



FAMILY RESEARCH
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MODEL LEGISLATION: DIVORCE REFORM FOR FAMILIES WITH CHILDREN

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Synopsis

The epidemic of divorce has cost our federal and state governments billions of dollars in the care-taking of the American family post-divorce. We can do better than this – and must. The following is a simple, practical effort that any state can and should implement in order to attempt to provide one more chance at intact, stable family life for the men, women and, most especially, the children of their state, while also slowing the drain on taxpayer funds.

Legislative Wording

A marriage involving natural-born, adopted, foster, or step-children for whom either spouse serves as the custodial parent, wherein there is no history or substantiated allegation of domestic abuse, may be dissolved following a waiting period of twelve (12) months upon petition by one or both spouses. During that twelve-month waiting period, each spouse must either jointly or separately attend no less than ten (10) one-hour marital counseling sessions. These sessions may take place at any time during that twelve-month period, and must occur with a volunteer or paid counselor, clergy member, or any state-certified or licensed marriage mentors/mediators. Of the ten sessions, Sessions #3, 5, 7, and 9 must focus on post-marital financial planning. Verification of the course's completion will consist of providing the appropriate authorities with documentation containing the signatures of both counselor and spouse(s) tendered under penalty of perjury.

Responses to Typical Objections:

1. **Objection:** This would keep a woman in a violent home.
Response: This measure addresses non-violent marriages with dependent children in the home.
2. **Objection:** Marriage is a private matter. No one has a right to tell anyone that they cannot divorce.
Response: As the grantor of both marriage licenses and divorce decrees, the state has already established the right to regulate the disbursement of each.

3. **Objection:** It is better for a child to have happy parents living separately, than to be trapped in an unhappy home.

Response: Children fare better in almost every measurable socio-economic indicator when raised in a non-violent home with two (even unhappy) parents, rather than being raised in a broken home.

Ten Points

1. This divorce reform measure is primarily a child-interest issue. A child is safest, emotionally and physically, in a home with both their mother and father.
2. We should pro-actively support a better option for a child than growing up in a broken home.
3. Broken homes create crippling obstacles that many children are unable to overcome - even in adulthood.
4. Every parent owes their child at least some effort to give them what they most need and want: an intact family.
5. Every sector of society benefits when homes remain intact.
6. The divorce epidemic is robbing our children of memories and moments, happiness and security. They deserve our collective support in providing at least this minimal effort at an intact home.
7. This measure will not save every marriage, but we owe it to the children to facilitate a second chance for a stable home life.
8. This measure provides parents time to re-evaluate the happy marriage they started with, and perhaps reclaim it.
9. A couple already pays for both marriage and divorce. Temporarily reallocating family funds toward successful marriage repair is an investment which could significantly enhance their future financial well-being, as well as that of the state.
10. If a couple is so destitute that they cannot afford ten counseling sessions, it will be impossible for them to support themselves and their children in two separate households rather than just one.