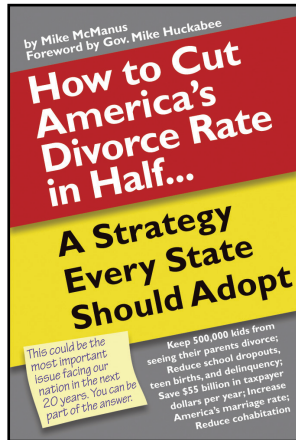


Progress 2009

No Fault Divorce Reform



How to Cut America's Divorce Rate in Half: A Strategy Every State Should Adopt

By Mike McManus

The Problem:

A friend came home from work and opened his door to discover that there was not a stick of furniture in his living room, nor the whole house for that matter. He couldn't believe it. He walked back outside to see if perhaps he had entered the wrong house. The only furniture left was in his daughter's room. When her mother moved across the country, their daughter wanted to stay because she was a senior in high school and wanted to graduate with her class. That's how Bill learned his wife was divorcing him.

She took their younger daughter and all their belongings. Bill was stunned. He didn't even know she was considering it.

Due to No Fault Divorce law, no fault need be alleged to get a divorce. Indeed, No Fault should be called Unilateral Divorce, because the person filing gets it every time. Bill could not contest her action in court. Though the marriage had been willingly entered into by two people, one could unilaterally terminate it – gaining economic advantage. In no other legal contract can one person break the contract without paying a stiff penalty. The law is unjust and unconstitutional. The 5th and 14th Amendments state: “no person be deprived of life, liberty or property without due process of law.” That is, unless it is divorce law where every divorce is granted.

Solution One: Mutual Consent

I proposed one solution in *How To Cut America's Divorce Rate In Half: A Strategy Every State Should Adopt*. If a couple has minor children, no divorce should be granted unless both parents agree to it. Mutual Consent would replace No Fault Divorce with one exception. If a spouse can prove a mate guilty of one of “the 4 A's: adultery, abuse, abandonment, addictions” the divorce could be granted on a fault ground. Also, No Fault would not change for childless couples or those with adult children. No Fault Divorce, the law in 49 states (NY, the exception), allows one spouse to claim “irreconcilable differences” and get the divorce every time. The divorce is opposed by their spouse in four of five cases.

Therefore, I proposed that the law be changed to require Mutual Consent in cases involving young children. Hundreds of studies prove that children are profoundly harmed by divorce. As Michael Reagan described the impact of his parents' divorce, Ronald Reagan & Jane Wyman, in his book, *Twice Adopted*: “Divorce is where two adults take everything that matters to a child – the child's home, family, security and sense of being loved and protected – and they smash it all up, leave it in ruins on the floor, then walk out and leave the child to clean up the mess.” Ironically, it was Michael Reagan's father, then California Gov. Reagan, who created No Fault Divorce 40 years ago.

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If Bill's consent to divorce were required, he would not have given it. Surely, he would never have agreed to his wife moving to California with his child. She might have had time to re-think her affair with an old boyfriend living there, whom she later married – and divorced. Likely, everyone would have been better off if Bill and his wife had worked out their differences.

Michigan – The First State to Pass Divorce Reform?

Michigan could be the first state to pass No Fault Divorce Reform. The Family Rights Coalition of Michigan invited me to speak to state legislators in March. Two who were responsive were Sen. Mike Bishop, Majority Leader of the Senate, a Republican, and House Rep. Robert Dean, a Democrat. In November I spoke to conservative state legislators at a meeting sponsored by a pro-marriage group, WallBuilders. One who responded favorably was Michigan State Sen. Alan Cropsey, Senate Majority Floor Leader, Bishop's top assistant. I asked him, "How big is your Social Services budget?" He replied, "\$4.4 billion." I replied, "Half that cost, \$2.2 billion, is due to divorce. Less than 1% of married women are in poverty, vs. 24% of divorced women, who are eligible for welfare, food stamps, Medicaid, & other subsidies. If the divorce rate were cut in half, you'd save \$1 billion." He replied, "My gosh, we have an \$800 million deficit." Bingo! Cropsey later asked Coalition President Dr. Ross, to invite Senate Democrats to sponsor the bill. That is now happening. I will meet with bi-partisan leaders in January.



If Divorce Reform passes in Michigan it'll sweep the country. Why? No Fault Reform is a economic strategy to reduce state budget deficits, as well as a moral, social justice issue.

Solution Two: Require Two Years of Separation

Why is America's divorce rate two to seven times that of Europe? After five years of marriage, 23% of Americans have divorced, vs. only 8% of British and French, reports Andrew Cherlin in his new book, *The Marriage-Go-Round*. Why? He notes that if a divorce is opposed by one spouse in those countries, the couple has to live apart for five to six years! That is time for many to reconcile. In the U.S. 32 states have NO separation requirement. These are "Hot Head States," which allow angry spouses to file for divorce *immediately*.

The 5.1 per 1,000 average divorce rate of such states as KY, AR, NH, OR, FL, TN, MI and ID is double the 2.6 per 1,000 of MD, PA and IL which require up to two years of separation if the divorce is contested. So Hot Head States with zero separation requirements *could cut their divorce rate in half* if they adopted laws like my state of Maryland that requires couples to live apart one year if the divorce is mutually agreed to, and two years if contested. Two years provides time for couples to reconcile.

Changing the law to require up to two years of separation may be a more politically viable strategy than requiring Mutual Consent. It provides another way to cut divorces in half.

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Community Marriage Policies

We helped clergy create Community Marriage Policies in Metro Detroit's Macomb County, Milwaukee and towns in Ohio, Nebraska, Pennsylvania, and Michigan. This is the primary way Marriage Savers reduces divorce rates. We've created 229 **Community Marriage Policies** with 10,000 pastors. Clergy agree to five reforms:

1. **Preparation** using a premarital inventory with trained Mentor Couples is so effective; it prompts 20% of couples **not** to marry. The divorce rate in one church is only 7% in 17 years. *That's a 93% success rate – virtual marriage insurance.*
2. **Enrichment** programs held on an annual basis at the church for less than \$15 per couple, using resources such as *Fireproof* and *10 Great Dates*.
3. **Restoration**: train couples whose marriages nearly failed to mentor those in current crisis, saving 80% to 90% of the most troubled marriages.
4. **Reconciliation** of separated couples, by helping the spouse who wants to save the marriage, to grow so much that they attract back their errant mate in half the cases with a workbook course, *Marriage 911*, taken with a friend of the same gender.
5. **Stepfamilies** typically divorce at a 70% rate, but by creating *Stepfamily Support Groups*, we can save 80% of such marriages, the mirror opposite.



Benjamin Gohs/Charlevoix Courier

Results

An independent study of our work reported that *in our first 114 cities, divorce rates fell an average of 17.5% for the city/county and cohabitation rates fell by one-third* compared to similar matched counties. *The marriage rate also rises.* In fact, eight cities such as Kansas City, MO and its suburbs, Yuma, AZ, Modesto, CA, Salem, OR, Austin, El Paso -- slashed their divorce rates 48% to 70%. *More than 100,000 divorces were averted with Community Marriage Policies.* No other organization has had such an impact in reversing current trends.

Vision 2010: Organize Large CMPs & Divorce Reform

Most of the 229 Community Marriage Policies we have helped clergy create over 23 years are in small to medium-sized cities. However, half of Americans live in metro areas of 1.5 million people. Our goal is to invest energy to organize larger cities. Results to date:

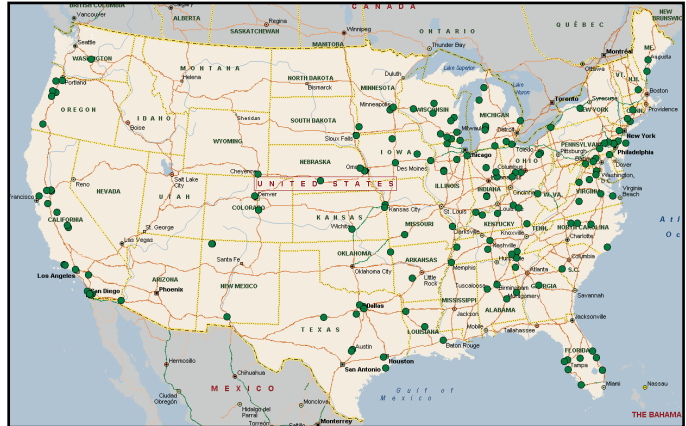
Detroit Metro Area with 4.5 million people in three counties, Wayne (Detroit), Oakland and Macomb, is America's 8th largest metro area. The initiative and driving energy has come from Dr. Michael Ross, an emergency room physician. He worked with Fr. Lawrence Ventline to organize a Community Marriage Policy in Macomb County and Fr. Stan Ulman in Oakland. Marriage Savers also trained Oakland Mentor Couples, Pastors and Deacons in November, who will sign a CMP April 16, to be followed by another training. Terra Defoe, an aide to Detroit Mayor Bing, organized 20 African-American pastors to hear a Marriage Savers presentation. They were thrilled to learn that their church's divorce rate could plunge to near zero. The Mayor's office will help organize a CMP.

Milwaukee Metro Area, with 1.8 million people, invited us to make presentations in both the city and Waukesha County. We did so in one visit, and another presentation made from our desk in Maryland, via GoToMeeting, was a live Marriage Savers PowerPoint webinar. The result: 40 Milwaukee churches signed a CMP this fall, and 25 couples were trained.

New York's Catholic Archdiocese invited me to outline how to reduce the divorce rate. An unprecedented opportunity. I proposed the Archdiocese organize CMP first in smaller rural counties, then Westchester, finally in Manhattan. The Archdiocese is considering it.

Washington Metro Area, America's 5th largest area with 5.5 million people, could organize a CMP in 2010. Two groups have shown interest: African-American pastors in the District and the Catholic Archdiocese. They have been fighting a same-sex marriage bill in Washington D.C. but will be ready to strengthen traditional marriage in 2010.

Reform No Fault Divorce: Marriage Savers will work with state legislators in Michigan and elsewhere to replace No Fault Divorce for couples with young children with Mutual Consent. "By giving the spouse who wants to save the marriage an equal voice with an unhappy mate, many marriages could be restored, perhaps saving most of them," declares Evansville, IN Catholic Bishop Gerald Gettelfinger. Alternatively, in 32 states with no minimum time of separation before a divorce, we will seek to require up to two years of separation in contested divorces, as in Maryland to allow time for reconciliation.





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2. **Donate \$100 or more and receive the DVD and our two latest books, *Living Together: Myths, Risks & Answers* and *How to Cut America's Divorce Rate in Half*.**

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