
Texas INTEREST in Marriage Education

Texas Association for Marriage and Family Therapy, 1999

Overview

Families in Texas, like families elsewhere in the United States, are under increasing pressure to survive, let alone thrive. The divorce rate has climbed to a point where almost half of all marriages end in divorce. Unfortunately, when parents are in conflict, children are often caught in the middle. For some of these children, the repercussions are disturbing and long-term, leading to lower educational attainment and occupational success, poorer social integration, increased behavioral difficulties and psychological distress, and more problematic marriages after reaching adulthood.

Causes for the dramatic rise in divorces and marital conflict are the subject of some debate, but many researchers believe that a decline in marital satisfaction is the primary factor. And, while considerable work has been done on the subject of marital discord, studies on the impact of such conflict on children, and the development of practical solutions to mitigate the harm done to them, have been lacking.

Fortunately, this situation is changing. Attention is now being focused on developing public policy that is proactive--designed to reduce marital conflict and to ensure the best possible outcomes for children. Particular attention has been focused on reducing marital discord as a means to improve child support payment compliance, although that is by no means the only outcome desired.

The following white paper, prepared by Texas Perspectives, Inc. for the Texas Association for Marriage and Family Therapy, will:

- provide an overview of recent research;
- examine child support as an illustration of the need for proactive approaches in conflict reduction;
- review relevant public policy changes in Texas and other states; and
- develop preliminary recommendations on how Texas might proceed in enacting legislative changes.

1.0 Introduction & Review of Recent Research on Marital Conflict and Divorce

The American family has been in a period of dramatic transition over the last three decades. Remarkable transformations have occurred to alter the landscape of the family unit, including changes in economic well-being, family relationships and structure, and gender roles. After remaining stable throughout the 1950s, the divorce rate in the United States increased in the 1960s, doubled between 1966 and 1976, then leveled off during the 1980s at an historically high level.¹

Reasons for these disturbing statistics are many and varied, but most researchers believe that a perceived decline in marital quality contributed to the upward trend in divorce.² In addition, standards for what constitutes a successful marriage have increased, thus making satisfactory marriages more difficult to attain. Higher expectations for marriage—combined with relaxed restrictions on divorce—have worked together to erode marital satisfaction and elevate divorce to a level that is unlikely to subside in the near future.³

There is general agreement that the traditional American family is undergoing many changes. For years, scholars have argued over how children have been affected by these societal shifts. Some claim that increases in the number of dual-earner couples (accompanied by conflicts between the demands of work and family), declining economic opportunities, and a rise in single-family households have been to blame for the deterioration of the family and the attending negative effects on youth.⁴ Other scholars have argued that families are becoming more diverse but not necessarily weaker.⁵

With publication of the 1997 book *A Generation at Risk*, sociologists Paul Amato and Alan Booth provided for the first time a comprehensive picture of how multiple dimensions of family change are related to a broad array of outcomes for children. Amato and Booth conducted a 15-year longitudinal study that studied in depth the effects of three decades of domestic changes on America's youth. The following provides a summary of the relevant research literature, along with an overview of Amato and Booth's findings.

To understand how a child's family affects his or her well-being in young adulthood, it is important to examine a number of family-of-origin characteristics. Two of the most widely studied characteristics are parents' marital quality and parents' socioeconomic resources. Parents' marital quality includes measures of their happiness, interaction, marital conflict, willingness to divorce, and familial experience with divorce. Socioeconomic resources include parents' education, income, employment status, reliance on government assistance, and perceptions of the family's economic improvement or decline.⁶

1.1 The Impact of Parental Conflict and Divorce on Parent-Child Relationships

A person's well-being is influenced by many aspects of life: relations with parents, the formation, maintenance, and quality of intimate relationships, the development of appropriate social roles, educational and occupational success, and psychological well-being.

Although all of these factors are important, the primary mechanism impacting children's outcomes is the quality of the parent-child relationship. Research has repeatedly demonstrated that a high level of parental support is associated with a variety of positive outcomes in children and adolescents, including sound psychological adjustment, higher self-esteem, better academic achievement, and more social competence, as well as considerate and unselfish behavior.⁷

Parental support, expressed through affection and responsiveness, benefits children by conveying to them a basic sense of security. Parents who praise and encourage their children reinforce self-conceptions of worth and competence. Practical assistance and advice from parents foster the learning of everyday skills, and parental guidance promotes the formation of appropriate long-term goals. Setting and enforcing rules teaches children the consequences of behaviors and how to take responsibility for their actions. And, by explaining the reasons behind rules, adults help children internalize social norms.⁸

Unfortunately, the stresses of living in today's society prevent many parents from achieving these goals. For example, research has shown that serious financial pressures lead many parents to show less affection toward their children, engage in harsher forms of discipline, and provide less supervision for their children.⁹

A greater threat to positive outcomes for children is marital conflict, which research shows makes family life stressful for everyone in the family, not just the adults. When there is severe marital conflict, research shows that parents discipline their children more harshly and inconsistently and they are less emotionally available for their children.¹⁰ Over time, adults who are constantly under such stress increase the risk of negative outcomes for their children, such as psychological maladjustment, behavior problems, school failure, and adolescent delinquency.

Clearly, the quality of the parents' marriage has important implications for the parent-child relationship, particularly the father-child relationship. One study found that a decline in marital quality over a three-year period was associated with fathers becoming less supportive of their young children; there was no comparable finding for mothers, however.¹¹

Divorce often appears to have a detrimental effect on the quality of children's relationships with the custodial parent (usually the mother).¹² A longitudinal study found that recently divorced custodial mothers exhibited many of the same problematic behaviors characteristic of parents in high-conflict families, that is more harsh discipline, less supervision, and less affection.¹³ Although the quality of the mothers' parenting improved after two or three years, problems persisted in their relationships with their children, particularly their sons. When divorced and remarried mothers were compared with mothers in first marriages in the National

Survey of Families and Households, divorced and remarried mothers reported fewer enjoyable times with their children, had more disagreements with them, and were more likely to yell at or spank their children.¹⁴

With respect to fathers, research has shown that the amount of contact between non-custodial fathers and children tends to decline over time after divorce.¹⁵ This may be due to several causes. First, when conflict between the parents remains high after the divorce, some mothers may try to restrict the father's access to his children. Second, some men feel "pushed out of the picture" when the custodial mother remarries, creating a new family structure with the mother

and children more involved with the stepfather.¹⁶ Third, men have generally viewed fatherhood as a “package deal,” accepting emotional and financial responsibility for children only as long as they are married to the mother.¹⁷

Conflicts in the parents’ marriage can continue to haunt children as they move into adulthood, regardless of whether the parents divorce. One study found that, among adults whose parents remained continuously married, those who recalled their parents’ marriage as being unhappy had relatively little contact with parents.¹⁸ Other studies found that when parents reported greater marital unhappiness, children reported less affection for their fathers but not for mothers.¹⁹

Amato and Booth’s landmark study showed that children whose parents had a high level of conflict and unhappiness were less willing to ask either of their parents for assistance. Overall, they found that both low marital quality and divorce are problematic for children’s later relationship with their parents; an unhappy marriage weakens parent-child ties, and divorce weakens them further.

1.2 The Impact of Parental Conflict and Divorce on Intimate Relationships in Young Adults

The formation of a satisfying, stable intimate relationship is one of the primary “tasks” of early adulthood. An emotionally close and supportive relationship is critical for several reasons. It contributes to a person’s sense of well-being and mental health and it provides a social and economic context for raising children. In general, research shows that spouses provide emotional support to their partners and discourage them from engaging in risky behavior (e.g. excessive drinking).²⁰

The process of establishing and maintaining intimate relationships is very different today than it was even a generation ago. The postponement of marriage, the increase in cohabitation, and the rise in divorce and re-marriage have made managing an intimate relationship more complex, and the long-term outcomes less certain, than in previous decades.

Children learn a set of attitudes, social skills, and ways of handling close relationships from their families, and these traits have implications for the formation and maintenance of intimate ties. Although relatively few studies have focused exclusively on the consequences of parents’ marital conflict for adult children’s intimate relationships, those that exist yield consistent findings. In several studies of married adults, those who report unhappiness in their parents’ marriage tend to report less marital happiness and more conflict and problems in their own marriages.²¹

Similarly, another study found that young parents who recall positive relationships between parents are less likely than other young parents to experience declines in marital quality following the birth of a baby (an often vulnerable time in a marriage).²² Overall, these studies consistently show that people experiencing relationship problems tend to recall a relatively high level of interparental discord while growing up.

With respect to divorce, research has found that the break-up of a marriage accelerates dating and sexual activity among children, increasing the risk of teen pregnancy, and possible reliance on government assistance. This is especially true if divorce is accompanied and/or followed by a high level of conflict.²³ Additionally, children from conflict-ridden families may fail to learn communication skills useful in conflict resolution, further contributing to problems in their own intimate relationships. Young women may be particularly vulnerable because the absence of a close father-daughter relationship limits their experience in interacting with men.²⁴

The transmission of low marital quality and divorce from one generation to the next seems to arise from several sources. Many children from chronic, high-conflict marriages may develop personal traits that predict poor relationship quality.²⁵

Additionally, persistent conflict between parents may lead to a state of emotional insecurity or other problematic personality traits among offspring. Some children may choose to marry early to escape from family conflict, which often is associated with lower educational attainment, negatively affecting future earning potential.²⁶

1.3 The Impact of Parental Conflict and Divorce on the Development of Appropriate Social Roles

Part of becoming a successful and contributing adult is involvement in various groups, such as churches, fraternal organizations, civic clubs, or other formally defined organizations. These groups provide social, emotional, and sometimes, financial support, for the individual both in personal life and in activities related to work and career.

In general, research shows that a high level of social participation increases longevity, buffers individuals from the effects of stressful life events, and facilitates a person's overall sense of well-being.²⁷ Society benefits because social networks tend to promote healthy lifestyles and discourage anti-social behavior.²⁸ On a broader level, society is based on the ability of individuals to connect with one another and coordinate activities. As a result, social integration not only benefits individuals but is also necessary for the smooth functioning of social institutions.

Research also has shown that children's positive recollections of parental support during adolescence is related to church involvement, community attachment, and the number of relatives and friends to whom they feel close.²⁹ These findings are consistent with research showing that the quality of parent-child relationships has implications for children's later social functioning.

Children exposed to conflicted or otherwise problematic marriages often experience challenges developing appropriate relationship skills since children learn a variety of those skills from observing their parents. If the parents cannot demonstrate sharing, taking turns, discussing problems, compromising, and resolving differences amicably, the children often have difficulty with social interactions outside the family.³⁰ For example, studies have found a similarity of

conflict styles between parents and their children, with children of conflictual parents adopting an avoidant or aggressive interactional style when dealing with peers.³¹

Emotionally insecure children are more likely to perceive their social environments as unpredictable and uncontrollable. These perceptions and beliefs may interfere with a young adult's ability to form satisfying, stable social relationships outside the family. Indeed, research has shown that parents' marital conflict is associated with lowered social competence, fewer friendships, and more loneliness among children and adolescents.³²

Divorce, in and of itself, does not necessarily lead to poorer social integration. Children of divorce tend to have lower scores on measures of social adjustment than do children whose parents remain married.³³ However, it appears that the level of parental conflict that precedes and follows the divorce is the best predictor of relationship problems for the children.³⁴ Amato and Booth found that children whose parents had a high level of marital conflict were actually better off if their parents divorced. In a marriage that is relatively low in conflict, however, children whose parents divorce may experience considerably more stress and, consequently, may be worse off than those whose parents remain married.

1.4 The Impact of Parental Conflict and Divorce on Educational and Occupational Success of the Children

The educational and occupational attainment of children is a topic of great interest, partly because it is a key measuring stick of success in our society. In addition to conferring income and status, well-educated individuals (compared to poorly educated individuals), report more stimulating and enjoyable experiences at home and work.³⁵ Education provides people with skills and information that help them cope with stressful circumstances³⁶, increase their sense of control³⁷, and avoid depression.³⁸ Education and income also are correlated with greater longevity and better health.³⁹

On a societal level, high educational attainment among the population is essential to develop technologically and to compete in a global economy. Well-educated parents are better able to provide for their children's financial needs and are motivated to seek out and assimilate information on effective child-rearing techniques, thus enhancing the well-being and competence of the next generation. For those reasons educational advancement is not only a vehicle for promoting the success of particular individuals but also a necessary investment in the well-being of the community.

Family of origin characteristics can affect socioeconomic attainment in a variety of ways. Unfortunately, research examining the effects of parents' marital quality on children's educational and occupational success is scarce. One longitudinal study found that parents' marital commitment was positively associated with daughters' (but not sons') later educational and occupational attainment.⁴⁰ More research directly examining this relationship is needed.

Although direct evidence is not available, parents' marital quality certainly affects aspects of life that have the potential for jeopardizing success in school and on the job. As discussed earlier, unresolved parental conflict is a source of stress for children because it threatens feelings of attachment to both parents and generally decreases the quality of the parent-child relationship. Poor parenting results in children who are more antisocial, anxious and depressed, and who experience difficulty in concentrating - all factors known to influence performance at school.

Research does show that, in general, parental divorce increases economic adversity for children, while lowering their educational achievement and occupational status as adults.⁴¹ Children whose parents divorce, compared with those whose parents remain married, complete one-half year less of education. Since each year of education raises annual income by approximately \$4,000, the annual gap in income associated with one-half-year of education multiplied by the number of years that a person is in the workforce amounts to a substantial lifetime difference in earnings ?? approximately \$100,000 in present value terms for a someone who is in the workforce from age 22 to age 70.⁴²

1.5 Effect of Parental Conflict and Divorce on Children's Psychological Well-Being

Marital conflict has short- and long-term negative consequences for children. Observational studies show that children witnessing conflict between parents react with fear, anger, or the inhibition of normal behavior.⁴³ Preschool children (who developmentally tend to be egocentric) may blame themselves for marital conflict, resulting in feelings of guilt and lowered self-esteem.⁴⁴

Children exposed to persistent conflict become insecure about the continued emotional and physical availability of parents. Emotional insecurity, in turn, decreases children's ability to regulate their emotions and behavior, lowers their effectiveness in coping with stress, and decreases their sense of control.⁴⁵ In general, when children are drawn into conflict between parents, the result is a deterioration in the parent-child relationship.

Divorce is also associated with a number of difficulties among children, including low self-esteem, behavior problems, and psychological distress.⁴⁶ The parental conflict that often precedes and sometimes follows divorce can be devastating to a child. In fact, a number of prospective studies show that child psychological problems can be present years prior to a divorce.⁴⁷ Another factor contributing to the stress children feel when parents divorce is conflict between parents over custody and visitation, often negatively affects a child's sense of security and well-being.⁴⁸

Divorce can be psychologically beneficial for children when it removes them from a high conflict marriage; however, divorce can be problematic for children when it removes them from a low conflict marriage.⁴⁹

1.6 Summary

Amato and Booth have provided data demonstrating that the long-term consequences of parental conflict are pervasive and consistent for children. In particular, poor marital quality is associated with problematic relationships for children with their mothers and fathers, more difficulties achieving and maintaining intimate relationships, a greater probability of relationship dissolution, lower social integration, less education, and a lack of psychological well-being.

Although divorce clearly has negative consequences for children, it is not as influential as the effects of the parents' overall marital quality. Simply stated, parents' unhappiness and marital discord have a broad negative effect on virtually every dimension of a child's well-being.

Embedded in the research on the negative effects of divorce are (1) the degree to which parental conflict continues during and after divorce and (2) whether the father (or non-custodial parent) maintains support and contact with his children. Amato and Booth agree with marriage and family therapists that it is vital to help conflicted and/or divorcing couples look at the effect of their behavior on the children. Amato and Booth argue that it makes the most sense to develop policies that support and strengthen marriage. Such policies would include initiatives to help prospective spouses understand marriage and its responsibilities and rewards, learn skills to resolve differences and reduce conflict, and be aware of the resources available help strengthen marriage or prevent divorce.

For these and other reasons, Amato and Booth recommend that governments, community organizations, employers, courts, and churches work together to ensure that all unhappily married couples have access to therapy that is both affordable and child-centered. In the end, family policies should be based on creating incentives for parents to act in the best interests of their children.

2.0 Reducing the Costs of Divorce

Research clearly shows that parents' unhappiness and marital conflict have broad negative effects on virtually every dimension of children's well-being. However, the inverse is also true. A reduction in conflict is beneficial in a variety of ways. In addition to the more obvious emotional and psychological implications, reduced conflict has positive economic and fiscal consequences, especially in the context of divorce.

The fiscal impact of family dissolution is well documented; the sudden drop in income often experienced by the child's custodial parent following a separation or divorce can foster a host of problems, financial and otherwise. As a result, the issue of child support has received considerable attention in recent years, and an enormous volume of energy and resources are spent in an effort to enforce compliance.

The results are discouraging.

The Texas Attorney General's Office reports that, during fiscal 1994, a total of \$2.2 billion in child support was owed in Texas, of which slightly less than half (49 percent) actually was collected. Perhaps even more telling, only 246,800 of the total of 607,600 child support cases were in compliance that year, meaning that 59 percent of those who owed child support were not paying it.

A variety of reasons contribute to this poor performance, with economic distress (typically through the loss of steady employment) the most prevalent. Interestingly, almost as significant is the nature of the arrangements made for child support that accompany the divorce, which in many ways reflects the level of conflict between parents.

According to the U.S. Census Bureau, the payment of child support is heavily dependent on an agreement being in place, which is true in only 58 percent of all cases.⁵⁰ Of those cases, how the agreement was reached and how the payments are made directly relate to whether the custodial parent actually receives the payment in a regular manner.

The figures show that among cases where agreements are reached voluntarily, there is a considerably greater likelihood of compliance (93 percent versus 72 percent), probably reflecting a more amicable divorce. Similarly, those women whose payments come directly from the father are more likely to receive support (82 percent) than those whose payments are structured to flow through the courts (75 percent) or through a state welfare agency (56 percent). The following table summarizes the results.

The financial consequences of increasing the number of voluntary agreements would also be substantial for the state. The figures in the table above show that the immediate effect of a ten-percent increase in voluntary child support agreements would exceed \$3.6 million dollars per year; if all agreements were to become voluntary, the present value of additional child support paid over the twelve years from 1998-2010 would exceed \$0.5 billion.

These figures are conservative, in that they assume no increase in the number of actual child support agreements, but merely that the character of new arrangements begins to shift toward voluntary agreements.

As noted earlier in this report, one of the most effective methods of increasing the number of voluntary agreements is to provide support at the time of divorce—i.e., through education, therapy and mediation. By promoting a more cooperative relationship between divorcing spouses, these services can not only facilitate a voluntary divorce agreement, but may well encourage increased ongoing contact between absent fathers and their children. This increased contact tends to have a positive effect on child support payments. Therefore, the resources needed to provide these services should be viewed as an upfront investment rather than a cost, since the return to both the state and individuals involved (in the form of larger child support payments over time) is considerable.

Specifically, the state should be willing to spend up to \$1,060 per divorce (the difference in expected voluntary vs. non-voluntary payments spread over the total number of expected divorces) to increase the number of voluntary agreements. It is worth noting that the difference between voluntary and non-voluntary payments grows to \$3,342 by the year 2020.

*

As we have seen, Amato and Booth recommend that governments, community organizations, employers, courts, and churches work together to ensure that all unhappily married couples have access to counseling that is both affordable and child-centered.

This view is echoed by the Census Bureau: “. . .to think of child support only in terms of awards and collections is too narrow a perspective. Other measures should also be considered that would work by positive means and thereby reduce coercion. For example, any visitation or custody arrangement that makes contact between the child and the absent parent more frequent and more ordinary is more likely to maintain commitment and, therefore, support. Additionally, services that help the former couples mediate and reduce their conflict, especially at the time support and custody arrangements are being worked out, bode well for the payment and levels of support over the long run.”

The benefits of proactive support are clearly outlined in both the academic literature and the analysis above, and a number of states are working to develop public policy that reflects this awareness. The following section summarizes a number of the most effective approaches.

3.0 Overview of Recent Public Policy in Other States

A growing number of states are recognizing the importance of conflict resolution and its positive effects on children. Indeed, there has been a nationwide push, within the last few years, to enact legislation at the state level that encourages divorcing parents with minor children to seek educational programs and/or family therapy services from professionals. Concurrent with these efforts has been a drive to promote custody and visitation dispute resolution, premarital education and/or therapy, and educational and support services for married couples, including better access to family and couple therapy.

Educational programs for divorcing parents are now offered at the county level throughout more than 40 states; in addition, a number of states offer separate courses designed to help children cope with divorce.⁵¹ Individual programs cover varying material, and are sponsored by differing entities, including family court offices, public and private mental health departments, churches, community-based agencies, private therapists and counselors, and educational institutions. At least 12 states currently offering parenting programs have enacted legislation authorizing—and in some cases, mandating—courts to implement education programs statewide.⁵² Thus far, preliminary evaluation of some of the more established programs has been extremely positive.

Connecticut In Connecticut, where all separating and divorcing parents can be required to attend a six-hour parental education classes, exit interviews show that the vast majority of program participants viewed the course as a positive experience. The \$100 class provides parents information on child development, the effect of parental separation on children, dispute resolution and conflict management, guidelines for visitation, stress reduction in children, and lessons in cooperative parenting.⁵³ Eighty-nine percent of the participants in these classes said they would recommend the program to others, while 79 percent felt that all parents entering the family court process should be required to attend the course.⁵⁴ The state also has created a system of licensing local providers who conduct parenting classes.⁵⁵

New York Another program of interest is New York's Parent Education and Custody Effectiveness, or "P.E.A.C.E. Program." Developed by Hofstra University in 1993 under a grant from the New York State Justice Institute, P.E.A.C.E. is an interdisciplinary program that provides divorcing parents education in three areas: 1) the legal process for determining custody and child support; 2) the effects of divorce and separation on adults; and 3) the effects of divorce and separation on children—focusing specifically on ways in which parents can help their children cope with the transition.⁵⁶ The program's aim is to "encourage parents to assume responsibility for creating a post-divorce environment in which their children are their first priority." Following a successful pilot study, the program has been expanded statewide. Each branch of the P.E.A.C.E. program operates under broad general guidelines, with local advisory committees responsible for setting policies for administering programs within their communities.⁵⁷

Beyond parent education classes, many states also have enacted legislation designed to reduce conflict relating to custody and visitation issues. A number of states, including California, Wisconsin, and Iowa, mandate either mediation or court-approved education for all custody and visitation disputes.⁵⁸ Other states have moved to increase the number of couples attending premarital education and/or premarital therapy. Incentives to encourage participation include giving couples who complete the course tax credits, reduced waiting time for marriage licenses, and/or discounts on various marriage-related fees.

Florida One of the more comprehensive pieces of legislation to date, Florida's "Marriage Preparation and Preservation Act" (House Bill 1019), was signed into law in May 1998. A more detailed summary of the Florida law is attached. The Act addresses the need for conflict management and for improved relationship skills on several fronts:

- Required High School Course: Florida law already mandated all high school graduates to complete a life management skills course, worth one half-credit of course work. The new law specifies that the course must include marriage and relationship-building education.

- **Premarital Preparation Class:** Couples attending a four-hour, court-approved premarital preparation class are eligible to receive a marriage license discount of \$32.50. To receive the discount, they also must read a handbook prepared by the Florida Bar summarizing the legal rights and responsibilities of marital partners during marriage and upon dissolution. If the course is not completed, the marriage license effective date is delayed three days. In addition, all couples filing for marriage licenses are given a confidential questionnaire developed by Florida State University's (FSU) Center for Marriage and Family. The questionnaire will be used to evaluate the effectiveness of the educational programs.

- **Divorce Fees and Parental Education Courses:** The Act adds an additional \$32.50 to all divorce filing fees, and requires that all parents of minor children attend a court-approved parent education and family stabilization course prior to divorce. In addition, couples filing for dissolution of a marriage must complete an anonymous FSU questionnaire. The questionnaire will be used to evaluate the effectiveness of the parental education courses.

4.0 Current Texas Public Policy and Services

While family therapy, educational programs, and mediation in states such as Florida are centrally administered and available statewide, the level of development of such programs in Texas is difficult to ascertain, largely because their administration has been fragmented among the 254 counties and numerous district courts. An overview of several noteworthy divorce-related programs in Texas follows:

4.1 Classes for Divorcing Parents

Although divorce therapy and divorce education classes are not required by law for all divorcing parents, Texas courts have the authority to mandate them by court order, based on the discretion of individual judges. Senate Bill 1384, sponsored by Senator Tom Haywood and enacted during the 1997 legislative session, provides that such counseling, if ordered by the courts, must include a discussion of issues confronting children of divorce.

One of the most successful divorce education programs in Texas is "For Kids' Sake," a one-time, four-hour course now available in 37 counties across the state. Developed by a team of legal, mental health, child development, parent education and law enforcement professionals, the program was started in 1993 by Practical Parent Education, a non-profit organization based in Plano, Texas and funded by the Texas Bar Foundation. Topics covered in the For Kids' Sake Seminar include "How Divorce Affects Children," "Recognizing Children At Risk," "Common Areas of Conflict in Divorced Families," and "Building a Co-Parent Relationship." The program is available in both Spanish and English, and includes a 50-page handbook for parents.⁵⁹

Participants in the For Kids Sake course usually are ordered to attend by the court, although 10-15 percent of the attendees come to the class voluntarily. In the Plano For Kids' Sake program, 92 percent of the participants over a four-year

period have consistently rated the program as either extremely helpful or very helpful—a trend that seems to be repeating itself in preliminary evaluations of similar programs throughout the state. Many attendees go on to seek further professional help.⁶⁰

4.2 Mediation

Mediation is often used to resolve issues of child custody, visitation, and child support. The service is available in a number of Texas counties, although its use varies tremendously from court to court, even within those counties. In Collin County, for instance, judges in some courts regularly order mediation and counseling, while other judges rarely do so. In nearby Tarrant County, long-standing county policy dictates that all visitation (though not child support) cases are to be mediated through the domestic relations office.

Service providers also vary. While Tarrant County courts often utilize staff therapists, social workers and attorneys⁶¹, mediators at the Bexar County dispute resolution center are likely to be volunteers from the community who have taken a mediation training course.⁶²

A particularly successful mediation program is the “Friend of the Court Program,” established in 1989 through sections 14.91 - 14.96 of the Texas Family Code. Where implemented, the program requires caseworkers to monitor court orders for child support payment and for visitation. When problems are detected, disputes are resolved through mediation whenever possible.⁶³ According to the Harris County domestic relations office, appointment of a Friend of the Court has resulted in compliance with the court’s order for child support payment in their ten participating courts 93 percent to 100 percent of the cases.⁶⁴ This compliance rate compares to a national average of approximately 30 percent.⁶⁵

4.3 Family Therapy

Family therapy is increasingly being recognized as a means of supporting the transition process of divorcing families as they restructure emotionally and legally. As an example, the Houston FIT (Families in Transition) Project has been a collaboration between Harris County family court judges, a marriage and family therapy professional association, and a local academic institution to develop creative solutions to meet two fundamental goals: 1) support family functioning by minimizing the trauma of involvement in the legal system; and 2) develop an assessment model for family mental health practitioners involved in this process. Although more research is needed, preliminary results from this pilot program suggest that these kinds of collaborative efforts can have positive effects on divorcing families.

4.4 Other Visitation Programs

In Texas, visitation orders are often enforced by an individual county court’s child support enforcement office. As with child support cases, visitation is often a source of considerable conflict, frustration, and relitigation between divorced parents. In fact, according to a 1995 survey of non-custodial parents’ child support compliance by Southwest Texas University professor Kimberly Folse, 41

percent of non-custodial parents interviewed only see their children two to three times a year or not at all.⁶⁶

Several Texas counties are developing specialized visitation pilot programs through a grant from the Texas Attorney General's Office.⁶⁷ In Tarrant County, the pilot program will allow parents to utilize on-staff mediators and therapists to assist them with modifications and visitation plans.⁶⁸ In Travis County, the grant will be used to provide parenting classes, to offer free legal advice when parents have agreed on a modification of their order, and to offer access to Kids Exchange, a neutral site for divorced parents to drop off and pick up their children.⁶⁹

4.5 Future Directions

While Texas, particularly at the county level, has a number of programs specializing in family conflict resolution, divorce education or mediation, there is no comprehensive and coordinated system to provide these services statewide. The current programs are often voluntary, and, unfortunately, some of the parents who could benefit most choose not to attend. At present, the effort is fragmented at best; some counties receive top-notch services, while others receive marginal service, and still others have no services at all.

If Texas, like Florida and New York, is to “encourage parents to assume responsibility for creating a post-divorce environment in which their children are their first priority,”⁷⁰ it would seem appropriate to consider statewide legislation that:

- requires that family therapy, education, and mediation are provided at the most appropriate time in the divorce process;
- establishes a financial base for such services that is self-sustaining;
- creates a service delivery system that is statewide and of high-quality; and
- legitimizes the authority of the courts to encourage or mandate participation in family therapy, educational programs, and mediation.

5.0 Conclusion/Recommendations

Given the dramatic changes that have occurred in the American family over the last three decades, particularly with respect to the nature of marriage and family structure, it is not surprising that debates continue over how these changes have affected the lives of children. This is an issue that should be of concern to society at-large, since children who are negatively affected by a stressful family environment grow into adults who are less able, psychologically, emotionally, and even financially, to become productive citizens and effective parents in their own right.

A growing number of states are recognizing the importance of initiating policies and programs that promote marriage preparation and conflict resolution. In light of this information, it would seem appropriate for Texas legislators to create policies and laws that support and help maintain marriages, and policies and laws that would mitigate the harmful effects of

marital conflict and divorce when divorce does occur.

Aside from the obvious psychological and social impact, such laws and policies help create economic and fiscal benefits, such as increased child support. It follows then that a proactive approach to public policy that helps improve marital quality and reduce conflict is not only the right thing to do, but makes sense from an economic and fiscal perspective. The following general recommendations are designed to reinforce this premise.

- **Effective Relationship & Marriage Skills Classes:** Healthy parenting invariably begins with emotionally healthy parents. To encourage people to establish effective relationships, classes on relationship and marriage skills should be incorporated into high school curricula and be a requirement to graduate.
- **Premarital Education:** Premarital education should become a prerequisite for obtaining a marriage license in the state of Texas. As noted earlier in this report, Florida has developed a handbook for couples acquiring a marriage license; the State Bar of Texas could develop a similar guide.
- **Divorce Education/Therapy/Mediation:** When a couple with minor children decides to divorce, education, therapy or mediation should be required. Or, incentives for therapy could be given in the form of reduced divorce filing fees. Judges should be given the authority to require these services when appropriate, either when a couple is initially divorcing or when filing for modification to an original agreement. If a non-custodial parent is delinquent with child support payments, judges could require parenting education classes in lieu of jail time.
- **Tax Incentives & Accountability:** State resources could be allocated to provide tax incentives to promote research and encourage the development of healthy families. For example, a reduced corporate franchise tax could be offered to companies that include marital therapy as part of their employee benefit programs or EAPs. For accountability purposes, funds should be allocated for an ongoing monitoring of state programs to ensure they are effective and remain true to their mission.
- **Ongoing Research:** More research regarding interventions and proactive programs to improve marital quality would facilitate the development of effective public policy. In particular, future research efforts should be focused in two broad areas: the development of a database of pilot studies and programs from across the nation, and primary research using Texas-specific data. **Florida Legislation Requires Relationship Education in High Schools**

Section 1. Sections 1-16 of this act may be cited as the "Marriage Preparation and Preservation Act of 1998."

Section 2. (1) It is the finding of the Legislature based on reliable research that:

- (1) The divorce rate has been accelerating.
 - (2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.
 - (3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.
 - (4) Relationship skills can be learned.
 - (5) Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict.
 - (6) Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships.
 - (7) By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered.
 - (8) When effective coping exists, domestic violence, child abuse, and divorce and its effect on children, such as absenteeism, medical costs, and learning and social deficiencies, are diminished.
 - (9) The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.
- (2) This section shall take effect January 1, 1999.

Section 3. Effective January 1, 1999, paragraph (i) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

- (1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:
 - (i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade. School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer

activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.

Section 4. Effective January 1, 1999, subsection (5) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of \$32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of \$7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of \$25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 5. Effective January 1, 1999, section 741.0305, Florida Statutes, is created to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by \$32.50.

(2) The premarital preparation course may include instruction regarding:

- (a) Conflict management.
- (b) Communication skills.
- (c) Financial responsibilities.
- (d) Children and parenting responsibilities.
- (e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.
 4. A mental health counselor licensed under chapter 491.
 5. An official representative of a religious institution which is recognized under s. 496.404(20), if the representative has relevant training.
 6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.
- (b) The costs of such premarital preparation course shall be paid by the applicant.
- (4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.
- (5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.
- Section 6. (1) (1) Premarital preparation courses offered and completed by individuals across the state shall be reviewed by researchers from the Florida State University Center for Marriage and Family in order to determine the efficacy of such premarital preparation courses.
- (2) Premarital preparation pilot programs may be created by the Florida State University Center for Marriage and Family, which will be administered by course providers or by qualified instructors as provided in s. 741.0305(3), Florida Statutes. These pilot programs shall offer a premarital preparation course based on statistical information and data obtained by researchers from the Florida State University Center for Marriage and Family.
- (3) The Florida State University Center for Marriage and Family shall develop a questionnaire and create a curriculum based on data collected by its researchers. Any curriculum developed by The Florida State University Center for Marriage and Family researchers shall be the sole property of the center.
- (2) This section shall take effect January 1, 1999.
- Section 7. Effective January 1, 1999, section 741.0306, Florida Statutes, is created to read:
- 741.0306 Creation of a family law handbook.—
- (1) Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities

under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution.

(2) Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to:

(a) Prenuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship.

(b) Shared parental responsibility for children; the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer, and vacation visitation arrangements, telephone access, and the process for notice for changes.

(c) Permanent relocation restrictions on parents with primary residential responsibility.

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines.

(e) Property rights, including equitable distribution, special equity, premarital property, and nonmarital property.

(f) Alimony, including temporary, permanent rehabilitative, and lump sum.

(g) Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting.

(h) Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access.

(i) Parent education course requirements for divorcing parents with children.

(j) Community resources that are available for separating or divorcing persons and their children.

(k) Women's rights specified in the Battered Women's Bill of Rights.

(4) The material contained in such a handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually.

Section 8. Effective January 1, 1999, section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both

parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(a) A statement in writing, signed by both parties, which specifies whether the parties, separately or together, have completed a premarital preparation course.

(b) A statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

(3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall be delayed 3 days from the date of application. The effective date shall be printed on the marriage license in bold print. If a couple has submitted valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall not be delayed.

Exceptions

to the delayed effective date must be granted to non-Florida residents seeking a marriage license from the state and for individuals asserting hardship. Marriage license fee waivers shall continue to be available to all eligible individuals. For state residents, a county court judge issuing a marriage license may waive the delayed effective date for good cause.

Section 9. (1) When applying for a marriage license, an applicant may complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire which shall be provided by the clerk. The clerk shall, for purposes of anonymity, keep all such questionnaires in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from the center at their request. Researchers from the center shall develop the questionnaire and distribute them to the clerk of the circuit court in each county.

(2) This section shall take effect January 1, 1999.

Section 10. Effective January 1, 1999, section 741.05, Florida Statutes, is amended to read:

741.05 Penalty for violation of ss. 741.03, 741.04(1).—Any county court judge, clerk of the circuit court, or other person who shall violate any provision

of ss. 741.03 and 741.04(1) shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Effective January 1, 1999, section 61.043, Florida Statutes, is amended to read:

61.043 Commencement of a proceeding for dissolution of marriage or for alimony and child support.—

(1) A proceeding for dissolution of marriage or a proceeding under s. 61.09 shall be commenced by filing in the circuit court a petition entitled "In re the marriage of, husband, and, wife." A copy of the petition together with a copy of a summons shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

(2) Upon filing for dissolution of marriage, the petitioner must complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire. For purposes of anonymity, completed questionnaires must be kept in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family.

These questionnaires must be made available to researchers from The Florida State University Center for Marriage and Family at their request. The actual questionnaire shall be formulated by researchers from Florida State University who shall distribute them to the clerk of the circuit court in each county.

Section 12. Effective January 1, 1999, subsection (2) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(2) Based on the evidence at the hearing, which evidence need not be corroborated except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver's license, a Florida voter's registration card, a valid Florida identification card issued under ss. 322.051, or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or
2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or
3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

Section 13. Effective January 1, 1999, section 61.21, Florida Statutes, is amended to read:

61.21 Parenting course authorized; fees; required attendance authorized; contempt.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(a) A large number of children experience the separation or divorce of their parents each year. Parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during this difficult period of family transition. This is particularly true when parents engage in lengthy legal conflict.

(b) Parents are more likely to consider the best interests of their children when determining parental arrangements if courts provide families with information regarding the process by which courts make decisions on issues affecting their children and suggestions as to how parents may ease the coming adjustments in family structure for their children.

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving custody and child support disputes.
2. The emotional experiences and problems of divorcing adults.
3. The family problems and the emotional concerns and needs of the children.
4. The availability of community services and resources.

(d) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(2)(1) All judicial circuits in the state shall may approve a parenting course which shall be a course of a minimum of 4 hours designed to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children.

(a) The parenting course referred to in this section shall be named the Parent Education and Family Stabilization Course and may include, but need not be limited to, the following topics as they relate to court actions between parents involving custody, care, visitation, and support of a child or children:

1. Legal aspects of deciding child-related issues between parents.
2. Emotional aspects of separation and divorce on adults.
3. Emotional aspects of separation and divorce on children.

4. Family relationships and family dynamics.
5. Financial responsibilities to a child or children.
6. Issues regarding spousal or child abuse and neglect.
7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.
 - (b) Information regarding spousal and child abuse and neglect shall be included in every parent education and family stabilization course. A list of local agencies that provide assistance with such issues shall also be provided.
 - (c) The parent education and family stabilization course shall be educational in nature and shall not be designed to provide individual mental health therapy for parents or children, or individual legal advice to parents or children.
 - (d) Course providers shall not solicit participants from the sessions they conduct to become private clients or patients.
 - (e) Course providers shall not give individual legal advice or mental health therapy.
- (3)(2) All parties to a dissolution of marriage proceeding with minor children or a paternity action which involves issues of parental responsibility shall or a modification of a final judgment action involving shared parental responsibilities, custody, or visitation may be required to complete the Parent Education and Family Stabilization a court-approved parenting Course prior to the entry by the court of a final judgment or order modifying the final judgment. The court may excuse a party from attending the parenting course for good cause.
- (4)(3) All parties required to complete a parenting course under this section shall begin the course as expeditiously as possible after filing for dissolution of marriage and shall file proof of compliance with the court prior to the entry of the final judgment or order modifying the final judgment.
- (5) All parties to a modification of a final judgment involving shared parental responsibilities, custody, or visitation may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.
- (6) Each judicial circuit may establish a registry of course providers and sites at which the parent education and family stabilization course required by this section may be completed. The court shall also include within the registry of course providers and sites at least one site in each circuit at which the parent education and family stabilization course may be completed on a sliding fee scale, if available.
- (7)(4) A reasonable fee may be charged to each parent attending the course.
- (8)(5) Information obtained or statements made by the parties at any educational session required under this statute shall not be considered in the adjudication of a pending or subsequent action, nor shall any report resulting from such educational session become part of the record of the case unless the parties have stipulated in writing to the contrary.
- (9)(6) The court may hold any parent who fails to attend a required

parenting course in contempt or that parent may be denied shared parental responsibility or visitation or otherwise sanctioned as the court deems appropriate.

(10)(7) Nothing in this section shall be construed to require the parties to a dissolution of marriage to attend a court-approved parenting course together.

(11) The court may, without motion of either party, prohibit the parenting course from being taken together, if there is a history of domestic violence between the parties.

Section 14. Effective January 1, 1999, paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of \$32.50. On a monthly basis the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of \$7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund.
2. An amount of \$25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 15. Effective January 1, 1999, section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to ss. 28.101 and s. 741.01(4).

Section 16. Effective January 1, 1999, there is hereby appropriated in fiscal year 1998-1999 the sum of \$75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum

based on data collected by its researchers.
: Words stricken are deletions; words underlined are additions.

Arizona Marriage Education Legislation

- In April, 2000, Arizona state legislators passed a Marriage Education bill sponsored by Rep Mark Anderson which dedicates surplus TANF funds to support marriage and includes:
 - a \$1 million dollar program for marriage education skills courses to be taught by community-based programs
 - \$75,000 for vouchers for low-income couples to take the marriage education courses
 - \$75,000 dollars to develop a healthy marriage handbook for marriage license applicants
 - \$500,000 to be added to an existing abstinence-until-marriage media campaign to target marriage preparation.

To read the bill go to:

<http://www.azleg.state.az.us/legtext/44leg/2r/bills/h451-500.htm#HB2462>

The clip below is from the latest summary of the legislation posted on 3/3/00: To read the full summary or the full text of the bill go to web address above.

Marriage and Parenting Skills Program

- Establishes a public school Marriage and Parenting Program fund administered by the Department of Education (ADE). ADE will distribute funds to school districts or charter schools whose plans to implement or continue a marriage and parenting education program have been approved by a newly-formed Marriage and Parenting Skills Commission.
- Creates a Marriage and Parenting Skills Commission consisting of seven voting members, two non-voting advisory members of the Senate, and two non-voting advisory members of the House of Representatives. Members are appointed by either the Governor, the President of the Senate or the Speaker of the House of Representatives. The Commission reviews plans submitted by applicant school districts or charter schools for participation in the marriage and parenting program and selects schools eligible to receive funding. It also develops and distributes to marriage license applicants a free handbook on how to have a healthy marriage, and works with DES on a study to determine the fiscal costs of divorce in Arizona and the potential savings of a reduction in the divorce rate.

- Specifies that a public school district or charter school may apply to participate or continue in the marriage and parenting education program for any fiscal year by submitting a proposal or application by April 15. The program proposal must contain a plan for implementing or demonstrating the existence of a marriage and parenting program.
- Allocates \$100,000 from the TANF block grant to DES to provide vouchers to married or cohabiting parents whose income is below 150 per cent of the federal poverty level to attend marriage skills training courses; \$2,900,000 for a media campaign to promote the health and societal benefits of marriage; and, \$70,000 for a study to determine the fiscal costs of divorce and how much money can be saved by reducing the divorce rate.

Summary of appropriations

- Allocates \$6,595,000 in FY 2000-2001 from the TANF block grant to DES as follows:
 - \$100,000 to provide vouchers to married or cohabiting parents whose income is below 150 per cent of the federal poverty level to attend marriage skills training courses;
 - \$2,900,000 for a media campaign to promote the health and societal benefits of marriage;
 - \$70,000 for a study to determine the fiscal costs of divorce and how much money can be saved by reducing the divorce rate;
 - \$75,000 to provide DES with a full-time liaison to charitable, religious and non-profit groups to explain opportunities, to provide services pursuant to Title 46 and to facilitate relations with DES.
 - \$3,000,000 for emergency domestic violence shelters for victims and their children and monies shall also go towards educating victims of domestic violence of the cycle of domestic violence and how the cycle affects spousal and non-spousal relationships according to data collected by the department of economic security;
 - \$200,000 for the Hopi tribal council to establish a TANF tribal program on the Hopi reservation;
 - \$250,000 for perinatal substance abuse treatment and services;
- Allocates \$2,530,000 in FY 2000-2001 from the TANF block grant to ADE as follows:

- \$2,400,000 for the Marriage and Parenting Program fund established by this bill. Not more than five per cent of the fund shall be used for administrative costs.
 - \$130,000 for the development and printing of the 3How to Have a Healthy Marriage² handbook.
 - Allocates \$1,000,000 in FY 2000-2001 from the TANF block grant to DES for the pregnancy prevention pilot program; not more than four per cent shall be used for administrative costs.
 - Total TANF funds allocated to DES or ADE for FY 2000-2001 are \$10,125,000.
-
-

Minnesota Marriage Education Legislation

Minnesota Marriage Education bill passes!! - 7/4/01

Here's a message from Bill Doherty that gives us something additional to celebrate on the 4th of July. Hope you're all out there grilling and eating watermelon and enjoying your families.

I understand that some of you will not be pleased with certain aspects of this legislation - even distressed by it, but it is a great victory to have Minnesota - seen as one of our most PC states - on board for strengthening marriage through a state-wide marriage education approach. This is a GREAT step forward.

Hats off to Sen Steve Dille and Rep Elaine Harder, Bill Doherty and David Olson for their years of hard work on this one. It raises the bar - increases the requirement for premarital education to 12 hours from the 4 hours required in FL and other states, has a significant \$50 incentive, and with the standard verification form is much more likely to be implemented by marriage license clerks. Maybe this means we have to have the next Smart Marriages conference in Minneapolis! - diane

Diane,

After three years, we have success: the Minnesota premarital education bill has passed and will become law on August 1. It offers a fifty dollar waiver of marriage license fees to couples who do a 12 hour premarital

education course that uses a premarital inventory and includes teaching about communication skills and conflict management skills. I think it's the best such law in the country because it calls for the elements of premarital education that research has shown are important; the other states with premarital programs generally call for four hours and do not specify content.

Most of the credit goes to Senator Steve Dille, with Rep. Elaine Harder being the other major player. A small group of us met over a number of months to craft the bill. We even engaged county clerks to help write into the bill the exact language for the form that couples must submit to verify that the requirement has been met. (Otherwise, the 99 independent counties could take years to develop their own, often inconsistent forms.) David Olson and I testified at various points in the legislature. And then there is the interesting story of how Steve Dille got the bill around Jesse's certain veto.

The challenge now will be to get the word out about this law, and to raise the standards for premarital education around the state.

Here is the relevant text:

Bill Doherty

MINNESOTA PREMARITAL EDUCATION BILL
PASSED BY THE LEGISLATURE JUNE 30, 2001
EFFECTIVE AUGUST 1, 2001

KEY EXCERPTS FROM THE STATUTE

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

The marriage license fee for parties who have completed at least 12 hours of premarital education is \$20. [NOTE: REDUCED FROM \$70]

- In order to qualify for the reduced fee, the parties must submit a signed and dated statement from the person who provided the premarital education confirming that it was received.
- The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33.
- The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

. The statement from the person who provided the premarital education must be in the following form: "I, [name of educator], confirm that [names of both parties] received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

March 2001:

Senator Steve Dille of Minnesota has re-introduced a bill giving a \$55 waiver on marriage license fees for couples who take a 12 hour premarital education course that includes an inventory, communications skills, and conflict management skills. Some of us marriage educators here in Minnesota helped to craft the bill, which goes beyond what most other states are considering. We involved the county clerks in the discussions, in order to make it logistically feasible. This year we hope to get around Governor Ventura's veto. Stay tuned. The bill can be downloaded at <http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=S1021.0&session=s82>

Bill Doherty
bdoherty@tc.umn.edu

April 2000:

"I do not believe that government has a role in marriage counseling," Governor Ventura said in his April 14, 2000 veto message. "This bill is overly intrusive and increases costs for those who choose not to receive pre-marital counseling." Click for rebuttle to [VENTURA'S](#) veto.

The Minnesota Legislature is In Session

Published Wednesday, April 28, 1999 Star Tribune

Senate bill would give a break to couples who get premarriage counseling

Premarriage counseling would get you a break, but a breakup would cost you, under a bill approved by the Senate.

Twelve hours of counseling would save couples \$50 on their marriage licenses, which regularly cost \$70. On the flip side, the divorce filing fee would go from \$122 to \$172. The bill passed 58 to 6.

Bill sponsor Sen. Steve Dille, R-Dassel, said his goal is to strengthen marriages while simultaneously cutting down on divorces. Last year, about 33,400 couples were married in Minnesota; about 17,450 divorced.

"Is it a cure-all? Absolutely not," said Sen. Dean Johnson, R-Willmar, a Lutheran pastor. "It's just a positive step."

Opponents argued that premarriage counseling is unproven and that raising divorce fees would be an added burden in an already difficult time. Some suggested couples would separate but not divorce.

They wanted to fund the counseling discount with general fund dollars. Dille said that would cost \$875,000 per year if half the engaged couples take advantage of the program.

Premarital Education Bill: Overview and Response to Questions
State of Minnesota
January, 2000
David H. Olson, Ph.D.
University of Minnesota

"Failing to prepare is like preparing to fail."

1. What is the Premarital Education Bill ?

The proposed Minnesota State law is designed to encourage couples planning to marry to take a premarital education program of 12 hours or more. The financial incentive to the couple is that their marriage license fee would be reduced by \$50 so they would pay only \$20 for their marriage license.

The 12 hours of premarital education can be provided by a licensed or ordained minister of any religious denomination or a person authorized to practice marriage and family therapist.

The marriage education bill proposed contains the essential components of a successful premarital program (Olson & DeFrain, 2000) and those components include the following:

- a discussion of the seriousness of marriage
- take a premarital inventory and receive feedback on it
- learn communication and conflict resolution skills
- discuss the desirability of seeking marital counseling in times of marital difficulties.

2. What is the rationale for passing a Premarital Education Bill?

The ultimate goal of this bill is to help to strengthen marriage and reduce the rate of divorce. With the current rate of divorce about 50%,

the goal is to improve the quality of marriage so that both people will be more satisfied and less interested in divorce. Even for the 50% of marriages that survive, the quality of some of those marriages may be poor (Popenoe and Whitehead, 1999). An intensive study of newlyweds by Arond & Pauker (1987) found that 51% of the couples had serious doubts their marriage would last, 49% felt they had serious marital problems and 42% found their marriage was harder than they thought. A respected sociologist, Norval Glenn (1996) found that after ten years of marriage, only 25% of the couples will still be happily married.

Annually about 1.8 million couples marry each year and about 1 million divorce in the United States. The average length of marriage for those that end in divorce is only 7 years and over 1 million children are affected by divorce each year (U. S. Bureau of Census, 1997).

"It (marriage) happens as with cages. The birds without despair to get in and those within despair of getting out." Montaigne (1595)

Except for marriage, in no other important area of life do we assume that you can be successful without having any training. To be successful in a career or to even to get a driver*s license, we assume that you need some education and training. But people planning to marry falsely assume that just being in love is sufficient to have a successful marriage. However, we now know that you need be get prepared for marriage just like you do for other important aspects of life.

By giving premarital couples important relationship skills (communication and conflict resolution) and ways to build on their relationship strengths, couples will be able to get their marriage off to a better start. Studies of premarital education programs have demonstrated that the couples have a greater chance for marital success and will less likely divorce (Markman, Stanley & Blumberg, 1996; Bray & Jouriles, 1995).

"The dignity of a vocation is always to be measured by the seriousness of the preparation for it. How then do we appraise marriage?" R. Herbert Newton

3. What are the advantages of a good Premarital Education Program?

- Ö It can help couples get their marriage off to a better start and also help couples build a stronger marriage.
- Ö Stronger marriages can reduce the chance of divorce.
- Ö It can identify premarital couples who are considered high-risk for divorce who need more intensive counseling before marriage.
- Ö It can discourage some premarital couples from getting married. We have

found with the PREPARE Program that 10-15% of couples who take the program six months to a year before marriage cancel their wedding plans (Fowers & Olson, 1986). Preventing a bad marriage is, thereby, one way to prevent divorce.

Ö It can help couples learn important relationship skills that they can use to strengthen their marriage over time.

Ö It can motivate couples to see the value of attending future marriage education programs.

Ö It can encourage married couples to seek marital therapy if they have ongoing marital problems.

4. What are the possible limitations or risks of the bill?

One possible limitation of the bill is that there is no guarantee that these premarital education programs will prevent all divorces. Since this program is voluntary, many of the couples most needing the programs will not choose this option.

The cost of the premarital program will cost the couple anywhere from \$30 to \$500, depending on the nature of the program they receive and who provides the program. The least expensive programs are provided by clergy of various denominations since they provide these programs as a service to a couple. Most clergy only charge a fee for the cost of a premarital inventory (about \$30). The most expensive programs are provided by marital and family therapists.

Most couples spend more time and money on their wedding that lasts one day than on their relationship, which is intended to last a lifetime. It is important to put the cost of the premarital education programs into a broader perspective. Most couples (and their parents) getting married typically spend between \$10,000 to \$15,000 for the entire wedding and reception. The flowers alone often cost at least \$1,000. It would be much wiser for the couple and their parents to put some of the money they plan to spend on the wedding into investing in future couple education programs.

5. Why should a state care about promoting more stable marriages?

First, strong marriages have multiple benefits to individuals and society. Children raised in a two parent home tend to be more emotionally stable, more successful in school and more popular with peers (Amato & Booth, 1997). Conversely, children of divorce have less academic success and more emotional problems, regardless of their economic or social class (Cherlin, et al., 1998).

Second, when children of divorce become young adults, they have a higher rate of cohabitation and have more problems in their marriages resulting in a higher rate of divorce (Amato & Booth, 1997).

Third, couples with a good marriage lead a healthier lifestyle, live longer, have a more satisfying sexual relationship, have more wealth and economic assets than single or divorced people (Waite,1998).

Fourth, the state could save tax payers money by investing in building strong marriages rather than having to support individuals and children after divorce. States currently pay a great deal of money in payment of child support, court services and other expensive support services to families where there is a divorce.

6. Would taking a Premarital Education Program delay how quickly a couple could get married?

Taking a premarital education program would not delay marriage for most couples since they are often engaged for six months to one year before marriage. Couples planning a wedding often need to make reservations for their church and for their wedding party and reception at least 6-12 months in advance.

However, taking a premarital program could delay marriage for some couples wanting to marry quickly. This is because the law requires 12 hours of premarital education, most programs are spread over several weeks. But delaying marriage can be a positive aspect of this requirement since many fast marriages are with younger couples that are high risk for divorce.

7. Are premarital couples required to take a Premarital Education course before marriage?

No, this law does not require the premarital education program since it is completely voluntary. It is hoped that by having it voluntary rather than mandated for everyone, couples will have a more positive attitude about taking advantage of this opportunity.

8. Have other states passed similar legislation and what is the impact of the legislation?

Florida was the first state to pass similar legislation in 1998 and they are currently studying the interest in the premarital education programs and the impact that they are having on marriage (Ooms, 1999). Many other states are currently considering very similar marriage education bills. Minnesota has the opportunity now to become a leader in pro-marriage legislation in the nation.

References

Arond, M. & Pauker, S. L. (1987) The first year of marriage. New York: Basic Books.

Amato, P. R. & Booth, A. (1997) A generation at risk: Growing up in an era of family upheaval. Cambridge, MA: Harvard University Press.

Bray, J. H. & Jouriles, E. N. (1995) Treatment of marital conflict and prevention of divorce. *Journal of Marital and Family Therapy*, 21, 461-173.

Cherlin, A. J., Chase-Lansdale, P. L., & Mc Rae, C. (1995) Treatment of marital conflict and prevention of divorce. *Journal of Marital and Family Therapy*, 21, 461-473.

Fowers, B. J. & Olson, D. H. (1986) Predicting marital success with PREPARE: A predictive validity study. *Journal of Marital and Family Therapy*, 12, 403-412.

Markman, H., Stanley, S. and Blumberg, S. (1996) *Fighting for your marriage*. San Francisco, CA: Jossey-Bass.

Olson, D. H. & DeFrain, J. (2000) *Marriage and Family: Diversity & Strengths*. Mountain View, CA: Mayfield Publishing.

Ooms, T. (1998a) *Strategies to strengthen marriage*. Washington, DC: Family Impact Seminar.

Popenoe, D. & Whitehead, B. D. (1999) *The state of our unions*. New Brunswick, NJ: National Marriage Project, Rutgers University.

U. S. Bureau of the Census. (1997) *Statistical abstract of the United States*. (117th edition). Washington, D.C.: U.S. Government Printing Office.

Waite, L. (1998) "Why marriage matters." In T. Ooms (Ed.) *Strategies to strengthen marriage*. (pp. 1-22) Washington, DC: Family Impact Seminar.

Oklahoma Welfare Reform Funding Marriage Education

Use Welfare Money to Promote Marriage

Fatherly Advice

Dr. Wade F. Horn

President, The National Fatherhood Initiative

Use Welfare Money to Promote Marriage

April 4, 2000

I have spent much of the past four years traveling around the country exhorting state officials to spend some of their welfare dollars on activities which promote marriage, both as a means of reducing welfare rolls (married adults are significantly less likely to be poor than unmarried adults) and as a means of improving child well-being.

Everywhere I went, my exhortations resulted either in disbelief that welfare funds could be spent for such a purpose or with scornful dismissals that marriage is none of government's business. Given such reactions, it was not surprising that no state had spent even a penny on activities to promote marriage. All of that changed on Tuesday, March 21 -- and not a moment too soon.

A little background. Congressionally enacted welfare reform did many things. It required that the vast majority of welfare recipients go to work; it placed a five year time limit on the receipt of welfare; and it replaced an open-ended federal entitlement to cash welfare with a block grant, giving states much more flexibility in how they spend federal welfare dollars.

But welfare reform legislation did more than all that. It added the idea that from now on, welfare would also be about promoting marriage, that welfare funds could -- and should -- be used to promote the formation and maintenance of two-parent families.

Theoretically, states could have devoted 100 percent of their welfare block-grant funds to this purpose. More realistically, they were expected to devote at least some portion of these funds to promote marriage. In actuality, states devoted nothing -- not one red cent.

Until March 21, that is. In a bold move, Governor Keating of Oklahoma announced on that date that he would be using \$10 million in federal welfare block-grant funds to encourage healthy, stable marriages as a means of reducing divorce, out-of-wedlock childbearing, and welfare dependency.

His announcement was a follow-up to his launching of an Oklahoma Marriage Initiative last year. Since then, the Governor and First Lady Cathy Keating have been busy laying the groundwork for this bold initiative by speaking with leaders from a variety of sectors of Oklahoma life -- including business, the faith community, education, social services, government, the courts, and the media -- seeking input as to how marriage can be

strengthened most effectively.

Governor Keating and his wife have also held several public meetings on the topic. As a result, in his recent inaugural and State of the State addresses, the Governor laid out his ambitious goal of reducing the state's divorce rate by one-third by the end of the decade.

Although the action plan for this initiative has not yet been finalized, major activities will most likely include the development of a Marriage Resource Center; a public education campaign emphasizing the importance of marriage; youth outreach to change the attitudes of young people about the virtues and advantages of marriage; encouragement of pre-marital counseling; and the integration of pro-marriage activities into existing social service delivery systems.

This is extraordinary news. My hope is that other states will follow Governor Keating's lead and use at least some of their welfare block-grant surpluses to develop marriage initiatives of their own.

Plenty of surplus money is available in state welfare block-grant funds -- \$7.5 billion to be exact. Although some states have already dedicated some of these surplus funds for other purposes, it is estimated that at least \$4.2 billion is available for marriage-promoting activities. Given the current weakened state of marriage in America, we'll need to spend a whole lot more than \$10 million dollars out of this \$4.2 billion surplus to revitalize it.

There are signs that the floodgates for spending on marriage initiatives are opening. The Wisconsin Legislature, for example, recently designated \$45,000 in welfare funds to be used to hire a person "to develop community-wide standards for marriages solemnized in the state."

Moreover, state Rep. Mark Anderson has introduced a bill into the Arizona Legislature to spend \$17 million in welfare funds to teach communication and conflict resolution skills to high school students, give tax credits to couples who take such a course, and develop a public education campaign extolling the virtues of marriage.

There will, of course, be the inevitable nay-sayers. A regrettable alliance of critics from both the libertarian right and the we-hate-marriage left will assert that government has no business promoting marriage.

Some fiscal conservatives will join in and argue that we can't afford to spend tax dollars on such things.

These critics, of course, will be wrong. Marriage is indispensable to the well-being of a healthy society, more important than a rising Dow Jones Industrial Average or trigger locks on handguns. That's because research consistently finds that communities with high marriage rates have fewer social pathologies, including less crime and less welfare dependency, than communities with low marriage rates. If marriage is good for communities, why should government be shy about promoting and strengthening it?

Governor Keating addressed these critics himself when he said at the launching of this initiative, "Frankly, some people asked Cathy and me what business the government has getting involved in marriage. But when you look at the consequences of divorce, the better question is: 'What business do we have not getting involved?'"

None that I can think of, Governor. None at all.

Dr. Wade F. Horn is President of the National Fatherhood Initiative, a clinical child psychologist, and co-author of several books on parenting including the Better Homes and Gardens New Father Book (Meredith, 1998) and the Better Homes and Gardens New Teen Book (Meredith, 1999). Send your question about dads, children or fatherhood to: The National Fatherhood Initiative, 101 Lake Forest Blvd, Suite 360, Gaithersburg, MD 20877, or e-mail him at NFI1995@aol.com.

Summary of Florida HB 1019— The Marriage Preparation and Preservation Act (May 1998)

MARRIAGE PREPARATION

- **Provides for the creation of a half-credit life management skills course to be required for high school graduation in Florida. An integral component of the course will be “marriage and relationship skill-based education”**
- Parties applying for a marriage license have the option to complete a marriage preparation course of not less than four hours.
- Course content shall include, but not be limited to:
 - review of rights, responsibilities and requirements under Florida law
 - conflict management

- communications skills
- financial responsibilities
- children and parenting responsibilities
- typical problems during marriage and suggested solutions
- The course shall be conducted by one or more of the following:
 - a licensed psychologist
 - a licensed clinical social worker
 - a licensed marriage and family therapist
 - a licensed mental health counselor
 - an official representative of a religious institution
- Provides for the creation of a handbook containing sections of the Florida law pertaining to rights and responsibilities of marital partners to each other and any children of the marriage. Provides for review and updating of the manual. Before receiving a marriage license all couples must sign a statement that they have read the handbook and whether or not they
- Parties signing an affidavit that they have both completed the marriage preparation course and read the handbook will receive a marriage license fee reduction of \$32.50. Parties not completing this requirement will have their marriage license effective date delayed three days.
- All couples filing for a marriage license will be given an anonymous questionnaire developed by Florida State University Center for Marriage and Family.
- FSU will be given \$75,000 to create and research premarital preparation pilot programs

MARRIAGE PRESERVATION

- An additional \$32.50 fee will be added to all divorce filing fees.
- Within 60 days of filing for a dissolution of marriage or when seeking a modification of a final judgment action involving shared parental responsibilities, custody or visitation, all parents of minor children shall complete a court-approved parent education and family stabilization course. The course is a minimum of four hours. The course must not provide therapy or legal services.
- The course shall be conducted by at least two of the following:
 - a licensed psychologist
 - a licensed clinical social worker
 - a licensed marriage and family therapist
 - a licensed mental health counselor
 - an official representative of a religious institution

- Course content shall include, but not be limited to:
 - ways to assist in stabilizing a family
 - using mediation and/or counseling to solve marital problems
 - the effects of divorce on children
 - the effects of divorce on men
 - the effects of divorce on women
 - the effects of divorce on society
 - ways to rebuild family relationships and resolve disputes
 - the economic effects of divorce on the parties and any children
- Couples filing for dissolution of a marriage must complete an anonymous questionnaire designed by Florida State University

References

1. Cherlin, Andrew. 1992. *Marriage, Divorce, Remarriage*. Cambridge, Mass.: Harvard University Press.
2. Glenn, Norval D. 1991. The recent trend in marital success in the United States. *Journal of Marriage and the Family* 52:818-831.
 Johnson, David R., and Paul R. Amato. 1996. Changes in marital quality: Period and duration of marriage effects. Unpublished manuscript, Department of Sociology, University of Nebraska-Lincoln.
 Rogers, Stacy, and Paul R. Amato. (in press). Is marital quality declining? Evidence from two generations. *Social Forces*.
3. Booth, Alan, David R. Johnson, and Lynn K. White. 1984. Women, outside employment, and marital instability. *American Journal of Sociology* 90:567-583.
 White, Lynn K., and Alan Booth. 1991. Divorce over the life course: The role of marital unhappiness. *Journal of Family Issues* 12:5-21.
4. Bellah, Robert N., Richard Madsen, William N. Sullivan, Ann Swidler, and Steven N. Tipton. 1985. *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley: University of California Press.
 Blankenhorn, David. 1995. *Fatherless America: Confronting Our Most Urgent Social Problem*. New York: Basic Books.
 Blankenhorn, David, S. Bayme, and Jean Bethke Elshtain, (eds.). 1990. *Rebuilding the Nest: A New Commitment to the American Family*. Milwaukee, Wis: Family Service Association.
 Popenoe, David. 1988. *Disturbing the Nest*. New York: Aldine de Gruyter.
 Popenoe, David. 1993. American family decline: 1960-1990: A review and appraisal. *Journal of Marriage and the Family* 55:527-556.
 Popenoe, David, Jean Bethke Elshtain, and David Blankenhorn. 1996. *Promises to Keep: Decline and Renewal of Marriage in America*. Lanham, Md: Rowman & Littlefield.
 Zill, Nicholas, and Christine W. Nord. 1994. *Running in Place: How*

American Families Are Faring in a Changing Economy and an Individualistic Society. Washington, D.C.: Child Trends.

5. Coontz, Stephanie. 1992. *The Way We Wish We Were: American Families and the Nostalgia Trap*. New York: Basic Books.

Demo, David H. 1992. Parent-child relations: Assessing recent changes. *Journal of Marriage and the Family* 54:104-117.

Skolnick, Arlene. 1991. *Embattled Paradise: The American Family in an Age of Uncertainty*. New York: Basic Books.

Stacey, Judith. 1990. *Brave New Families: Stories of Domestic Upheaval in Late Twentieth Century America*. New York: Basic Books.

6. Amato, Paul R., and Alan Booth. 1997. *A Generation at Risk*. Cambridge, Mass: Harvard University Press.

7. Gecas, Victor, and Monica Seff. 1991. Families and adolescents: A review of the 1980's. Pp. 208-225 in Alan Booth (ed.), *Contemporary Families: Looking Forward, Looking Back*. Minneapolis, Minn.: National Council on Family Relations.

Maccoby, Eleanor, and J. Martin. 1983. Socialization in the context of the family: Parent-child interaction. Pp. 1-101 in E. Mavis Hetherington (ed.), *Handbook of Child Psychology: Vol.4. Socialization, Personality and Social Development*. New York: Wiley.

Rollins, Boyd C., and Darwin L. Thomas. 1979. Parental support, power, and control techniques in the socialization of children. Pp. 317-364 in Wesley R. Burr, Rueben Hill, F. Ivan Nye, and Ira L. Reiss (eds.), *Contemporary Theories about the Family. Volume 1. Research-Based Theories*. Glencoe, N.J.: The Free Press.

8. Amato, Paul R., and Alan Booth. 1997. *A Generation at Risk*. Cambridge, Mass: Harvard University Press.

9. Conger, Rand D., Katherine J. Conger, Glen H. Elder, Jr., Frederick O. Lorenz, Ronald L. Simons, and Les B. Whitbeck, 1992. A family process model of economic hardship and adjustment of early adolescent boys. *Child Development* 63:526-541.

Lempers, Jacques, Dania Clark-Lempers, and Ronald L. Simons. 1989. Economic hardship, parenting, and distress in adolescents. *Child Development* 60:25-39.

McLoyd, Vonnie C. 1989. Socialization and development in a changing economy: The effects of paternal job and income loss on children. *American Psychologist* 44:293-302.

McLoyd, Vonnie C., and Leon Wilson. 1991. The strain of living poor: Parenting, social support, and child mental health. Pp. 105-135 in A. C. Huston (ed.), *Children in Poverty: Child Development and Public Policy*. New York: Cambridge University Press.

Sampson, Robert J., and John H. Laub. 1994. *Urban poverty and the family*

context of delinquency: A new look at structure and process in a classic study. *Child Development* 65:523-540.

10. Davies, Patrick T., and E. Mark Cummings. 1994. Marital conflict and child adjustment: An emotional security hypothesis. *Psychological Bulletin* 116:387-411.

Emery, Robert. 1988. *Marriage, Divorce, and Children's Adjustment*. Newbury Park, Calif.: Sage.

Gryncz, J. and Frank Fincham. 1990. Marital conflict and children's adjustment: A cognitive-conceptual framework. *Psychological Bulletin* 108:267-290.

Hetherington, E. Mavis, and W. Glenn Clingempeel. 1992. *Coping with Marital Transitions*. Monographs of the Society for Research in Child Development, Vol. 57, Nos. 2-3. Chicago: University of Chicago Press.

11. Belsky, Jay, Lisa Youngblade, Michael Rovine, and Brenda Volling. 1991. Patterns of marital change and parent-child interaction. *Journal of Marriage and the Family* 53:487-498.

12. Booth, Alan, and Paul R. Amato. 1992. Divorce and psychological stress. *Journal of Health and Social Behavior* 32:396-407.

13. Hetherington, E. Mavis, M. Cox, and R. Cox. 1982. Effects of divorce on parents and children. Pp. 223-288 in Michael E. Lamb (ed.), *Nontraditional Families: Parenting and Child Development*. Hillsdale, N.J.: Lawrence Erlbaum.

14. Acock, Alan C., and David H. Demo. 1994. *Family Diversity and Well-Being*. Thousand Oaks, Calif.: Sage.

15. Furstenberg, Frank F., Jr., and Christine Nord. 1985. Parenting apart: Patterns of childrearing after marital disruption. *Journal of Marriage and the Family* 47:893-904.

Seltzer, Judith A. 1991. Relationships between fathers and children who live apart: The father's role after separation. *Journal of Marriage and the Family* 50:663-677.

16. Seltzer, Judith A., and Suzanne M. Bianchi. 1988. Children's contact with absent parents. *Journal of Marriage and the Family* 50:663-677.

17. Furstenberg, Frank F., Jr., and K. Harris. 1992. The disappearing American father? Divorce and the waning significance of biological parenthood. Pp. 197-223 in Scott J. South and Stewart E. Tolnay (eds.), *The Changing American Family: Sociological and Demographic Perspectives*. Boulder, Colo.: Westview Press.

18. Amato, Paul R., and Alan Booth. 1991a. Consequences of parental divorce and marital unhappiness for adult well-being. *Social Forces* 69:895-914.

19. Rossi & Rossi, 1990
20. Amato, Paul R., and Alan Booth. 1997. *A Generation at Risk*. Cambridge, Mass: Harvard University Press.
21. Amato, Paul R., and Alan Booth. 1991a. Consequences of parental divorce and marital unhappiness for adult well-being. *Social Forces* 69:895-914.
Booth, Alan, and John N. Edwards. 1985. Age at marriage and marital instability. *Journal of Marriage and the Family* 47:67-75.
22. Belsky, Jay, and Russell A. Isabella. 1985. Marital and parent-child relationships in family of origin and marital change following the birth of a baby: A retrospective analysis. *Child Development* 56:342-349.
23. Furstenberg, Frank F., Jr., and Julien O. Teitler. 1994. Reconsidering the effects of marital disruption: What happens to children of divorce in early adulthood. *Journal of Family Issues* 15:173-190.
Newcomer, Susan, and J. Richard Udry. 1987. Parental marital status effects on adolescent sexual behavior. *Journal of Marriage and the Family* 49:235-240.
24. Wallerstein, Judith S., and Sandra Blakeslee. 1989. *Second Chances: Men, Women, and Children After Divorce*. New York: Ticknor & Fields.
25. Amato, Paul R. 1995a. Explaining the intergenerational transmission of divorce. Paper presented at the Annual Meeting of the National Council on Family Relations, Seattle.
26. Bumpass, Larry L., Teresa Castro Martin, and James A. Sweet. 1991. The impact of family background and early marital factors on marital disruption. *Journal of Family Issues* 12:22-42.
Glenn, Norval D., and Kathryn B. Kramer. 1987. The marriages and divorces of the children of divorce. *Journal of Marriage and the Family* 49:811-825.
27. House, James S., Debra Umberson, and Karl R. Landis. 1988. Structures and processes of social support. *Annual Review of Sociology* 14:293-318.
Moen, Phyllis, Donna Dempster-McClain, and Robin M. Williams, Jr. 1989. Social integration and longevity: An event history of women's roles and resilience. *American Sociological Review* 54:635-647.
28. Umberson, Debra. 1987. Family status and health behaviors: Social control as a dimension of social integration. *Journal of Mental Health and Social Behavior* 28:306-319.
29. Sarason, Irwin A., Barbara R. Sarason, and Edward N. Shearin. 1986. Social support as an individual difference variable: Its stability, origins and relational aspects. *Journal of Personality and Social Psychology* 50:845-855.

30. Davies, Patrick T., and E. Mark Cummings. 1994. Marital conflict and child adjustment: An emotional security hypothesis. *Psychological Bulletin* 116:387-411.
- Doyle, Anna Beth, Dorothy Markiewicz, and Cindy Hardy. 1994. Mother's and children's friendships: Intergenerational associations. *Journal of Social and Personal Relationships* 11:363-377.
31. Martin, Barclay. 1990. The transmission of relationship difficulties from one generation to the next. *Journal of Youth and Adolescence* 18:377-398.
- Skinner, Martie L., Glenn H. Elder, Jr., and Rand D. Conger. 1992. Linking economic hardship to adolescent aggression. *Journal of Youth and Adolescence* 21:259-276.
32. Long, N., R. Forehand, R. Fauber, and G. H. Brody. 1987. Self-perceived and independently observed competence of young adolescents as a function of parental marital conflict and recent divorce. *Journal of Abnormal Child Psychology* 15:15- 27.
- Wolfe, D. A., L. Zak, S. K. Wilson, and P. Jaffe. 1986. Child witnesses to violence between parents: Critical issues in behavioral and social adjustment. *Journal of Abnormal Child Psychology* 14:95-104.
33. Amato, Paul R., and Bruce Keith. 1991a. Consequences of parental divorce for children's well-being: A meta-analysis. *Psychological Bulletin* 110:26-46.
34. Furstenberg, Frank F., Jr., and Andrew J. Cherlin. 1991. *Divided Families: What Happens to Children When Parents Part*. Cambridge, Mass.: Harvard University Press.
35. Campbell, Angus. 1981. *The Sense of Well-Being in America: Recent Patterns and Trends*. New York: McGraw-Hill.
36. Ross, Catherine E., and Joan Huber. 1985. Hardship and depression. *Journal of Health and Social Behavior* 26:312-327.
37. Ross, Catherine E., and Chia-ling Wu. 1995. The links between education and health. *American Sociological Review* 60:719-745.
38. Kessler, Ronald. 1982. A disaggregation of the relationship between socioeconomic status and psychological distress. *American Sociological Review* 47:752-764.
39. Ross, Catherine E., and Chia-ling Wu. 1995. The links between education and health. *American Sociological Review* 60:719-745.
40. Snarey, John. 1993. *How Fathers Care for the Next Generation*. Cambridge, Mass.: Harvard University Press.

41. Furstenberg, Frank F., Jr., and Julien O. Teitler. 1994. Reconsidering the effects of marital disruption: What happens to children of divorce in early adulthood. *Journal of Family Issues* 15:173-190.
- Zill, Nicholas, Donna R. Morrison, and Mary Jo Coiro. 1993. Long-term effects of parental divorce on parent-child relationships, adjustment, and achievement in young adulthood. *Journal of Family Psychology* 7:91-103.
42. Amato, Paul R., and Alan Booth. 1997. *A Generation at Risk*. Cambridge, Mass: Harvard University Press.
43. Cummings, E. Mark. 1987. Coping with background anger in early childhood. *Child Development* 58:976-984.
- Cummings, E. Mark, C. Zahn-Waxler, and M. Radke-Yarrow. 1981. Young children's reactions to expressions of anger and affection by others in the family. *Child Development* 52:1274-1281.
44. Grync, J. and Frank Fincham. 1990. Marital conflict and children's adjustment: A cognitive-conceptual framework. *Psychological Bulletin* 108:267-290.
45. Davies, Patrick T., and E. Mark Cummings. 1994. Marital conflict and child adjustment: An emotional security hypothesis. *Psychological Bulletin* 116:387-411.
46. Amato, Paul R., and Bruce Keith. 1991a. Consequences of parental divorce for children's well-being: A meta-analysis. *Psychological Bulletin* 110:26-46.
47. Cherlin, Andrew, Frank F. Furstenberg, P. Lindsay Chase-Lansdale, Kathleen Kiernan, Donna Ruane Morrison, and Julien Teitler. 1991. Longitudinal studies of effects of divorce on children in Great Britain and the United States. *Science* 252:1386-1389.
- Doherty, William, and Richard Needle. 1991. Psychological adjustment and substance use among adolescents before and after parental divorce. *Child Development* 62:328-337.
48. Johnston, Janet R. 1994. High-conflict divorce. *The Future of Children: Children and Divorce* 4:165-182.
49. Wallerstein, Judith S., and Joan B. Kelly. 1980. *Surviving the Breakup: How Children and Parents Cope with Divorce*. New York: Basic Books.
50. The U.S. Census Bureau, Survey of Income and Program Participation No. 102 - The Regular Receipt of Child Support: A Multi-Step Process. 1989. The data on Mean Amount of Support Received was updated to reflect current dollars, as well as being adjusted for Texas historical patterns. Judith S., and Joan B. Kelly. 1980. *Surviving the Breakup: How Children and Parents Cope with Divorce*. New York: Basic Books.

51. Florida State Legislature. "Educating Divorcing Parents and Their Children." Florida, n.d. (background research for HB1019); hereafter cited as Florida State Legislature, n.d.
52. *ibid.*
53. State of Connecticut Judicial Department, Family Division-Superior Court. "Specifications. Parent Education Program." Connecticut, n.d.
54. State of Connecticut Judicial Department, Family Division-Superior Court. "Executive Summary of Parenting Education Program." Connecticut, October 1996.
55. Florida State Legislature, n.d.
56. Andrew Schepard. "War and PEACE: A Preliminary Report and a Model Statute on an Interdisciplinary Educational Program for Divorcing and Separating Parents." 27 U. Mich. J.L. Ref. 131. 1993; hereafter cited as Schepard, 1993.
57. *ibid.*
58. Karen Blaisure and Margie Geasler. "Results of a Survey of Court-Connected Parent Education Programs in U.S. Counties." 34 Family and Conciliation Courts Review. 23. 1996.
59. Practical Parent Education. "Why For Kid's Sake?" Plano, Texas. n.d. (pamphlet).
60. *ibid.*
61. Sandra Fultz. Personal Interview. Tarrant County Domestic Relations Office. June 1998; hereafter cited as Fultz, 1998.
62. Pat Nance. Personal Interview. Bexar County Dispute Resolution Center. June 1998.
63. Nancy Westerfeld. "A Friend of the Court Program." Texas Association for Court Administration, vol. 16, no. 3. September 1993; hereafter cited as Westerfeld, 1993.
64. Harris County Domestic Relations Office. "Friend of the Court Statistics." Harris County, Texas. May 1998 (backgrounder).
65. Westerfeld, 1993.
66. Kimberly Folsie. "Factors Affecting Compliance with Orders for Support." In SB84 Report to the 74th Legislature. Texas Office of the Attorney General. Austin, Texas. March 1995.

67. Fran Markowski. Personal interview. Travis County Juvenile Court Domestic Relations Office. June 1998; hereafter cited as Markowski, 1998.
68. Fultz, 1998.
69. Markowski, 1998.
70. Florida State Legislature, n.d.

South Carolina Marriage Education Legislation

SOUTH CAROLINA MARRIAGE COMMISSION:

Condon creates panel on family, marriage, faith-based programs

Tuesday, June 19, 2001

Associated Press

COLUMBIA -

Attorney General Charlie Condon has set up a new commission that will develop policies to support marriage and family.

The panel also will explore the use of faith-based programs such as mentoring.

"Our churches are often able to address social problems far better than the government," Condon said Monday. "Where we can, we need to draw upon the church to help in this fight to protect the family."

Condon said the panel will review South Carolina policies and compare them with those of other states to find out which state policies subvert marriage and the family.

Condon named the Rev. Jerry Clark of Freedom Baptist Church in Greenville chairman of the commission and Cyndi Campsen Mosteller of Charleston vice chairwoman.

"Nothing is more important to our state than the restoration of marriage and the family as a centerpiece of life in South Carolina," Clark said.

Sex Education and Marriage Education in Wisconsin

Sex Ed Would Also Require Marriage Ed in Wisconsin By Joanne M. Haas CNS

Correspondent April 27, 2001

Madison, Wisconsin (CNSNews.com) - Attorneys and educators alike are applauding a Wisconsin proposal requiring that instruction in marriage and parental responsibility be part of any public school curriculum including human sexuality.

"They need to know it is not just fun and games," Republican Rep. Carol Owens said of her measure aimed at helping students understand the consequences of their behavior.

Owens said she felt compelled to sponsor the bill after reading a report that indicated about 40 percent of young people believe it is acceptable to force sexual relations on another person in certain cases.

"If they (school districts) teach human sexuality, then I want them to follow it up with the responsibility and the ramifications and results of sexual activity," she said.

Wisconsin's Superintendent of Public Instruction John Benson said Owens' proposal is in sync with the goals of the Wisconsin Plan to Prevent Adolescent Pregnancy, involving the Department of Public Instruction, Department of Health and Family Services and Workforce Development.

"Work groups are actively engaged in carrying out the plan's recommendations," Benson said.

Specifically, Owens' proposal would change a Wisconsin statute by requiring the linking of marriage and parental responsibility training with sexuality information.

"The purpose of the statute," Benson said, "is to encourage school districts to provide human growth and development instruction in order to promote accurate and comprehensive knowledge, responsible decision-making, and to support the efforts of parents to provide moral guidance to their children."

The Family Law Section of the State Bar of Wisconsin also is on record in support of Owens' proposal and requested an amendment to require that the courses "deal with the statutory and legal standards that pertain to marriage, families and divorce." The Bar also cited its own marriage and family curriculum, which it offers to high schools.

A report released earlier this year by the Annie E. Casey Foundation, a national charity and research group devoted to disadvantage youth, found that Wisconsin's largest city, Milwaukee, had the sixth highest rate among U.S. cities for teen births in the 1990s. The study shows about 20 percent of the city's births are to teens. The city also ranked second, behind Atlanta, in terms of births to teen mothers who have already had children.

States Act to Save Marriages Before they Start

The New York Times <http://www.nytimes.com/00/04/21/news/national/marriage-classes.html>

April 21, 2000

Some States Act to Save Marriages Before the 'I Dos'

By PAM BELLUCK

he wedding day was set, guests invited, and Linda Santarelli and Teddy Roland mused about a beach ceremony near their home in Loxahatchee, Fla.

Then they learned of a new state law giving couples a marriage-license discount if they took a marital education class. More for the information than the price break, they said, they took a four-hour class last spring, a month before the wedding. By the end of it, they were convinced they were moving too fast.

"We postponed our wedding after that just to make sure we could work a few things out," especially a clash between his Jehovah's Witness background and her penchant for tarot cards and past-life regression, said Ms. Santarelli, 41, a massage therapist. "We're right on the verge of resolving our problems."

That is just what Florida lawmakers wanted when, determined to discourage divorce, they began pushing Marriage 101. And across the country, other states want couples who say "I do" to mean "I really really do" -- and couples who already did to stay married.

The proposals are gaining popularity as states recognize the high social and economic costs of divorce, and have money to enact the relatively low-cost plans.

Wisconsin wants to hire a "community marriage policy coordinator," a kind of marriage czar, who would urge the clergy to set requirements for engaged couples before marriage, like mentoring with a long-married couple, and no cohabitation, or a long waiting period.

Arkansas's governor, Mike Huckabee, a Republican, has declared a "state of marital emergency" and is exploring a tax credit for couples taking a marital course.

Utah includes marital skills in high school curriculums; Florida makes a marital course a high school graduation requirement.

And Oklahoma's governor, Frank Keating, also a Republican, has just unveiled a \$10 million "marriage initiative" program, including a "scholar-in-residence" to do marriage research and train people to teach marriage classes at welfare, health department and even agricultural extension offices.

"Tell me the sense of a system where it is easier to get a marriage license than it is to get a hunting or driver's license," Mr. Keating said, "easier to get out of a marriage with children than it is to get out of a Tupperware contract. Ours is an effort to encourage families to appreciate the lifetime commitment of a marriage contract, to recognize that a marriage that can be saved should be saved."

The initiatives are attracting support not only from family-values conservatives, but also some liberals. Critics of the programs say government is meddling in marriage, even though all the measures enacted so far are voluntary, relying chiefly on the bully pulpit and advertising promotions, like Florida's \$32.50 off an \$88.50 marriage license.

Some states, like Arizona, Oklahoma and Wisconsin, are using surplus federal welfare money to finance the programs, since the welfare act encourages supporting all "two-parent families." Some critics of the programs say the money should be spent solely on the poor.

With close to half of marriages ending in divorce, states say they are feeling the effects. David Popenoe, co-director of the National Marriage Project at Rutgers University, said broken families were more likely to need public assistance and to lack health insurance than those that remain intact. The children of divorced parents are more prone to emotional problems that can lead to truancy, drug abuse, teenage pregnancy or juvenile delinquency.

"There's so much money spent in what I call the wipe-up," said Abbie Vianes, executive director of the Governor's Commission on Marriage in Utah, which holds marriage skills conferences. "We spent over \$33 million last year in just collecting unpaid child support. Welfare dollars are used on divorced moms. And there is a loss to business in worker productivity -- when home doesn't go right, work doesn't go right."

The marital education efforts also reflect the fact that most states are awash in surplus cash, Dr. Popenoe said, and that there are few pressing social and economic issues dominating their agendas.

The programs are in effect in about 10 states. The classes include compatibility quizzes; exercises on listening, expressing feelings, giving praise and arguing respectfully, and sessions on financial, religious or family conflicts. Some teachers are therapists or members of the clergy, but some states train nonprofessionals to teach, believing couples relate to them better.

Wisconsin's program, modeled on a program called Marriage Savers, works through the clergy to encourage couple-to-couple mentoring and a premarital regimen similar to that of many Roman Catholic churches.

"It's ridiculous -- creating a state bureaucrat that's going to make all of our marriages better," Attorney General James E. Doyle of Wisconsin said of his state's plans.

"The role of the state is fighting drug-trafficking and crime and having a good school system. The relationships within my family, that's my business, not the government's."

The critics of other states' marital programs echoed that view.

The marital plans are less controversial and morality-tinged than the covenant marriage laws enacted in Arizona and Louisiana that allow couples to sign rigid marriage contracts permitting divorce only because of adultery, abuse, abandonment, imprisonment of a spouse or long marital separation. In Arizona and Louisiana, only about 3 percent of couples are estimated to have chosen the covenant option.

Critics of the covenants object to forcing couples to choose between two types of marriage contracts, and they say they fear that children could be trapped in bad marriages.

Diane Sollee, a marriage therapist, self-described feminist and founder of the Coalition for Marriage, Family and Couples Education in Washington, says the initiatives have support because new research shows marriage is, frankly, good.

"The experts used to be saying -- and I was one of them -- that women do better single than married and that marriage doesn't really matter for kids," Ms. Sollee said. "Now the research is coming in, and it says whoops, we weren't right. Married women do better on everything you can measure: children's well-being, sexual satisfaction, financial well-being. And men do much better married than single -- in the same job a married man is paid more than a single man."

William J. Doherty, professor of family social science at the University of Minnesota, said research suggested the emotional fallout for children of divorce did not fade, but worsened with time, causing them "trouble getting into stable adult relationships." And, Dr. Doherty said, most divorces happen in marriages without severe conflicts, suggesting the marriages could be repaired.

Dr. Doherty helped write a bill just passed by the Minnesota Legislature that allows \$50 off a \$75 marriage license if couples take a 12-hour premarital class.

The bill was vetoed by Gov. Jesse Ventura, who said government should not be involved in marriage counseling. The Legislature may override the veto.

The Wisconsin plan, signed into law last fall, drew criticism because it says the marriage coordinator would work with the clergy, but does not mention secular figures who perform marriages. A Wisconsin organization, the Freedom from Religion Foundation, sued to block the plan, calling it unconstitutional.

An amended bill that includes secular language has passed the Assembly and awaits action in the Senate.

Some in Wisconsin lampoon the idea of a marriage bureaucrat, but few make fun of marriage initiatives in the Bible Belt, where divorce rates, counterintuitively, are highest. In 1998, Arkansas had the third-highest rate (6.1 per 1,000 people), behind Nevada with 8.5 and Tennessee with 6.4. Oklahoma, which had some counties where divorces exceeded marriages in 1998, was fourth, with 6 per 1,000 people.

"I don't know if it is a matter of our religious background leading more people to get married rather than simply living together," Chris Pyle, Arkansas's director of family policy, said, "or that people in Arkansas marry fairly young. Also, the education levels, I would suspect, are low," another factor correlated with divorce.

In New York (with the lowest divorce rate -- 2.5 per 1,000) and New Jersey (3.1), marriage initiatives have not come up. Connecticut (2.9) defeated a bill to require premarital counseling in 1997.

Do marital classes work? Not enough research exists, experts say.

Michael J. McManus, founder of Marriage Savers, which has persuaded the clergy in 124 cities to sign covenants agreeing to set premarital requirements, says divorce rates have decreased significantly in at least 25 of the cities. But divorce has also declined slightly nationally and Mr. McManus said he had not tracked couples who actually participated in Marriage Savers.

A study by Howard J. Markman and Scott Stanley, psychologists at the University of Denver who developed a marital skills program, found participants were half as likely to be divorced in five years of marriage.

Utah's marital conference has buoyed the 10-year marriage of Layne and Jennifer Brown of Riverton.

"Most people wait until they're sick to go to the doctor, but you really need to go in for those check-ups," said Mrs. Brown, a teacher. "That's kind of what this is. It's not going to save a marriage that is falling apart. But so many couples don't even realize they've lost their marital relationship until the kids are gone and they look at each other and say, 'You know I don't like you very much anymore.' We're determined that's not going to happen to us."

In Florida, where couples must take at least a four-hour class or wait three days after obtaining a marriage license, an in-depth class helped Mindy Felinton, an animal rights lawyer in Boca Raton, resolve a dispute with her fiancé about how hot or cold the house should be. But they ultimately broke up before marriage because he hated her dogs.

But O. J. and Evelyn Whatley of Hollywood, Fla., found their 10-session course eye-opening.

"Before the class we'd have all kinds of screaming fights and then the only way it would end is if she left the room or if I left the room," said Mr. Whatley, 30, a broker. "We still have those kinds of fights. But when it's something that's significant, we have a framework for discussing it and respecting each other's feelings."

Copyright, The New York Times, 2000

Statistics on Divorce Reform

Divorce Reform Page

Information, opinions and links about efforts to introduce consent-based divorce or limit no-fault divorce in the U.S., and anti-divorce efforts worldwide. Please tell me about links to add. I am a divorce lawyer who believes in discouraging, restricting and reducing divorce. I would welcome any opportunity to write, speak to groups or talk to the media about this issue. I am also Executive Director of a group called Americans for Divorce Reform.

-- John Crouch

Skip to: Facts and News | Polls | Statistics | Laws and Legislation | Useful quotes on divorce reform | Pro-Reform Articles and Materials | Anti-Reform articles | Pro and Con Articles | Other family articles, news

STATISTICS: Expanded and moved to our Divorce Statistics Collection

Useful quotes on divorce reform

LAWS AND LEGISLATION:

Model Legislation:

- Classic Marriage: Our Model Legislation to Reduce Divorce, Reduce Role of Fault and Effect on Children
- Model legislative provisions on pre-marital education or training
- The American Law Institute's Principles of the Law of Family Dissolution

Legislation limiting availability of divorce, introduced or passed:

- NEW Bills introduced in 2003
- Bills to require mutual consent for no-fault divorce, and/or restrict divorce more when there are children
- Divorce waiting period legislation
- Covenant Marriage Legislation

- - other Counseling bills (pre-marital, pre-divorce, and custody-related)
- - other proposals for personal choice in marriage and divorce
- Bills to make divorce easier when there is mutual consent and/or a parenting plan
- Bills to consider best interest of children before granting divorce

Other:

- Marriage education or counseling bills)
- Proposals to end "Marriage Penalties" in tax laws and Social Security
- Legislation to help agunot --"chained women" divorced civilly but not religiously
- Bills and Executive Orders Creating Marriage Commissions
- Iranian bill giving men and women equal, but restricted, divorce rights

Current state divorce laws

Facts and news about divorce reform:

People and groups working on reform in each state

Drumbeats for Divorce Reform, by Elizabeth Schoenfeld (includes info on what was proposed in various states in 1996).

Story on Missouri Bill giving incentive to wait until age 21 to marry, and punishing fault

Governor expects slow divorce reform [Iowa]

How much does a divorce cost for ordinary people?

What getting a divorce is really like

Florida Lawmakers Pass Marriage Prep bill

News about Covenant Marriage

Polls:

2002 Poll: Should Washington State Completely Eliminate No-Fault Divorce?
(31% Yes, 62% No, 7% Unsure/Other)

The 1998 Michigan Marriage Report. A comprehensive poll/survey on marriage, divorce, and attitudes toward them, and opinions on various reform proposals. By Wirthlin Worldwide.

U. Mich. poll results on: 1. availability of divorce 2. When there are children

Demographic breakdown of poll on divorce reform

Family Research Council poll results

MSNBC Poll: Stay trapped in loveless marriage for children's sake

Time poll: Should divorce be harder?

ABA Family Law Section poll of divorce lawyers

Poll results on whether pre-marital counseling helps, and how the attitudes of

those who had it are different.

(If you want to help out with the cost of providing this information, contributions to Americans for Divorce Reform would be appreciated.)

Skip to: Facts and News | Polls | Statistics | Laws and Legislation
Quotes | Pro-Reform Articles and Materials | Anti-Reform articles | Pro and Con
Articles

Other family articles, news | Top of Divorce Reform Page

Return to: Americans for Divorce Reform || John Crouch Articles
