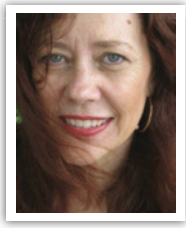
Shortchanging America's Families: Marriage and Divorce Vegas Style



BY BEVERLY WILLETT

Thirty years ago I moved to New York City, right after law school. I had no thoughts of marriage, yet nine months later I tied the knot. These things often happen this way — precisely when you least expect them. My divorce was the same way, too.

After two decades of marriage, my husband and I were settled in decidedly middle class comfort — a beautiful home, a growing retirement account and two thriving children. Then suddenly, my middle-aged husband was in love again. With someone else. And then the walls came tumbling down. Although we lived in New York, New Jersey became the cause of our marital undoing.

New York required my husband to prove fault in order to obtain a divorce, which he couldn't do. So he moved to New Jersey where divorces could be obtained after 18 months of separation. Six months later, in January 2007, New Jersey made dissolving families even easier. Former Gov. Jon Corzine signed a true no-fault divorce statute into law, allowing one spouse to end a marriage based on six months of so-called "irreconcilable differences."

At that point, the handwriting was on the wall. Some people associate the former governor with talks of criminal investigation and plundering of client funds. I remember him for the legacy that will follow my children and me for the rest of our lives.

New Jersey may have its very own Vegas-style quickie marriage, too, if the state's current waiting period for licenses is eliminated. The proposed bill would waive the waiting period, increase the license fee and permit either spouse to annul the marriage within 30 days without cause.

Proponents of the legislation have been crusading for passage in the name of tourist dollars. With divorce already a booming business, and so little respect afforded to marriage and family, why not offer couples a package deal for marriage *and* divorce and grow the state's coffers even more?

Obviously, we can list many good reasons not to offer such a ridiculous package, but here's one. The instant my husband and I said "I do" — and then brought two children into the world — we lost the right to simply walk away from our responsibilities.

However, all 50 states now allow no-fault divorce, with New York being the last to adopt no-fault in 2010. These laws hand spouses the ability to walk away with no penalties whatsoever. Witness the consequences.

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Divorce rates for first marriages are between 40 and 50 percent. Rates for second and third marriages are even higher at 66 percent and 73 to 74 percent, respectively. While marriage enhances health and wealth, divorce diminishes both. Children from divorced homes have increased rates of child poverty, drug abuse, alcohol abuse, juvenile delinquency, divorce, teen pregnancy, depression, aggression and suicide. Divorce reduces their educational attainments, too, and they experience more learning difficulties. Divorce also decreases longevity for children of divorce, and weakens parent-child relationships.

With faith in marriage undermined by divorce, couples today marry less and cohabitate more. These relationships are far less stable than marriage, and the children they produce land on even shakier ground when cohabitating unions fail.

In the United States, we often talk about the importance of "quality time" and "quality of life." Why do we shortchange our children when it comes to the best means of providing both — a stable home with both mom and dad?

After my divorce became final, I began to write about my experiences. Last year, Chris Gersten and I launched the Coalition for Divorce Reform. This bipartisan, volunteer organization increases awareness about the negative consequences of divorce and advocates reforming our nation's divorce laws. Our model legislation, the Parental Divorce Reduction Act (PDRA), was crafted with the input of marriage educators, divorce reform leaders, lawyers and domestic violence experts. It gives marriages with minor children something current state laws do not — a fighting chance.

Research demonstrates that most divorces involve low-conflict marriages, and at least one-third of couples contemplating divorce are open to reconciliation. But the likelihood of reconciliation occurring after judges and lawyers get involved is very small. So the PDRA requires struggling couples to participate in marriage education *before* they get to the courthouse steps. Face-to-face classes (four to eight hours) teach research-based communication and other relationship skills known to strengthen marriages, and provide information about the effects of divorce on adults and children.

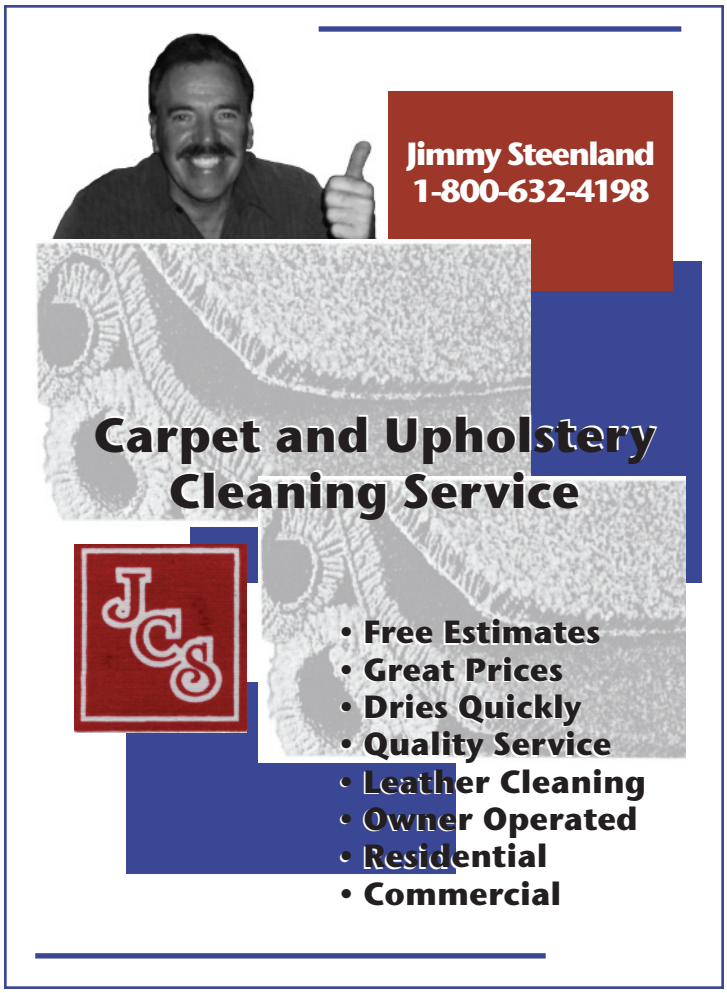
Classes are followed by an eight-month waiting period to give couples the opportunity to reflect on their decision and seek further reconciliation help if they choose. Research shows that, in states with waiting periods, patience translates to fewer divorces. Only after waiting may couples file for divorce. (The PDRA provides exceptions for those with abusive, alcoholic and incarcerated spouses.)

The cost to states is budget neutral. Participants pay a modest fee of a few hundred dollars at most, with welfare funds available to defray costs for the indigent. Contrast these costs with the societal consequences of divorce, which costs taxpayers tens of billions each year. That cost does not include the costs to each family of simply obtaining a divorce ($15,000 on average), not to mention setting up and maintaining separate households.

Right and wrong have become dirty little words today in our culture. Although I still loved my husband after he walked out and sued me for divorce, I knew that tearing apart our precious family was wrong. So I fought my divorce and tried to prevent it for five years. But the legal system was of no use, and then my ex-husband moved to New Jersey.

Many people wince at the sound of "divorce reform," including legislators. I can't understand why. After all, Americans are big on "choice" and options. Only when it comes to parents who want to save their marriages and families do options disappear. The same goes for their children, who suffer the most.

Is there one single item on our legislative agendas of greater importance than the health of our nation's families? Don't our marriages deserve a fighting chance? Can there truly be any credible objection to straightforward, practical, cost-effective, research-based, bi-partisan legislation that will preserve marriages and families and save taxpayers money? Have we become so uncreative that we can't devise more humane ways of competing with Las Vegas than by mocking and exploiting the American family?

The lives of 1 million children are broken apart by divorce every year in the United States alone. Their futures should be reason enough for even a blue state such as New Jersey to adopt the PDRA.

Beverly Willett is a writer, lawyer and co-chairman of the Coalition for Divorce Reform (CDR). She blogs at www.beverlywillett.com and at www.divorcereform.us for the CDR, where you can read more about divorce reform from her and other writers. Beverly lives in Brooklyn, N.Y., with her two daughters.