolescents, children and families, supervise all new therapists to the practice, coordinate and direct all marketing efforts, administrate the overall financial operations of the practice.

1983-1985 Early Intervention Program
Nashua Memorial Hospital, Nashua, New Hampshire (September 1983 – June 1985)

Consultant: Provide evaluation of children with developmental delays ages 0-3; consultation to program staff and to families

1980-1984 Children's Hospital Medical Center
Boston, Massachusetts (September 1980 – July 1984)

Director of In-Patient Testing and Consultant to primary care clinic (CCHP) Provide testing supervision to pre-doctoral interns, evaluation of families and consultation to physicians

1980-1982 Tufts New England Medical Center (September 1980 – June 1982)
Family Crisis Program
Boston, Massachusetts

Staff Psychologist: Provide diagnostic evaluations, psychological testing and short-term treatment to families and children referred for possible sexual abuse

1979-1980 Children's Hospital Medical Center September 1979 – June 1980)
Boston, Massachusetts

Pre-Doctoral Intern: Provided assessment and treatment to children and families, worked with the sexual abuse team and the family evaluation clinic

1977-1979 Siouxland Hospital Medical Center (September 1977 – June 1979)
Sioux City, Iowa

Staff Psychologist: Provide adult, child and family assessment and treatment
Consultant: Department of Public Welfare

1977-1979 Gordon Chemical Dependency Center (September 1977 – June 1979)
Sioux City, Iowa
Consultant: Provide assessment of and treatment to adolescents and families with issues of drug or alcohol dependency

1976-1977 University of South Dakota (September 1976 – June 1977)
Vermillion, South Dakota

Instructor: Personality Theory, Department of Psychology
Research Assistant: Division of Allied Health and Indian Affairs

1974-1976 California State University (September 1974 – June 1976)
Los Angeles, California

Graduate Assistant and Lecturer in Statistics

1972-1974 High School Redirection z9September 1972 – July 1974)
Brooklyn, New York

Teacher and Counselor to troubled teenagers

1967-1970 New York University (September 1967 – August 1970)
New York, New York

Pre-school teacher and Director: nursery school and parent co-operative

Academic Affiliations:

1999-present Harvard University Medical School (MGH)
Clinical Associate in Psychiatry (Psychology)

1981-1985 Harvard University Medical School
Instructor in Psychiatry

1981-1982 Tufts University Medical School
Instructor in Psychiatry

1979 Harvard University Medical School
Clinical Fellow

1974-1976 California State University at Los Angeles

Lecturer in Psychology

Publications:

Klenner, W., Ward, M.A. and Harvey, J.C. (1998) Forward and translation of Family Wars: The Alienation of Children, "Zentralblatt fYr Jugendrecht", June, Germany.

Ward, M.A and Harvey, J.C. (1996). Family Wars: The Alienation of Children. In (B. Bricklin, Ed.,) **The Best of the Custody Newsletter**. Furlong, PA: Village Publishing.

Ward, M.A. and Harvey, J.C. (1993). "Family Wars: The Alienation of Children." New Hampshire Bar Journal - Children's Law Issue. 34(1).

Ward, M.A. (1987). "Child Abuse and Neglect." In, **Home Care: Infant and Child Care.** New York: Delmar Books.

Ward, M.A. (1985). Child Physical, Sexual and Emotional Abuse. In, **Cambridge Visiting Nurse Association Manual for Training of Home Health Aides.**

Ward, M.A, Doran, M., and Gomes-Schwartz, B. (1982). "Child Sexual Abuse: Identification and Symptoms at Developmental Stages." Parenting Counseling Association of New England Journal, Vol. II.

Ward, M.A. (1981) "Why Women Don't Use the Legal System in cases of Sexual Abuse." Paper and Panel Presentation to the Massachusetts Psychological Association, Boston.

Ward, M.A. (1981). Impact of Legal, Social, and Psychological Interventions on the family in Cases of Child Abuse. Paper and Panel Presentation to the Massachusetts Psychological Association, Boston.

Ward, M.A. (1980). "An Examination of Attitudes Toward Rape and Sexual Assault of Women at a Midwestern University." Doctoral Dissertation.

Ward, M.A., and Resnick, P.A. (1979). "Relationships Between Attitudes Toward Rape and Sex Role Perception." Paper Presented to the American Psychological Association, New York.

Brickman, J., Briere, J., and Ward, M.A. (1978). "The Winnipeg Study: A Preliminary Report." Paper Presented to the Canadian Psychological Association, Toronto.

Ward, M.A. and Resnick, P.A. (1977). "Victim Responses to Sexual Assault: A Survey of Women at a Midwestern University." Unpublished Manuscript, South Dakota.

Ward, M.A. (1977). "An Evaluation of the Role of the University of South Dakota School of Medicine in the Training of the Community Medical Assistants from the Rosebud Indian Reservation." University of South Dakota School of Medicine.

Presentations:

Mental Illness and Its Impact on Family Law Cases and the Attorney/Client Relationship (2001) New Hampshire Bar Association, Pro Bono CLE Training.

Developmentally Appropriate Parenting Plans (with Hon. Arline Rotman and Dr. Robin Deutsch), (2001) AFCC New England Chapter, Boston, MA

High Conflict Divorce: Parental Alienation and Allignment, Child Estrangement, Domestic Violence, Sexual Abuse (2000) Seacoast Guardians ad Litem, Portsmouth, NH.

Effects of Divorce and Custody Arrangements on Children's Behavior, Development and Adjustment (2000) New Hampshire Bar Association CLE Manchester, NH

Effects of Domestic Violence on Infants and Toddlers (1999) Rochester and Laconia Combined Head Start Facilty Training, Concord, NH

Custody and Visitation Designs for Children of Divorce (1997) Professional Relations Network and the New Hampshire Bar Association.

Parental Alienation (1997) The Second World Congress on Family Law and the Rights of Children.

Custody and Domestic Violence: The Best Interest of the Child (1995). New Hampshire Bar Association.

The Effects of High Conflict Divorce on Children. (1993). New Hampshire Bar Association.

Divorce in a Troubled Economy: Parental Alienation Syndrome. (1992) New Hampshire Bar Association.

Child Assault: What a Prosecutor Should Know from a Clinician's Point of View. (1991). New Hampshire Prosecutor's Association Conference.

Child Sexual Abuse Allegations: Understanding the Myths and the Realities. (1990). New Hampshire Bar Association Seminar on Child Custody and Litigation.

Nashua Brookside Hospital: Gathering Point Invited Colloquium Presentations (1990):

- Prevalent Problems in School Aged Children
- A Focus on Attention Deficit Disorder and Sexual Abuse
- On the Front Lines: Working with the Sexually Abused Child and Family

Sexual Abuse: Recognition and Responsibilities. (1990). Physicians' Assistants Association of New Hampshire and Vermont.

Interviewing a Child. New Hampshire Bar Association *and* New Hampshire Supreme and Superior Courts Guardian Ad Litem Training Programs (1988 and 1989).

The Relentless Pursuit of Thinness. (1989) Nashua Brookside Hospital (Presented with Susan Feister, MD)

Divorce and Custody Disputes: Impact on Family Members. (1988). Forty-Second Annual New England Conference on Counseling and Development.

Eating Disorders. (1988). Massachusetts Department of Health and Human Services Conference on Crises of Adolescence: Issues and Implications.

Eating Disorders and their Effect on Young Women, (Panel with Dr. Lanes and Ms. Kelly) ; April, Hesser College: (1988).

Children's Responses to Divorce. First Annual Guardian ad Litem Training Program: November, 1987.

Kids, Family, and Time: Is There Ever Enough? Nashua Brookside Hospital/Family Series: September, 1987.

Signs and Symptoms of Child Sexual Abuse. Nashua Brookside Hospital Workshop: September, 1985.

Family Concerns with Developmentally-Disabled Children. Nashua Memorial Hospital/ Early Intervention Program: February, 1985.

Evaluating Competency of Children to Testify in Court Cases, Lowell, Massachusetts. Middlesex County District Attorney's Office: September, 1984.

Interviewing the Sexually-Abused Child, (with Michael Doran). Tufts/New England Medical Center Workshop: Boston; February, 1981.

Early Childhood Intervention: Assessment of Parent-Child Interaction and Intervention Methods. State of Massachusetts, Department of Mental Health, Regional Conferences (Regions IV and VI):

Interviewing the Sexually-Abused Child for Court, (with Michael Doran). Essex, Massachusetts: November, 1980.

Family Violence and Impact on the Family (with Chris Holland), Lexington, Massachusetts.1980. (High School students and parents).

Family Violence and Family Therapy, (with Tim Schuettge). Leslie College: 1979.

Rape Workshop for Mental Health Professionals, (with Dr. P. Resick). Briarcliff College, Sioux City, IA: 1979.

Group Therapy for Adolescents (3 days). Sioux City, IA: 1979.

Borderline Adolescents and Substance Abuse, (with Bill Monroe). Sioux City, Iowa: 1979.

WKIT-TV, Channel 14 Weekly Call-in Show: Mental Health Issues, Sioux City, Iowa: 1978-1979.

HOSPITAL AFFILIATIONS:

Southern New Hampshire Regional Medical Center, Allied Health Staff (1990-present).
Massachusetts General Hospital (1998 – present)

AWARDS:

Who's Who of American Women/Marquis, 17th Edition, 1991-1992
National Register's Who's Who in Executives and Professionals 1999-2000

PROFESSIONAL AFFILIATIONS:

Anorexia Nervosa Aid Society
American College of Forensic Examiners (Diplomate) (1997)
American Psychological Association (1979).
International Society for the Study of Multiple Personality Disorders
Massachusetts Psychological Association (1980).
New Hampshire Psychological Association
National Register of Health Care Providers in Psychology (1981).
Professional Academy of Custody Evaluators (Advisory Board) (1995-)

References:

References, manuscripts, reprints and/or other documentation are available upon request.

HB 1301

REVISED STATUTES ANNOTATED OF THE STATE OF NEW HAMPSHIRE
TITLE XLIII. DOMESTIC RELATIONS
CHAPTER 458. ANNULMENT, DIVORCE AND SEPARATION
CAUSES FOR DIVORCE

FILE

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Current through Chapter 297 of the 2001 Reg. Sess.

458:7-a Absolute Divorce, Irreconcilable Differences.

A divorce from the bonds of matrimony shall be decreed, irrespective of the fault of either party, on the ground of irreconcilable differences which have caused the irremediable breakdown of the marriage. In any pleading or hearing of a libel for divorce under this section, allegations or evidence of specific acts of misconduct shall be improper and inadmissible, except where child custody is in issue and such evidence is relevant to establish that parental custody would be detrimental to the child or at a hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences. If, upon hearing of an action for divorce under this section, both parties are found to have committed an act or acts which justify a finding of irreconcilable differences, a divorce shall be decreed and the acts of one party shall not negate the acts of the other nor bar the divorce decree. The court's findings and decree may be based on oral testimony or written stipulations of the parties.

<General Materials (GM) - References, Annotations, or Tables>

HISTORY

Source. 1971, 445:1, eff. Aug. 29, 1971. 1998, 53:1, eff. May 5, 1998.

Amendments--1998. Added the last sentence.

CROSS REFERENCES

Referral of parties to counseling agency, see RSA 458:7-b.

LIBRARY REFERENCES

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55 ALR3d 581.

New Hampshire Bar Journal
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For article, "Marital Property Division in New Hampshire: Recent Developments," see 36 N.H.B.J. 16 (March 1995).

For article, "Vestigial Fault In No-Fault," see 18 N.H.B.J. 238 (June 1977).

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STATE OF NEW HAMPSHIRE
COMMISSION ON THE STATUS OF WOMEN

TO: Rep. Patricia Dowling, Chair
House Committee on Children and Family Law

FILE

FROM: Theresa de Langis, Ph.D.
Executive Director
New Hampshire Commission on the Status of Women

RE: HB 1301, relative to grounds for divorce for persons with minor children

DATE: January 8, 2002

Good morning Chairwoman Dowling and members of the Committee.

I am the executive director to the New Hampshire Commission on the Status of Women, and I appear before you today to testify in opposition to HB 1301, eliminating no-fault divorce for those parties with minor children.

As I understand it, the motivation for HB 1301 is reduce the incidence of divorce in order to ameliorate its impact on children. While I sympathize with this sentiment, I question if HB 1301 is the best means to achieve this end.

The institution in the 1970s of no-fault divorce meant that spouses were no longer forced to assign legal blame to end a marriage. No-fault divorce as it was written into New Hampshire law has lead to tangible benefits:

*Unilateral no-fault divorce empowers and protects domestic violence victims. Researchers argue that fault requirements intimidate abused spouses from leaving an abusive relationship. Indeed, a portion of the rising rate of divorce linked exclusively to no-fault proceedings (most often cited at 12 percent) may be attributed to this vulnerable population, empowered and protected by no-fault laws to dissolve an unhealthy and dangerous marriage.

*No-fault divorce reduces conflict in dissolution proceedings. Eliminating the need for an adversarial posture, it helps to hasten the normalization of the post-divorce family, which has the most positive affect on children. Indeed, rather than protect children, requiring fault grounds in divorce would exacerbate the negative impact of divorce on minor children. In such contested proceedings, children can be drawn into a legal battle to provide evidence and to establish fault. Certainly, establishing fault diminishes--with legal justification--the child's attachment with the "at-fault" parent.

*No-fault divorce reduces not only the emotional, but the financial, expense of divorce. Fault laws require more aggressive litigation and therefore more legal fees. This would have the greatest affect on the average wife, especially if she has spent her married life as a wife and homemaker as part of the unpaid labor force. In fault litigation, marital assets best used for post-divorce support and maintenance will be depleted by costly legal fees.

Reducing the incidence of divorce and investing in healthy and resilient marriages is a laudable goal. Yet, according to family law expert Barbara Dafoe Whitehead, there is "no evidence that the repeal or reform of no-fault divorce will be effective as a deterrent to divorce in general." In

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fact, Whitehead concludes, "it would do more harm than good" by reinserting an adversarial posture into divorce proceedings.

Many before me today have cited Judith Wallerstein as part of their testimony, pointing to her conclusion that adult children are irrevocably traumatized by the divorce of their parents, unable to sustain emotional commitments. I would like to offer my own research to counter Wallerstein's findings. Contance Ahrons, cited in an article in last Saturday's Union Leader, finds that the affects of divorce on children are most heavily determined by how well conflict is ameliorated between the divorcing parties. According the article, of the 173 adult children of divorce Ahron surveyed, 80 percent are "doing well," with "no signs of special trouble in their relationships and families." Rather than psychologically damaged into adulthood, Ahron found, adult children of divorced parents who worked collaboratively and cooperatively to raise the family post-divorce, were well-adjusted, productive members of society.

Divorce, whether with or without fault, is emotionally traumatic. Yet, for the children involved, the movement from pain to adjustment is best achieved through less contentious divorce proceedings. No-fault divorce provides that avenue.

Does no-fault divorce need reform? Yes. We have done much to address the emotional trauma of divorce—through no-fault proceedings, mediation, family divisions in the court, and child impact seminars. We have not done enough to address the financial trauma of divorce. In a groundbreaking study on the economic consequences of divorce, L. Weitzman found that, with no-fault divorce, divorced women and their children of all socioeconomic origins were becoming an impoverished class: Women and children suffer an average decline of 73 percent in their standard of living in the year after divorce, while men experience an average increase of 42 percent in the same period.

Perhaps poverty, rather than simply divorce, is what provokes children's traumatic response to the dissolution of the family, manifested in crime, delinquency, and other adverse symptoms. Yet, the role of financial support in alleviating the negative impact of divorce on children is not part of HB 1301, and therefore will not be addressed in this testimony.

Thank you for your time.

FILE

The National Marriage Project™

Publication

The Top Ten Myths of Divorce

Discussion of the most common misinformation about divorce

David Popenoe

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1 Half of all marriages end in divorce.

That may have been the case several decades ago, but the divorce rate has been dropping since the early 1980s. If today's divorce rate continues unchanged into the future, the chances that a marriage contracted this year will end in divorce before one partner dies has been estimated to be between 40 and 45 percent.[1]

2 Because people learn from their bad experiences, second marriages tend to be more successful than first marriages.

Although many people who divorce have successful subsequent marriages, the divorce rate of remarriages is in fact higher than that of first marriages.[2]

3 Living together before marriage is a good way to reduce the chances of eventually divorcing.

Many studies have found that those who live together before marriage have a considerably *higher* chance of eventually divorcing. The reasons for this are not well understood. In part, the type of people who are willing to cohabit may also be those who are more willing to divorce. There is some evidence that the act of cohabitation itself generates attitudes in people that are more conducive to divorce, for example the attitude that relationships are temporary and easily can be ended.[3]

4 Divorce may cause problems for many of the children who are affected by it, but by and large these problems are not long lasting and the children recover

relatively quickly.

Divorce increases the risk of interpersonal problems in children. There is evidence, both from small qualitative studies and from large-scale, long-term empirical studies, that many of these problems are long lasting. In fact, they may even become worse in adulthood.[4]

5 Having a child together will help a couple to improve their marital satisfaction and prevent a divorce.

Many studies have shown that the most stressful time in a marriage is after the first child is born. Couples who have a child together have a slightly decreased risk of divorce compared to couples without children, but the decreased risk is far less than it used to be when parents with marital problems were more likely to stay together "for the sake of the children."[5]

6 Following divorce, the woman's standard of living plummets by seventy three percent while that of the man's improves by forty two percent.

This dramatic inequity, one of the most widely publicized statistics from the social sciences, was later found to be based on a faulty calculation. A reanalysis of the data determined that the woman's loss was twenty seven percent while the man's gain was ten percent. Irrespective of the magnitude of the differences, the gender gap is real and seems not to have narrowed much in recent decades.[6]

7 When parents don't get along, children are better off if their parents divorce than if they stay together.

A recent large-scale, long-term study suggests otherwise. While it found that parents' marital unhappiness and discord have a broad negative impact on virtually every dimension of their children's well-being, so does the fact of going through a divorce. In examining the negative impacts on children more closely, the study discovered that it was only the children in very high conflict homes who benefited from the conflict removal that divorce may bring. In lower-conflict marriages that end in divorce—and the study found that perhaps as many as two thirds of the divorces were of this type—the situation of the children was made much worse following a divorce. Based on the findings of this study, therefore, except in the minority of high-conflict marriages it is better for the children if their parents stay together and work out their problems than if they divorce.[7]

8 Because they are more cautious in entering marital relationships and also have a strong determination to avoid the possibility of divorce, children who grow up in a home broken by divorce tend to have as much success in their own marriages as those from intact homes.

Marriages of the children of divorce actually have a much higher rate of divorce than the marriages of children from intact families. A major reason for this, according to a recent study, is that children learn about marital commitment or permanence by observing their parents. In the children of divorce, the sense of commitment to a lifelong marriage has been undermined.[8]

9 Following divorce, the children involved are better off in stepfamilies than in single-parent families.

The evidence suggests that stepfamilies are no improvement over single-parent families, even though typically income levels are higher and there is a father figure in the home. Stepfamilies tend to have their own set of problems, including interpersonal conflicts with new parent figures and a very high risk of family breakup.[9]

10 Being very unhappy at certain points in a marriage is a good sign that the marriage will eventually end in divorce.

All marriages have their ups and downs. Recent research using a large national sample found that eighty six percent of people who were unhappily married in the late 1980s, and stayed with the marriage, indicated when interviewed five years later that they were happier. Indeed, three fifths of the formerly unhappily married couples rated their marriages as either "very happy" or "quite happy."[10]

Additional Myths:

It is usually men who initiate divorce proceedings

Two-thirds of all divorces are initiated by women. One recent study found that many of the reasons for this have to do with the nature of our divorce laws. For example, in most states women have a good chance of receiving custody of their children. Because women more strongly want to keep their children with them, in states where there is a presumption of shared custody with the husband the percentage of women who initiate divorces is much lower.[11] Also, the higher rate of women initiators is probably due to the fact that men are more liekly to be "badly behaved." Husbands, for example, are more likely than wives to have problems with drinking, drug abuse, and infidelity.

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January 8, 2002

Testimony to the New Hampshire Legislature Child and Family Law Committee on House Bill 1301: Reform of No Fault Divorce

by

Michael J. McManus,
President & Co-Chair
Marriage Savers

As President of **Marriage Savers,** a national non-profit organization whose goal is to reduce the divorce rate, strengthen marriages and restore hope to children in distressed marriages — I enthusiastically endorse House Bill 1301 Sponsored by Rep. Gary Hopper and Reps. Hills, Gillman, Graf, Stohl, Coos, Boyce, Roberge, Johnson and Matthew Quandt.

This bill would permit no-fault divorce on grounds of irreconcilable differences for couples without minor children. However, if there are minor children, the person who wants a divorce would have to prove the other person is at fault — having committed adultery, been arrested for a felony or been physically abusive. New Hampshire could lead America in reforming unilateral divorce.

As President Bush asserted last year, "We know that children who grow up with absent fathers can suffer lasting damage. They are more likely to end up in poverty or drop out of school, become addicted to drugs, have a child out-of-wedlock or end up in prison." Statistically, children of divorce are twice as likely as those from intact homes to drop out of school and are six times as likely to be poor or to commit suicide. Fatherless girls are three times as apt to give birth to out-of-wedlock children themselves, expanding the welfare culture into the next generation.[1]

Contemporary culture says, "All families are loving." From a child's perspective, that is not true. Males from fatherless homes often grow up angry and immersed in crime. Those from divorced homes are ***12.4 times more likely to be incarcerated*** than those from intact homes. Those born out-of-wedlock are 22 times more at risk to be incarcerated.[2] Another study says that children living with their mothers are ***14 times more likely to be physically abused.***[3]

Impact of Divorce on Children

In their landmark book, *The Case for Marriage: Why Married People are happier, Healthier, and Better Off Financially,* Linda Waite and Maggie Gallagher, begin by saying, "In America over the last thirty years, we've done something unprecedented. We have managed to transform marriage, the most basic and universal of human institutions, into something controversial."[4]

They cite a widespread myth, that "Divorce is usually the best answer for kids when a marriage becomes unhappy." For example the 1998 edition of a best-seller, *Creative Divorce,* by Mel and Pat Krantzler, erroneously states, "Many parents may indeed stay together because they believe divorce will harm their children. What they fail to realize is that ... more harm will result from `staying together' than divorcing."

Frankly that is a flat-out rationalization. "It works as long as we avoid talking to the children," says Dr. Judith Wallerstein, who began her study of 60 families who were divorcing two years after California legalized no fault divorce, in 1971. These families had 131 children, who were all doing well in school at the time of divorce. The families were from middle to upper class. "The children had no idea that divorce was coming." Nevertheless, Dr. Wallerstein believed, as did most psychologists and sociologists at the time, that "The impact will be short-lived if the parents refrain from fighting. The children's natural resiliency will come into play."

Dr. Wallerstein interviewed both parents and children at the time of divorce and five years later. The wounds were so stunningly raw, contrary to her expectations, that she interviewed everyone 10 years after the divorce, and again at the 15 year mark. She wrote a major book, *Second Chances*[5], in which she said, "Children feel intensely rejected when their parents divorce: "He left Mom. He doesn't care about me."

> Dr. Wallerstein was "surprised to discover that the severity of a child's reaction at the time of the parents' divorce does not predict how that child will fare five, ten and even fifteen years later....Girls seem to fare much better psychologically than boys. A sleeper effect in females surfaced of troubles they are experiencing now at entrance into young adulthood (which) came as a complete surprise. Girls who have been betrayed or abandoned by a lover fear betrayal and abandonment...Many find maladaptive ways to cope. Some take many lovers at one time. Others seek out older men who are less likely to betray a younger woman." Many cohabit rather than wait for engagement.
>
> "Ten years after divorce, close to one-half of the boys (now 19-29 years old) are unhappy, lonely, and have few, if any lasting relationships with women...One out of three young men and one of ten young women between the ages 19 and 23 at the ten year mark are delinquent, meaning they act out their anger in a range of illegal activities including assault, burglary, arson, drug dealing, theft, drunk driving, and prostitution," wrote Ms. Wallerstein in *Second Chances..*

What happened to those children of divorce when they grew up? Dr. Wallerstein interviewed 100 of those children who had been between 2 and 18, when they were aged 27 to 43. If you are an adult child of divorce, a divorced person, someone considering divorce, or anyone professionally involved, such as judges, lawyers pastors or legislators - you must read *The Unexpected Legacy of Divorce* by Dr. Judith Wallerstein with Julia Lewis and Sandra Blakeslee.[6] This top ten bestseller, America's only longitudinal study of divorce, is profoundly disturbing and shatters five major myths about divorce and children:

Myth 1. If parents are happier after divorce, the children will be too. In fact, children of divorce become more aggressive than those in intact homes, suffer more depression, have more learning difficulties, are more promiscuous, bear more children born out of wedlock, are less likely to marry and more likely to divorce.

Myth 2. Divorce is a temporary crisis whose most harmful impact is at the time of divorce. A related myth is that if the parents don't fight in front of the children after divorce, and show love for them, they will be all right. But as Dr. Wallerstein writes, only after observing these children grow into adulthood, did she see the whole picture: "Divorce is a life-transforming experience...The whole trajectory of an individual's life is profoundly altered by the divorce experience...The divorced family has an entirely new cast of characters and relationships featuring stepparents and stepsiblings, second marriages and second divorces, and often a series of live-in lovers. The child who grows up in a postdivorce family often experiences not one loss - that of the intact family - but a series of losses as people come and go."

In fact, adult children of divorce say flatly, "The day my parents divorced is the day my childhood ended." Their new world is "far less reliable, more dangerous place because the closest relationships in their lives can no longer be expected to hold firm." Most lost not only a father, but their mother as well as she became fully engaged in rebuilding her life economically, socially and sexually. Parenting cut loose from marriage is "less stable, more volatile, less protective."

Myth 3: The best time to divorce is when children are very young. In fact, "youngest children tend to suffer the most. At an age when they need constant protection and loving nurturance, these young children have parents in turmoil." Half of the million children whose parents divorce annually are under the age of six.

Wallerstein depicts Paula whose whole world collapsed. Her father was an affluent pharmacist, an attentive husband and parent. Her mother devoted herself to Paula, active in her school activities, taking her to swimming lessons. After her father's business went bankrupt, he disappeared. Her mother, able only get a minimum wage job, transformed from a cheerful person into a strained, desperately tired, silent and resentful woman with no time for Paula. Only as an adult could Paula put the magnitude of these losses into words: "Suddenly there was no one there. I spent so much time alone that I tried to become my own company. But how can you do that as a four-year-old child? I would go for days without saying a word."

Myth 4: The major impact of divorce occurs in childhood or adolescence. Untrue. It is "in adulthood the children of divorce suffer the most. The impact of divorce hits them most cruelly as they go in search of love, sexual intimacy, and commitment...Anxiety leads many into making bad choices in relationships, giving up hastily when problems arise, or avoiding" all relationships.

At 15, Paula dressed like a slut, boasted about being high every day on drugs or alcohol and was very promiscuous. Six years later she was living with a man whom she planned to marry. Why? "He loves me, he's kinda hyper, and he likes to party. I said to him, `It's my birthday, marry me." They had a child who was neglected in their drinking bouts. After a divorce, she was in the same spot as her mother years earlier - "no money, no training, no home, with a child to support."

By contrast, "many young men from divorced families are immobilized," not having had any relationships. This is a major reason the number of never-married Americans has doubled from 21 million in 1970 to 47 million in 1997.

Myth 5: Staying in an unhappy marriage is not good for children. Wallerstein interviewed friends of those whose parents divorced, children who went to the same schools but whose parents remained intact, even when marriages were unhappy. Those children were far more likely to go to college, to marry, and to be happy than children of divorce. Few realize that "children can be reasonably content despite the failing marriage," she says. But if they divorce, "the parents have failed at a central task of adulthood," which builds in their children a fear, `If they failed, I can fail too.'"

Even **25 years** after their parents' divorce, their adult children say, "My childhood ended with my parents' divorce." Of the 60 fathers, 57 remarried and stopped child support when their children reached 18. Few of the children attained the college or graduate education of their affluent fathers. (However, fathers underwrote the college education costs of their stepchildren and their children from a second marriage but rarely their own children from a first marriage.)

Children sadly concluded that ties between men and women "can break capriciously, without warning," which gives them no confidence in building relationships with the opposite sex. Consequently, they are terrified of conflict and tend to explode or run away. What has not been recognized until this book was published is that from the viewpoint of children, ***"divorce is a cumulative experience. Its impact increases over time and rises to a crescendo in adulthood" affecting "the personality, the ability to trust, expectations about relationships and ability to cope with change." Only 60 percent married; and many of them divorced.***

The legal system compounds these staggering problems in two damaging ways according to Wallerstein. Visitation plans treat the child "like a rag doll that quietly sits wherever it is placed." Kids are locked into inflexible court-ordered visitation that is not adjusted as children get older. Though its aim is to allow the child to get to know and love the absent parent, what grows is resentment at being taken away from their own friends and activities. As adults they no longer want to see the absent parent.

The legal system also allows child support to stop at age 18. "Many young people consider the cutoff at age 18 the worst hit of their parents' divorce. They tell me bitterly, 'I paid for my folks's divorce,'" Wallerstein writes. Only 29 percent received full or consistent partial support for college compared to 89 percent of their friends living in intact families. Divorced parents offer no explanation or apology for their failure to help. Further, children of divorce are often denied scholarship aid because their father's income is too high!

Impact of Divorce on Adults

According to James J. Lynch, author of *A Cry Unheard: New Insights into the Medical Consequences of Loneliness,* published in 2000, adults who divorce also suffer much more than is realized.[7] For every major cause of death, "the rates for divorced males ranged anywhere from two to six times higher than their married counterparts." The rates are double for the big killers of heart disease, hypertension, stroke, lung and intestinal cancer. Divorced men drink more heavily, and are seven times more apt to die of cirrohisis of the liver and four times more likely to be killed in car crashes than married men. Divorced men are also four times more likely to die of suicide, nine-fold more apt to succumb to pneumonia and homicide, and 10 times more likely to die of tuberculosis.

Women who divorce are much more apt to die of all forms of cancer compared to married women. Women are 49% more likely to have cancer of the lungs, 67% more apt to die of cancer of the buccal cavity and pharynx and 238% more at risk of succumbing to cervix or uterine cancer than a married woman of the same age.

These are immense, unreported consequences of divorce. A smoker is only twice as likely ito die in any given year as a person who does not smoke. That is such a huge increased risk that the Surgeon General required cigarette manufacturers to put on the label of every pack that "smoking is dangerous to your health."

Perhaps you legislators ought to stamp on every divorce certificate, "Divorce is dangerous to your health."

Legislative Remedies

It is time to change laws. I would like to propose these legislative changes:

1. Court-ordered visitation plans should be reviewed every five years, with the child given a larger voice as he/she grows older. The present system which is designed to give the non-custodial parent access and influence upon the child's life — becomes like a straight jacket to a teenager. The majority of children of divorce find the experience so horrible most no longer want to see the absent parent after age 18. That is in no one's interest — not the child nor either parent.

2. Child support should also be mandated to continue until age 22 if the student is enrolled in full-time study. At just the time when the need for child support grows exponentially, seven out of ten absent parents discontinue child support. This outrageous, cruel

abandonment by parents of their own children should be prohibited by law, not sanctioned by it.

3. Unilateral divorce of couples with children should be ended.

We need to give as much time, energy and resources to protecting children and marriage as we give to protecting the environment. When no-fault divorce was first passed by California in 1969 it was sold as a way to reduce the anger and contentiousness of divorce, to protect the children. Examples were given of couples who both longed for divorce, but had to pretend one or the other had committed adultery in order to get divorced.

Divorce lawyers persuaded legislature after legislature — almost without debate, that no fault divorce was a humane reform. In fact, ***no fault divorce should be called unilateral divorce*** because in four out of five cases, one person wants out and the other wants the marriage continue. Certainly all of the children want their parents to remain together. I am urging you, as the Legislature to take a stand on behalf of those children whose lives are permanently twisted by the divorce -- and on behalf of the spouse who wants reconciliation. In New Hampshire, only one partner has to declare that there are "irreconcilable differences" for there to be a divorce. The other person does not have the right to argue, "Our differences are **not** irreconcilable. We have problems, but I am willing to go seek help to resolve our differences."

Divorce is the only civil contract in which one person can cancel the contract with impunity. If you buy a car with a commitment to pay if off in four years, you can not go back to the dealer and say, "I don't want this car any more. I want a new model. Take this old car back and give me the money I've already paid in." The dealer would laugh. Any equity which has been built up by two years of payments is lost. A big penalty payment would have to be made.

However a husband can tell an older wife, the marriage is over, because he has fallen in love with a new younger model. The children will suffer a one-third cut in the resources available to them and may be cast into poverty along with their mother. Half of all children on welfare are there because of a failed marriage.[8] The father can force the sale of the house, and take out half his equity and use it as a down payment on a new house for his new wife. So the children lose their father, his income, and are forced to move to a smaller home in a worse neighborhood. Their lives are not only shattered at the time, but, as Dr. Wallerstein notes, the "unexpected legacy of divorce," is that its impact "rises to a crescendo in adulthood."

The Reform of Unilateral Divorce

I am not suggesting that no-fault or unilateral divorce be abolished. HB 1301 would **not** attempt to roll back 30 years of history. Consider a man and woman who marry at age 25. Either would have the freedom to divorce at, say, age 28 without the consent of the other, if this legislation becomes law — **provided they have had no children.** But if, after those three years, they decide to have children — they should be making a commitment to one another at least until that child is raised. The child is the innocent — and for too long, the ignored victim of the selfishness of the parents.

Before unilateral divorce was legal, if the man wanted a divorce, his wife had leverage. She could refuse to agree to the divorce, and tell her husband, "I forgive you for your adultery. Let's go to counseling to work on the marriage." He, of course, could make her life miserable. But she could hold out for full ownership of the family home and for alimony payments in addition to child support, so that she could afford to stay in the house. A man or woman whose spouse swore an oath for better for worse, in richer and in poorer, in sickness and in health till death do us part — deserves to have an equal voice in court in an attempt to save the marriage, especially if children are involved.

How would this work, as a practical matter? If the couple has children, they can still become divorced if one has committed adultery, been physically abusive of the spouse or children, or been convicted of a felony and is sent to prison. However, Professor Paul Amato of Johns Hopkins has found that "Very few people getting divorced mention serious problems, such as mental abuse, violence, alcohol or drug problems. Instead, people mention:

'We have been growing apart.
We don't feel as close as we once were.
The quality of our communication is not as good as it should be.

. Amato has been conducting a longitudinal study in which he has interviewed 2000 married people in 1980, 1983, 1988, 1992, 1997, and 2000. He has interviewed the children of these marriages after they reach 19. The majority of 691 children grew up with continuously married parents. Some 21% experienced divorce and 15% were in homes where the parents stayed married, but had unresolved conflict. Amato confirms that children experiencing divorce reached adulthood with less education, are not as close to their parents, have more symptoms of depression, and were less happy. He confirms that fewer marry and if they do, are more likely to divorce themselves.

What is surprising about his findings is that of 295 couples who divorced, only 40% were in marriages with very low happiness, with few positive interactions and much conflict. In 60% of the divorces, the couple's happiness was average. Their positive interaction is average. They had no more than average conflict. In other words, three out of five couples who divorce are no more unhappy or conflicted than married couples who stayed together!

Such couples do not have sufficient reason to condemn their children.. In these marriages which Amato calls "good enough marriages," the unilateral decision of one partner to walk out is unexpected, stunning and inexplicable. He said, "Most children don't care about midlife crisis; they don't care about how deep the level is of their parents' elf-actualization. They want regular access to both parents. Many of these good enough marriages can be salvaged."

What About Being Trapped in a Bad Marriage?

What about those couples who are profoundly unhappy? Should they be forced to stay together? I offer three answers.

My first answer is that the vast majority of even terrible marriages can be saved with remarkably little effort. Let me give two examples:.

1. Retrouvaille is a weekend retreat in which couples whose marriages once nearly failed, who I call "back-from-the-brink" couples -- share details about how they overcame years of adultery, alcoholism, neglect, verbal or physical abuse, and have gone on to build great marriages. The results are spectacular. Of 2,000 couples who have attended in Michigan, *a third had already filed divorce papers, yet 80% rebuilt their marriages. Two-fifths of more than 1,000 couples in Fort Worth had already separated or divorced, yet 70% reconciled and are still together. Buffalo's Retrouvaille has saved 90% of its marriages.* Nationally, about 60,000 couples have attended Retrovaille, and on average, 4 of 5 marriages are saved. The nearest Retrouvaille will be held in Massachusetts ***this weekend.*** If you know a couple whose marriage is headed for divorce, have them call Van and Page Vandewater at 617 782-5626. The only charge is for motel costs. The volunteer couples leading the weekend donate their time, out of a gratitude to God that their marriages were saved.

2. Marriage Ministry is a similar proven way to save couples headed for divorce courts -- but it is based in a local church. St. David's Episcopal Church in Jacksonville, Florida trained seven couples whose marriages nearly failed to help those now in trouble. One woman had been in an adulterous affair for eight years. A man was a bisexual, having homosexual affairs on the side. Another man was an alcoholic who lost his job and was out of work two years. *Their pain qualified them to be Mentor Couples who worked with 40 troubled marriages,* ***and they saved 38 of them -- a 95% success rate.*** My organization, Marriage Savers, has planted this Marriage Ministry in dozens of other churches with a stunning 90% success rate. We can train back-from-the-brink couples to tell their story to couples in crisis, over a Friday night and all day Saturday.

By contrast with this remarkable track record, professional therapists are no where near as successful. Diane Sollee, the former Associate Director of the American Association of Marriage and Family Therapy, says that therapists save less than 20% of the marriages they work with. In fact, they often counsel couples to divorce, which is outrageous.

Why are lay couples able to save 80% to 90% of marriages when professionally trained counselors are so ineffectual? The major reason marriages fail is selfishness. The major reason the good ones succeed is selflessness. What's needed is conversion, a recognition that one needs to replace selfishness with selflessness. That can best be inspired by seeing couples who once stood on the brink of divorce for very good reasons — but then stepped back, and saved their marriage. Like a 12-stepper of Alcoholics Anonymous, a couple who has been in the pits and rebuilt their marriage -- has a credibility that no pastor or counselor has. A couple who had lived through adultery, for example, and remained together — can tell a younger couple in crisis because she found out that he was cheating on her: "We know adultery breaks trust. We have been there, done that. But we are here to tell you that trust can be restored. We have done it.

Let us tell you how we rebuilt trust. Let us pray with you about this."

Finally, consider a study by Professor Linda Waite, of the University of Chicago, which drew remarkable findings from the National Survey of Families and Households, a huge study of 13,000 people. "Of those couples who said their marriages were very unhappy in 1987, 82% were still married five years later. And if they were still married, 90% said they were very happy! I was surprised that so many who were unhappy were still together, and that the vast majority said their marriage was terrific or very good, though it was the same marriage! The worst marriages showed the most improvement," Dr. Waite says.

Every marriage has bad patches. ***What's needed is for people to only stick to their vows made at the altar, to remain together "for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death do us part."***

The Divorce Rate of New Hampshire Could be Cut in Half

In most of the country, the divorce rate has come down a little bit. Not in New Hampshire. In 1987 there were 4,811 divorces. In 1993 you had 5,035. That figure grew to 5,601 in 1997 and a stunning 7,201 in 1998. ***Your divorce rate has soared 43% in only five years! No state has had such a big increase.***

My wife and I Co-Chair an organization called **Marriage Savers** which has persuaded the clergy of 160 cities to adopt reforms in marriage preparation, marriage enrichment and in the reconstruction of bad marriages. The result is that dozens of these cities have slashed their divorce rates. ***Two metro areas have cut their divorce rates nearly in half after they adopted a "Community Marriage Policy"*** with our help. Modesto, CA and Kansas City, KS and two suburban counties, have seen their divorce rates ***plunge 47.6% and 44%*** respectively.

It might be helpful to summarize our experience at **Marriage Savers,** a small non-profit organization in helping communities to reduce their divorce rate and strengthen marriage. We are privately funded through honoraria, sales of books, videos and manuals, training, gifts and foundation grants, and to date have received no public funding. Based on our experience I assert that ***divorce rates can be cut in half and the marriage rate can be increased.***

The Church Is The Key to Marriage

Even if the benefits of marriage are known, the assumption of many is that the 50% divorce rate and the declining marriage rate are immutable facts of 21st century America. However, it is possible to change these marriage and divorce rates — if organized religion is helped to do a better job, which virtually every pastor longs for.

Three-quarters of all marriages are performed in churches or synagogues. And two-thirds of all Americans are members of a church (69%), according to the Gallup Poll, which also reports that 43% of all Americans attend religious services in any given week. Even higher percentages of African Americans are religiously active, with 55% attending church in an average week, and

48% of Hispanics, reports Gallup! Thus, the church has unparalleled access to most Americans at every level of the socio-economic spectrum.

Yet, half of America's marriages are failing -- a higher rate than any other modern nation. As the writer for two decades of "Ethics & Religion" a nationally syndicated column in secular daily newspapers, I can say with authority that most churches do not have a marriage strategy. In fact, I argue that ***most churches are "wedding factories"*** grinding out weddings on Saturday with little thought about whether they will last, and no strategy to enrich or save the existing marriages in their congregations. Pollster George Barna gave evidence in August, 2001 that the divorce rate of Christians is the same as those who do not attend church!

On the other hand, in researching "Ethics & Religion," a syndicated column I have written for 20 years, I have been able to travel across America and report upon dramatic innovations in isolated Catholic and Protestant churches that are reducing the divorce rate. Organized religion is now a complicit partner in the divorce culture. But it can be the driving energy of reform that by 2010, cuts the divorce rate in half, raises the marriage rate by 25% and pushes down the out-of-wedlock rate by a third.

Churches Have Proven Answers

Some churches have developed reforms that are doing a better job preparing couples for a lifelong marriage, strengthening existing marriages or saving troubled ones. I have already mentioned **Retrouvaille,** which is run by lay Catholics, and **Marriage Ministry** which was created by Episcopalians. Let me outline three other examples.:

1. Time: For a generation, most Catholic dioceses have required a minimum time of marriage preparation — typically six months from the time a priest first meets with the couple, to the time a wedding can take place. During that time, many couples are asked to take a premarital inventory to give them an objective view of strengths and weaknesses and attend classes on such issues as communication and finances. The results of better marriage preparation is clear in a recent George Barna survey revealing that no denomination has a lower divorce rate than Catholics.

2. Premarital Inventory: There are two widely used premarital inventories, FOCCUS and PREPARE, taken by about 400,000 couples a year out of 2.2 million marriages a year. Either can predict with 80% accuracy which couples will divorce. More important, a *tenth of those who take either inventory, break their engagements.* Studies show their scores are equal to those who marry and later divorce! As a result, those couples who break an engagement **avoid a bad marriage before it has begun.**

3. Mentor Couples in Marriage Preparation: At our home Presbyterian church in Bethesda, MD, my wife and I trained 52 Mentor Couples to administer a premarital inventory with seriously dating and engaged couples.[8] From 1992-2000 Marriage Mentors worked with 302 couples. Twenty-one couples dropped out and 34 broke off

their relationship or their engagement -- 18% of the total. Thus, many in weak relationships discovered it on their own and either broke up or worked to strengthen their union. Mentor Couples also taught couples how to improve communication and conflict resolution. Of those who did marry, there are only seven divorces or separations in nine years, ***a failure rate of 2.5%.***

The core idea of the best programs, is a national treasure, an untapped resource that can be summarized in one phrase, the Mentor Couple, or in one sentence:

> ***In every church there are couples with good marriages who really could be of help to other couples, but have never been asked, inspired or trained to come alongside another couple and share their wisdom on how to make a marriage successful.***

The American Association of Christian Counselors dramatically recognized the importance of this innovation in religious and marital life when it pledged in August, 2001 to train 100,000 Mentor Couples in 10,000 churches over the next five years.

The Modesto Community Marriage Policy®

In 1986 I was invited to address the clergy of Modesto, California by *The Modesto Bee*, which published my Ethics & Religion column. In my speech, I urged the pastors, priests and rabbis of the area to adopt what I called a **"Community Marriage Policy®"** with the conscious goal of "pushing down the area's divorce rate." I noted that some churches were already taking steps to lower the divorce rate. Catholics, for example, required six months of marriage preparation, while most Protestants set no time requirement. Catholics were also the first to train couples in solid marriages to help prepare couples for a marriage. They are called "sponsor couples" or "mentor couples." Catholics also typically require engaged couples to take a "premarital inventory" that can predict with 80% accuracy who will divorce. And a tenth of those taking an inventory, break an engagement.

I pointed out that the states with America's lowest divorce rates are the predominantly Catholic states of the Northeast. (It may comes as a shock to you that the divorce rate of liberal Massachusetts is about one-third that of Oklahoma, and one half that of New Hampshire.) I also noted that Catholics were also the first to start "Marriage Encounter," which prompts four out of five couples to fall back in love. Further, a dozen Protestant denominations now conduct Marriage Encounters: Episcopalians, Methodists, Assemblies of God, Lutherans, Baptists, Mennonites, etc. I asked, "Why doesn't every church plan an annual event like a Marriage Encounter to strengthen the existing marriages in the church?"

Further, I made a prediction: "If the churches and synagogues of Modesto were to implement what we know works to prepare for a lifelong marriage, or strengthen existing ones, I believe the divorce rate here would come down 50% in five years. Why do I say so? Europe's divorce rate is about half that of the U.S. and less than 10% of the people in such countries as

Great Britain, France or Germany attend religious services in any given week. The Gallup Poll reports that four out of ten adults in America are in church or synagogue in any week. With a church attendance that is four times that of Europe, we ought to be able to at least reduce our divorce rate to the level of England, France or Germany, where few attend church."

Some 95 pastors, priests and a rabbi in Modesto did agree to create America's first **Community Marriage Policy®.** In the preamble of their covenant, the clergy stated, "It is the responsibility of pastors to set minimal requirements to raise the quality of commitment in those we marry. We believe that couples who participate in premarital testing and counseling will have a better understanding of what the marriage commitment involves. As agents of God, we feel it is our responsibility to encourage couples to set aside time for marriage preparation instead of only concentrating on wedding plans. We acknowledge that a wedding is but a day while a marriage is for a lifetime." Specifically, clergy:

— required "a minimum of four months of preparation" during which all couples would be asked to take a premarital inventory "to help the couple evaluate the maturity of their relationship objectively" and study relevant Biblical doctrines on marriage and divorce

— Clergy pledged to provide "a mature married couple" to help couples to bond.

On the 11th anniversary of the signing in 1997, Modesto clergy invited my wife, Harriet, and I back to Modesto where the clergy agreed to add elements to their Community Marriage Policy[9] based on the evolution of the concept in many other cities:

— Premarital couples were asked to take a premarital course which would cover God's plan for marriage, communication and conflict resolution skills, financial management and intimacy in marriage.

— Churches were urged to develop resources for singles that address issues related to dating, selecting a spouse and friendship to help prepare them for the premarital process

— Newlyweds are encouraged to meet with Mentor Couples four times during their first year of marriage

— Special courses/workshops were developed for couples creating stepfamilies

— Couples in troubled marriages were to be referred to Retrouvaille, and other proven courses including a locally developed Reconciling God's Way ministry in which even separated couples save their marriages with same gender mentoring, men with men, and women, women.

In the initial 1986 agreement pastors said, ***"Our hope is to radically reduce the divorce rate of those married in area churches."*** (Emphasis added.)

Modesto Divorce Rate Plunges 47.6%

Much more than that goal has been achieved. ***The divorce rate for the entire Modesto metro area has plunged 47.6%*** -- nearly cut in half, as I predicted. True, it has taken 15 years, not five. Yet this is clear evidence that the strategy called **Community Marriage Policy®** works.

In the table below, according to the Stanislaus County Clerk, the number of divorces in 2000 is 24% less than the 1986 number, even though the population has grown from 307,000 to 441,400, a 43% increase in the county's population over 15 years. By measuring the number of divorces per 1,000 population in both years, a consistent comparable figure emerges. The rate fell from 6 divorces per 1,000 residents in 1986 to 3.16 divorces per 1000 people in 2000, or 47.6%. If Modesto's divorce rate had remained at the U.S. average, there would be 1,250 more divorces per year!

Modesto (Stanislaus County)

	Marriages	Divorces	Population	Divorce Rate/1000	Marriage Rate/1000
1986	1,391	1,852	307,000	6.03	4.53
1999	2,211	1,668	435,500	3.83	5.07
2000	2,273	1,396	441,400	3.16	5.15

Modesto Marriage Rate Rises 13.6%

There is a second important story in this data. Note that in 1986 there were **more** divorces in Modesto than marriages -- 1,852 divorces and only 1,391 marriages! But the **Community Marriage Policy®** reversed that trend by pushing up the marriage rate. In 2000, there were 2,273 marriages, a big jump from 1,391. While most of the growth of marriages is attributable to the area's remarkable population growth, **the marriage rate has increased 13.6%.** By contrast, the U.S. marriage rate has been declining. It fell 17.8% nationally, in the years Modesto's marriage rate has moved in the opposite direction by 13.6%. Thus, there are 882 more marriages a year now in Stanislaus County.

Teen Dropout and Birth Rates Plunge

With 1,250 fewer divorces and 882 more marriages per year, more than 2,100 homes are keeping intact or are being created in Stanislaus County. That means fewer children are at risk.

Children of divorce are twice as likely as those from intact families to drop out of school and are three times as likely to give birth out-of-wedlock. If divorce rates fall and marriage rates rise, more children will be successful. That should be measurable. And it is. In fact, within just seven years, school dropouts in Stantislaus County fell 20% and births to teenagers plunged 30%, or about twice the U.S. decline in those years.

More marriages and better marriages are an answer to a child's prayer and to that of parents, pastors and yes, even government officials.

Marriage Savers will return to Modesto in the spring to train Mentor Couples from as

many churches as possible with the conscious goal to push down divorce rates there another 50%!

Divorces Plunge in 32 Cities with Community Marriage Policies

Nor is Modesto's achievement unique. Some 150 cities have now adopted a **Community Marriage Policy®** or a **Community Marriage Covenant®** as some cities call them. Divorces have plunged in 33 of 35 cities where a Community Marriage Policy has been established, and data on divorces has been checked with county clerks. *In each of the 33 cities, divorces fell at least 10 times more than they have in the United States!* U.S. divorces have fallen from 1,181,000 in 1979 to 1,163,000 in 1997, a decline of only 1.5% in 19 years. By contrast, in an average city such as Baton Rouge, Tallahassee or Springdale, AR divorces fell 6% in one year. That is four times the U.S. drop in one-nineteenth of the time, or ***76 times better than the U.S.*** (4 X 19 = 76).

Further, divorces are falling much faster in more recent cities to create a CMP, than they have in Modesto. Its 47.6% drop is about 3% a year for 15 years. By contrast, divorces fell 18% in Corvallis, OR and by 19% in Chattanooga in three years. El Paso's divorces plummeted from 3,176 to 2,179. That's ***a one-third decline in three years.*** More remarkable, divorces plunged in Kansas City, KS and a two suburban counties from 1,530 in 1995 to only 863 in 1999 ***a stunning 44% plunge in only four years***, while divorces actually rose across the river in Kansas City, MO and its suburbs!

What Can Government Do to Reduce the Divorce Rate?

First you can reform no-fault divorce so that it is off limits to parents of minor children. When no-fault divorce laws swept the nation, divorces soared 25% immediately. A reform should roll those numbers back down.

Second, you can use some of your surplus welfare funds to strengthen marriage. Did you know that there were three central goals of the 1996 federal welfare reform law:

-- "Reduce the dependence of the poor on the government

— "Reduce the incidence of out-of-wedlock pregnancies"

— "Encourage the formation and maintenance of two-parent families."

Public attention has focused on the first goal, and there has been remarkable reduction of the poor's dependence on government. Welfare rolls have been cut 58%, an extraordinary achievement. Equally important, black and Hispanic poverty rates are at their lowest rate ever; in fact, black and Hispanic incomes are at all time high. Yet illegitimacy rates have continued to rise, as they have for 60 years. In 1940, only 89,000 babies were born out-of-wedlock. By 1996, when welfare reform was passed by Congress, 1.26 million were born to unmarried parents. By 2000 that figure rose to 1,346,000 babies born out-of-wedlock. The percentage of births to unmarried parents also rose from 32.4 percent to an astonishing 33.1 percent of American births in 2000. That includes 27.1% of white babies and 68.5% of African American babies, a figure "unprecedented for any large subpopulations of any culture, ancient or modern," writes Charles Murray.

Clearly, the best way to reduce out-of-wedlock pregnancies is to work at that totally overlooked third goal of welfare reform, to "encourage the formation and maintenance of two-parent families." How? Increase the marriage rate and decrease the divorce rate, as Modesto has accomplished. In an article that appears in the Summer 2001 issue of Brookings Review, Dr. Wade Horn, the new HHS Assistant Secretary, overseeing welfare, flatly states, "No state has yet made a serious effort" to encourage marriage as "one way to reduce welfare dependency." In fact, 46 states have not spent a penny to promote marriage, including New Hampshire.

What could New Hampshire do? It could earmark some of its surplus of welfare funds, which are now called "Temporary Assistance to Needy Families," or TANF to build marriages in this state? There is a pretty big surplus of TANF funds in New Hampshire. According to the Congressional Research Service, New Hampshire has $9.2 million that could be spent on reducing the divorce rate.[11] Why not set aside one-tenth of that sum -- $900,000 -- to hire a small staff which could work at two levels: public and private:

A: Public employees: First welfare workers, public health nurses and teachers who have access to unmarried mothers — need to be trained to tell young mothers and mothers-to-be, about:

- **— The value of marriage to adults as a creator of health, wealth, longer lives and yes, better sex**
- **— The value of marriage to children who are more likely to be successful in school, less likely to abuse drugs and alcohol and less apt to become delinquent or pregnant out-of-wedlock — if their father is a part of their daily life**
- **— Teach how the mothers can improve their communications and conflict resolution skills with the father of the child or children -- a step that would increase the odds their high hopes for marriage will be satisfied.**
- **— Create the courses that will increase the communications and conflict resolution skills of the parents in courses created with TANF funding**

B. Clergy Involvement: Second, the pastors, priests and rabbis of New Hampshire can be helped to create **Community Marriage Policies®** across the state. At present, there is not one in New Hampshire. Churches need help to train Mentor Couples in the state's 1,000 houses of worship. They have a half million members, some of whom are in excellent marriages who could be trained to be Mentor Couples, who can come alongside couples at every stage of the marital life cycle and help them achieve six great goals::

- **— Avoid a bad marriage before it begins**
- **— Give "marriage insurance" to the engaged**
- **— Enrich all existing marriages in the congregation**
- **— Save 80% to 90% of the most troubled marriages**
- **— Reconcile more than half of the separated**
- **— Enable four of five stepfamilies to be successful parents and partners.**

Marriage: The Key to Health, Wealth, Long Life

America seems to have forgotten the value of marriage for adults as well as children. As Maggie Gallagher and Linda Waite have documented in their landmark 2000 book, *The Case for Marriage,* people who are married are happier than those who are single, much wealthier, healthier and live longer. They also have better sex!

— **Life: A man aged 48 who is married has an 83% chance of living to age 65; but a divorced man's odds are only 63%.** Women have a similar though not as drastic consequence if they divorce. Why? Divorced people are more likely to abuse alcohol or drugs, for example. Such people are more likely to suffer from heart attacks, cancer, be in automobile accidents or commit suicide, as indicated in the book "The Broken Heart: The Medical Consequences of Loneliness" by J.J. Lynch. The never-married live the shortest lives—both men and women.

— **Happiness:** Married people are twice as likely as those who are single for whatever reason to say they are "very happy." Some 38% of married couples say they are very happy, compared to 14% of divorced men and 18% of divorced women, and 18% of the separated. The surprise is that married people are nearly twice as apt as never-married (38% vs. 21%) to say they are very happy. That is not the message of "Friends" and other TV sitcoms which glamorize adults who jump in bed with someone new every weekend.

— **Wealth:** A married couple in their 50s in 1994 had net assets of $132,000, but a divorced person, only $33,600 and a separated person, only $7,600. What is particularly surprising is that a never-married person aged 50-60 has assets of only $36,000, about one-fourth of the wealth of a married couple who spent thousands to raise their children.

— **Sex:** "Married sex really is better sex," report Waite and Gallagher. "Married women are almost twice as likely as divorced or never-married women to have a sex life that (a) exists and (b) is extremely emotionally satisfying." Some 43 percent of married men had sex at least twice a week vs. only 26 percent of single men.

Marriage Savers' Proposals

We at **Marriage Savers** recommend a number of actions to the President, the Department of Health and Human Services, and to the Ways and Means Committee that oversees welfare:

I. Set High Goals on Divorce, Marriage and Out-Of Wedlock Birth Rates.

President Kennedy faced a major crisis in April 1961 when the Russians shot an astronaut into orbit around the earth. The U.S. was far behind, having not even put a man in space for a minute. Kennedy's scientific advisers said the Soviet Union was likely to land a man on the moon first, and in the process, would extend its superiority in space. At a time when the federal budget was below $100 billion, experts said it would cost $20 to $40 billion to put a man on the moon, a staggering sum at the time. Nevertheless, Kennedy announced a goal to land an American

astronaut on the moon by the end of the decade. He knew it would probably happen after he was out of office, even if re-elected in 1964. Setting the goal was an important first step in mobilizing the public support and Congressional backing needed to catch up and surpass the Russians. It took 400,000 people working for eight years to land Neil Armstrong on the moon.

Similarly, I believe President Bush needs to set some high goals to restore the American family which has been steadily disintegrating since 1960. Therefore, I suggest that the President take a bold step by calling on the nation to:

A. Slash the Divorce Rate by 50% *by 2010,* saving 600,000 marriages a year Two cities have virtually achieved this goal. The clergy of Modesto, CA set a goal in 1986 "to radically reduce the divorce rate," in the nation's first **Community Marriage Policy®**. ***Its divorce rate has plummeted 47.6%.*** A second city is Kansas City, KS and a two county suburban area. In only four years, 1995-1999, its divorce rate has ***plunged 44%*** since clergy created a **Community Marriage Policy® (CMP).**

B. Increase the Marriage Rate by 25% *by 2010,* creating 500,000 more marriages a year. Again, Modesto, CA — yes, the home of Rep. Gary Condit — has shown the way.During years when the nation's marriage rate fell 18%, Modesto ***increased its marriage rate by 13.6%.*** The number of marriages grew by 882 a year, while the number of divorces fell by 1,250 a year. That has created more than 2100 more solid families per year. The 25% goal may seem high, but if the President inspires the country by setting the goal, and an Ad Council campaign makes a case for marriage and against cohabitation, trends can be bent.

C. Decrease the Out-of-Wedlock Birth Rate by 33% by 2010 so 450,000 more babies are born to married couples. With more children growing up in secure homes, ***Modesto's school dropout rate fell 20% and its teen birth rate fell by 30%,*** double the U.S. decline. Thus marriage is a proven strategy to reduce the number of children at risk in our culture.

If only a third of America's churches and synagogues trained 10 Mentor Couples each, there would be a million Mentor Couples. Surely, they could save half of the nearly 1.2 million marriages ending in divorce within a year. Is that realistic? *Christianity Today* quoted me on my vision in an editorial last year and wrote:

> ***"If McManus's projections are at all reasonable — and if we put our minds to the task they are — we could save approximately 600,000 marriages (a year) by 2010. If that vision doesn't motivate us, what will?"***

A Final Thought

No state in America has reformed unilateral divorce. New Hampshire could be the first to do so. Divorce lawyers, who dominate the Judiciary Committees of most state legislatures, have

prevented any national debate. Why not show the rest of the nation you have a plan to slash the divorce rate, raise the marriage rate and thus dramatically lower out of wedlock births? You could inspire the nation! Fortunately, immense funds are not needed to achieve these goals.

In New Hampshire, only two decisive steps are needed:

1. Pass HB 1301 to limit unilateral divorce to couples without minor children

2. Use surplus TANF funds to fund public and private efforts to improve the communication and conflict resolution skills of New Hampshire residents.

Most of the work can be done by volunteers, lay couples. What's needed primarily is to inspire, recruit and train couples with strong, vibrant marriages, to be Mentor Couples, helping other couples to be successful. It is a worthy cause, deserving of your support.

---

1. Sara McLanahan and Gary Sadefur, *Growing Up with Single Parents: What Hurts, Who Helps, 1994.*

2.. Patrick F. Fagan and Robert Rector, "The Effects of Divorce on America," a Backgrounder of The Heritage Foundation, June 5, 2000, calculations based on 1993 data fromWisconsin Department of health and Human Services and U.S. Bureau of the Census, *Current Populaiton Survey.*

3. Robert Whelan, *Broken Homes and Batt3ered Children,* 1994, as reported in The Heritage Foundation's Backgrounder, "The Effects of Divorce on America" by Patrick Fagan and Robert Rector, June 5, 2000.

4. Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People are happier, Healthier, and Better Off Financially,* Doubleday, New York, 2000.

5. Judith Wallerstein and Sandra Blakeslee, *Second Chances: Men, Women, and Children a Decade After Divorce,* Ticknor & Fields, New York, 1989.

6. Judith Wallerstein, Julia M. Lewis, Sandra Blakeslee, *The Unexpected Legacy of Divorce: A 25 Year Landmark Study,*Hyperion, New York, 2000.

7. James J. Lynch, *A Cry Unheard: New Insights into the Medical Consequences of Loneliness.* Bancroft Press, Baltimore, 2000.

8. Bureau of Census Statistical Brief, "Mothers who Receive AFDC Payments: Fertility and Socioeconommic Characteristics," March, 1995.

9. See the *Manual to Create a Marriage Savers Congregation* by Michael J. McManus, particularly Chapter 6 on preparation. It also provides a step-by-step series of suggestions to create the ministries outlined here and was published by Marriage Savers (2001).

10. See *The Church of Modesto,* Chapter 13, "The Community Marriage Policy," by Jim Bouck, Glenhaven Press, Modesto, 1999.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1301

BILL TITLE: **relative to grounds for divorce for persons with minor children.**

DATE: February 19, 2002

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Gargasz

Seconded by Rep. Pratt

Vote: 10-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO - Reg.

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1301

BILL TITLE: **relative to grounds for divorce for persons with minor children.**

DATE: 2/19/02

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, (Interim Study) (Please circle one.)

Moved by Rep. Cargagg

Seconded by Rep. Pratt

Vote: 10-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Hull Richardson, Clerk

OFFICE OF THE HOUSE CLERK 2002 SESSION

CHILDREN AND FAMILY LAW

Bill #: 1301 Title: relative to grounds for divorce for persons with minor children

PH Date: 1/8/02 Exec Session Date: 2/19/02

Motion: Interim Study Amendment #:

MEMBER	YEAS	NAYS
Dowling, Patricia A. Chairman	✓	
Lyman, L Randy, V Chairman		
Brown, Julie M		
Arnold, Thomas I		
Bickford, David A	✓	
Hutchinson, Karen K		
Moran, Edward P		
Greenberg, Gary C		
Bouchard, David M		✓
Itse, Daniel C		
Furman, Christine M		✓
Gargasz, Carolyn M	✓	
McHugh, Claire B	✓	
Palermo, Diane T	✓	
Dokmo, Cynthia J		
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W		✓
Grassie, Anne C		
Pantelakos, Laura C	✓	
Ginsburg, Ruth	✓	
Gile, Mary Stuart	✓	
	10	3

TOTAL VOTE:

Printed: 1/11/2002

INTERIM STUDY
EXECUTIVE SESSION

COMMITTEE: **CHILDREN AND FAMILY LAW**

BILL NUMBER: **HB 1301**

BILL TITLE: **relative to grounds for divorce for persons with minor children**

DATE: October 9, 2002

MOTION
(Please circle one)

RECOMMENDED **NOT RECOMMENDED**

Moved by: Rep. David A. Bickford

Seconded by: Rep. Edward P. Moran

Vote: 10-2
(Note: Attach record of roll call vote)

Rep. Barbara Hull Richardson
Clerk

Original: Committee Bill File

CHILDREN AND FAMILY LAW

Bill #: HB 1301 Title: relative to grounds for divorce for persons with minor children

PH Date: 1/8/02 Exec Session Date: 10/9/02

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Dowling, Patricia A. Chairman	✓	
~~Lvman, L Randv.~~ V Chairman		
Brown, Julie M		
Arnold, Thomas I		✓
Bickford, David A	✓	
Hutchinson, Karen K		
Moran, Edward P	✓	
Greenberg, Garv C	✓	
Bouchard, David M		
Itse, Daniel C		
Furman, Christine M		
Gargasz, Carolvn M	✓	
McHugh, Claire B		✓
Palermo, Diane T		
Dokmo, Cvnthia J		
Pratt, Irene A		
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C		
Pantelakos, Laura C		
Ginsburg, Ruth	✓	
Gile, Marv Stuart	✓	
Dyer, Mert	✓	
TOTAL VOTE:	10	2

Printed: 1/11/2002

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1301**

TITLE: relative to grounds for divorce for persons with minor children.

DATE: February 19, 2002 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee felt that the intention of the bill is laudable, to keep families with minor children intact and to reduce divorce. However, to remove irreconcilable differences and to revert to fault divorce for these families would cause more harm than good. In most cases divorce would still occur. For a parent to prove fault against the other parent would make divorce more acrimonious and more expensive. It would also make cooperation and co-parenting post-divorce more difficult. It was felt it would be more effective to take measures to strengthen marriage and deal with problems before a couple files for divorce.

Vote 10-3.

Rep. Carolyn M. Gargasz
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Children and Family Law

HB 1301, relative to grounds for divorce for persons with minor children. **REFER TO COMMITTEE FOR INTERIM STUDY**

Rep. Carolyn M. Gargasz for Children and Family Law: The committee felt that the intention of the bill is laudable, to keep families with minor children intact and to reduce divorce. However, to remove irreconcilable differences and to revert to fault divorce for these families would cause more harm than good. In most cases divorce would still occur. For a parent to prove fault against the other parent would make divorce more acrimonious and more expensive. It would also make cooperation and co-parenting post-divorce more difficult. It was felt it would be more effective to take measures to strengthen marriage and deal with problems before a couple files for divorce. **Vote 10-3.**

Child and Family Law

HB 1301 – Interim Study

Carolyn Bargas for the Committee

The committee felt that the intention of the bill is laudable, to keep families with minor children intact and to reduce divorce. However, to remove irreconcilable differences and to revert to fault divorce for these families would cause more harm than good. In most cases divorce would still occur. For a parent to prove fault against the other parent would make divorce more acrimonious and more expensive. It would also make cooperation and co-parenting post-divorce more difficult. It was felt it would be more effective to take measures to strengthen marriage and deal with problems before a couple fils for divorce.

VOTE: 10-3 regular calendar

Patricia A. Harding

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1301**

TITLE: relative to grounds for divorce for persons with minor children.

DATE: CONSENT CALENDAR YES ☐ NO ☑

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 10-3

Rep. Barbara Hull Richardson
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 1301**

TITLE: relative to grounds for divorce for persons with minor children

DATE: October 9, 2002

☐ RECOMMENDED

☒ NOT RECOMMENDED

STATEMENT OF INTENT
(may be handwritten)

The committee felt that eliminating irreconcilable differences as a cause for divorce for couples with children would not solve the problem of children being assured a stable home. The committee felt that the incentive or disincentive to divorce needed to be further researched in order to better understand what encourages people to divorce. Instead of ending this type of divorce, the state should study why couples with children desire to separate. The committee found additional services are needed to help couples throughout the state.

Vote: 10-2.
(Note: Attach record of roll call vote)

LSR Number: N/A.
(If legislation if already filed, please list LSR number)

Rep. David A. Bickford
Chairman/Clerk

Original: House Clerk
Copy: Committee Bill file

Children and Family Law

HB 1301, relative to grounds for divorce for persons with minor children **NOT RECOMMENDED**

Rep. David A. Bickford for Children and Family Law: The committee felt that eliminating irreconcilable differences as a cause for divorce for couples with children would not solve the problem of children being assured a stable home. The committee felt that the incentive or disincentive to divorce needed to be further researched in order to better understand what encourages people to divorce. Instead of ending this type of divorce, the state should study why couples with children desire to separate. The committee found additional services are needed to help couples throughout the state. **Vote 10-2.**

HB 1301

Not Recommend for Further Legislation

The committee felt eliminating irreconcilable differences as a cause for divorce ~~for~~ couples with children would not solve the problem of children being assured a stable home.

The committee felt that the incentive or disincentive to divorce needed to be further researched in order to better understand what encourages people to divorce.

Instead of ending this type of divorce The state should study why couples with children desire to separate.

The committe found additional seovices ave needed to help couples throughout the state

Rep. David A. Bickford
Chairman Patricia A. Quigley