

2011 SENATE JUDICIARY

SB 2367

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2367  
February 1, 2011  
Job #13788

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

Relating to a waiting period for divorce and mandatory marital counseling.

## Minutes:

Attached Testimony

**Senator Larsen** introduces and is in favor of SB 2367. (Written Testimony #1).

**Senator Sitte, District 35**, favors SB 2367. She says SB 2367 is "for the children".

**Tom Freier, Executive Director, North Dakota Family Alliance**, supports SB 2367. (Written Testimony #2).

Senator Lyson talks about "abusive marriage" and what that does to the children, or when 2 spouses, dislike each other and living in the same home and the effects on children. Could you give me some statistics on that situation?

**Tom Freier**, states that the language in SB 2367, it does make provisions, that in case of domestic abuse is involved, that would be removed from it. They would not be forced. In general, I believe when we are looking at the children, that studies show that the most important thing is "an intact family", even more important than the husband and wife, getting along. The family "breakup" is greater, than mom and dad not getting along all the time.

**Senator Lyson** asks that nothing is being said about, when mom and dad dislike each other, that it is not affecting the child?

**Tom Freier** states that "in cases, where there is not a perfect marriage, it is better, according to things I have researched; to "stay together". It is better than the "breakup" of the marriage.

**Senator Olafson** asks about cases of infidelity? How can you justify, having to wait 12 months after an infidelity, in a marriage?

**Tom Freier** states that the current statute deals with that. This issue is taken care of, in another part, of SB 2367. There is no marriage that can't be saved.

**Senator Olafson** states that the SB 2367, does not specify that the counselor, has to be a licensed professional. Anyone could say that they are trained to do this.

**Tom Freier** states that, possibly, we need to improve the wording, to make sure the intent is to say, a qualified person, needs to do that counseling.

**Senator Sitte** states that when we talk about 'volunteer counselors', are there any organizations, that have come forward and said that they are willing to provide free counseling or are we looking at paying for counseling?

**Tom Freier** states that most of the people he has talked to are in the clergy and are pastors. This is where you would find "free counseling", if you will.

**Senator Sovaag** asks where the 12 months comes from?

**Tom Freier** states that it is an arbitrary number and research tells us that other countries have different amounts.

**Senator Nething** states that in Line 8, we use "substantial allegations" of domestic abuse. That is quite subjective, is it not?

**Tom Frier** states that if "legal minds" are not comfortable with that wording and it is not objective enough, we can work with that.

**Bill Neuman, Executive Director of the State Bar Association**, opposes SB 2367 and the comments and emails, that were sent to you last week, are not the position of the State Bar Association. We agree with the negative effects it has on children. There is a pilot **Mediation Project**, which helps in custody disputes and it has been very successful.

**Senator Olafson** asks Mr. Neuman, if he is a licensed attorney?

**Bill Neuman** responds "yes".

**Senator Olafson** asks, as an attorney, do you believe this bill, if enacted, would pass constitutional muster?

**Bill Neuman** responds he has not given any thought to 'constitutionality' of this bill. Your question suggests, I better start thinking about that. There may be an issue.

**Paul Schauer, pastor from Burleigh Country**, is opposed to "forced counseling" as in SB 2367. (Written Testimony # 3).

**Senator Olafson** asks, "Is it accurate to say, if you have been through the process of divorce, would you view this issue and bill, far differently than those who have not?"

**Paul Schauer**, states "Certainly, yes". Having gone through a divorce, this appears to me, to be punitive vs. helpful".

**Senator Sitte** asks if **Mr. Schauer** has met anyone that has "regretted their divorce?"

**Paul Schauer** states, "Yes, of course". Divorce is a very difficult process.

**Sherry Mills Moore, an attorney and a volunteer lobbyist for the State Bar Association.** The State Bar Association is opposed to SB 2367. (Written Testimony #4). We have successful Mediation Program that was put into place, to work with parenting rights and responsibilities.

**Senator Olafson** asks if mediation required in all courts, in all cases?

**Sherry Mills Moore** states that it is required in all districts, except Cass County, which will be on the program in April 2011 for all families that are getting divorced or fighting about custody, if they were never married, or going back from some change of custody. Yes, it is mandatory. It has been very successful.

**Senator Sitte** asks what are the ranges of costs for a divorce?

**Sherry Mills Moore** states that there are "do it yourself program which have a filing fee for \$80, the high end would be, hundreds of thousands of dollars.

**Senator Sitte** asks if Ms. Mills is familiar with any mandatory counseling, we have for incarcerated people, sexual offenders, addiction treatment etc.

**Sherry Mills Moore** states that she is familiar with as part of criminal proceedings and convictions, people are required to undergo treatment.

**Senator Sitte** asks if "that counseling is ever affective?"

**Sherry Mills Moore** responds, "Of course."

**Senator Sitte** states, "when we say "forced counseling" could never be effective" then I think we are overreaching a bit".

**Senator Olafson** says he doesn't want Senator Sitte to compare "couples counseling" and "single counseling".

**Senator Sitte** asks "when we are talking about "substantiated abuse" being part of this bill, I am thinking, wouldn't this actually help women confront the issue of abuse and deal with that? In doing so, they wouldn't have to undergo these 12 counseling sessions and not of us want to see woman sitting back and taking that abuse, in any situation".

**Sherry Mills Moore** states that Janelle Moos is here and will be able to describe the dynamic, that a person goes through, who is an abused victim.

**Janelle Moos, Executive Director of the North Dakota Council on Abused Woman Services,** opposes SB 2367. (Written Testimony #5)

Senate Judiciary Committee

SB 2367

February 2, 2011

Page 4

Most people believe when they leave domestic violence relationships, that they will be safe. It is the complete opposite.

**Hearing closed on SB 2367.**

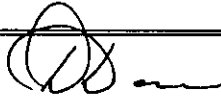
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2367  
2/14/11  
Job #14495

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to a waiting period for divorce and to mandatory marital counseling

## Minutes:

There is attached testimony

## Senator Nething – Chairman

**Senator Sitte** – Provides an amendment and written testimony. This amendment would substitute a study for the original bill.

**Senator Sitte** motions to adopt the amendment  
**Senator Lyson** seconded

## Discussion

Senator Olafson and Senator Sorvaag said they couldn't have supported the bill but with this amendment they will.

Roll call vote  
6 yes, 0 no  
Amendment adopted

**Senator Olafson** moves do pass as amended

**Senator Sorvaag** seconded

Roll call vote  
5 yes, 1 no

**Senator Sitte** will carry

February 11, 2011

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2367**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study relating to divorce reform and education.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DIVORCE REFORM AND EDUCATION.** During the 2011-12 interim, the legislative management shall consider studying the physical, emotional, and financial effects associated with divorce involving dependent children. The legislative management shall offer legislative policy solutions, including divorce reform legislation and marriage and relational education, which will lead to increasing the number of dependent children living in intact families. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

Date: 2/14/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2367

Senate Judiciary Committee

Check here for Conference Committee 60103

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Sitte Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 6

Absent \_\_\_\_\_

Floor Assignment Senator

If the vote is on an amendment, briefly indicate intent:



Date: 2/14/11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2367

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Olafson Seconded By Senator Sorvaag

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson		X
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 5 No 1

Absent \_\_\_\_\_

Floor Assignment Senator Sitte

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2367: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study relating to divorce reform and education.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DIVORCE REFORM AND EDUCATION.** During the 2011-12 interim, the legislative management shall consider studying the physical, emotional, and financial effects associated with divorce involving dependent children. The legislative management shall offer legislative policy solutions, including divorce reform legislation and marriage and relational education, which will lead to increasing the number of dependent children living in intact families. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

2011 HOUSE JUDICIARY

SB 2367

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

SB 2367  
March 16, 2011  
15506

Conference Committee

Committee Clerk Signature



## Minutes:

Chairman DeKrey: We will open the hearing on SB 2367.

Sen. Oley Larsen: Sponsor, support. How many of you remember laptops, computers, I remember without a computer. Can you imagine not having your laptop right now, and some of us in the Senate and Representatives just got a laptop, and now we're seeing notebooks, etc. How can you live without that.

Ch. DeKrey: Very well.

Sen. Oley Larsen: I wonder how our previous Senators did it. When I hear stories of the bill books up on the shelves, I could not function that way. So I've got training to learn how to run this computer. We get training on how to run our laptops, we get training on the phones. We can't function without that training. We're ineffective Representatives and Senators if we think for one minute that we can exist now without a laptop, without a phone. So I'm also going to try to go this summer and become a more effective Senator, if that comes through because I don't have a lot of training in that at all, first year Senator. So I was looking for this new information and training to perform our jobs more effectively, more efficiently, but unfortunately we don't put the same knowledge into keeping our families and marriages together and healthy. That's where this bill generates from, from my perspective anyway. We need to give families skills and coping to do the best they can. Our court systems are tied up with custody issues and thousands of dollars are spent fighting it out. This bill, which has now been amended to a study, will allow the process to either stay together with increased skills or move on with a well thought-out plan on how to communicate in meeting children's emotion, financial, and educational needs. When we say "I Do", it is no longer about me; it's not what makes me happy; my job is to make my wife happy. Then when you have kids, you're job is no longer to make you happy, it's to make the kids happy. That's what marriage is about. I'm here to tell you that there is life after infidelity, there is life after drug abuse, there is marriage after gambling. All of these can be overcome with the skills and training to give it a chance. It's too easy in ND, to wake up one morning, and go, you know I'm having a really bad day, I'm going to pull the plug and to heck with the kids, to heck

with my wife/husband, a rash decision. This bill doesn't speak to the people who are thumping on each other; that is a no-brainer as are people that can't stand each other. They are out of the equation. This bill speaks to the people who need to just cool off for a minute and get a little bit of training. That's what this bill is about. We will never survive the seeds of "I just want it my way" or "just do it" if those are planted into our beings. That's where we are at. I do pre-marital counseling through our church, with my wife. It's very successful. We also, through our church, have couples who are ready to pull the plug and it's many couples. There is a 70% retention rate of those couples, so it is possible. To say that will never work, we don't want it; we need to give it a try. We need to give it some thought.

Chairman DeKrey: Thank you. Further testimony in support.

Tom Freier, ND Family Alliance: Support (see attached 1,2).

Chairman DeKrey: Thank you. Further testimony in support.

Ron Dalzell, Associate Pastor in Dickinson: Support. I do support the family. I'm glad that it's going to a study because I meet with a group of pastors, we pray every Wednesday together and this topic did come up to us, this particular bill that is now a study. I personally am grateful that it is a study now, rather than the bill. Here was our concern: already in our church, we have a lot of people who will come to us and say that we have a beautiful building and they would like to be married there, and that's the only time we've ever seen them. Our concern on behalf of this, now we want to get a divorce and we want you to counsel us because we need this to get divorced; now we would have to counsel people we've never met. I hate divorce. But I also would like to see some consideration to pre-marital counseling. I think that even more than talking about how we can end it, let's talk about how we can start it off on a better foot. I do support the study, but I'd also like to see it as a study of how we can make marriage better all the way around.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

Rep. Koppelman: I move a Do Pass.

Rep. Hogan: Second the motion.

**12 YES 0 NO 2 ABSENT**

**DO PASS**

**CARRIER: Rep. Brabandt**

Date: 3/16/11  
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2367

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. Hogan

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle			Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos					
Rep. Steiner	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Brabandt

If the vote is on an amendment, briefly indicate intent:

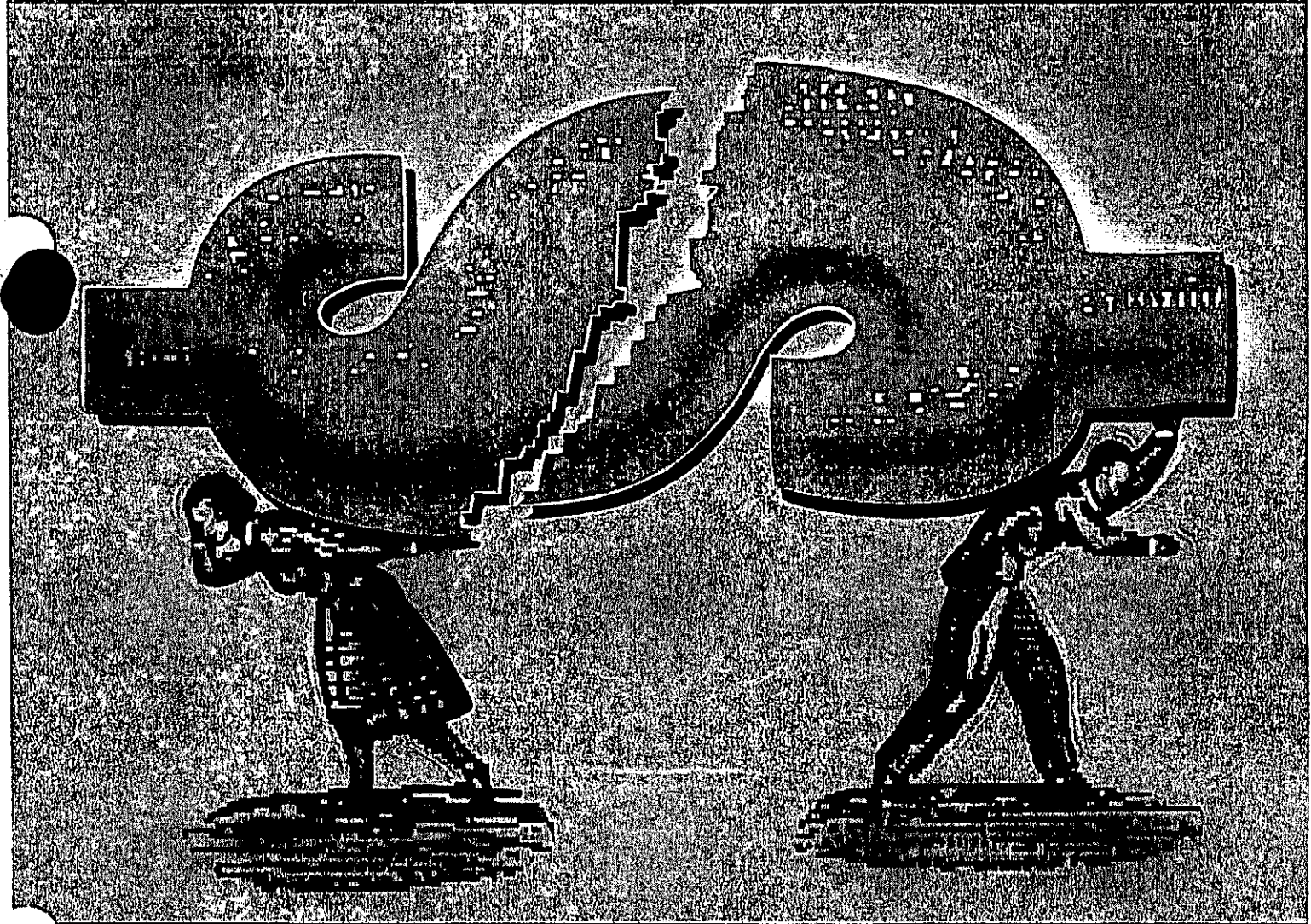
**REPORT OF STANDING COMMITTEE**

**SB 2367, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2367 was placed on the Fourteenth order on the calendar.**

2011 TESTIMONY

SB 2367





**M**OST OF THE PUBLIC DEBATE over marriage focuses on the role of marriage as a social, moral, or religious institution. But marriage is also an economic institution, a powerful creator of human and social capital. Increases in divorce and unwed childbearing have broad economic implications, including larger expenditures for the federal and state governments. This is the first-ever report that attempts to measure the taxpayer costs of family fragmentation for U.S. taxpayers in all fifty states. Among its findings: Even programs that result in very small decreases in divorce and unwed childbearing could yield big savings for taxpayers.

The report's principal investigator is Benjamin Scafidi, an economist in the J. Whitney Bunting School of Business at Georgia College & State University. The co-sponsoring organizations are the Institute for American Values, the Institute for Marriage and Public Policy, Georgia Family Council, and Families Northwest.

The co-sponsoring organizations are grateful to Chuck Stetson and Mr. and Mrs. John Petz for their generous financial support of the project. The principal investigator is grateful to Deanie Waddell for her expert research assistance.

Bill should be based in logic and science.

*On the cover: Man and Woman Splitting Dollar by Todd Davidson, Stock Illustration RF, Getty Images.*

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## I. Why Should Government Care about Marriage?

OVER THE LAST FORTY YEARS, marriage has become less common and more fragile, and the proportion of children raised outside intact marriages has increased dramatically. Between 1970 and 2005, the proportion of children living with two married parents dropped from 85 percent to 68 percent, according to Census data. About three-quarters of children living with a single parent live with a single mother.

These important changes in family structure stem from two fundamental changes in U.S. residents' behavior regarding marriage: increases in unmarried childbearing and high rates of divorce.<sup>1</sup> More than a third of all U.S. children are now born outside of wedlock, including 25 percent of non-Hispanic white babies, 46 percent of Hispanic babies, and 69 percent of African American babies.<sup>2</sup> In 2004, almost 1.5 million babies were born to unmarried mothers.<sup>3</sup> Divorce rates, by contrast, after increasing in the 1960s and 1970s, appear to have declined modestly in recent years. The small decline in divorce after 1980, however, seems to have been offset by increases in unwed childbearing, as the percentage of children living with one parent increased steadily between 1970 and 1998 with only a small drop after 1998. Overall, divorce rates remain high relative to the period before 1970. Today's young adults in their prime childbearing years are less likely to get married, and many more U.S. children each year are born to unmarried mothers. Should U.S. taxpayers be concerned about these increases in family fragmentation, and if so, why?

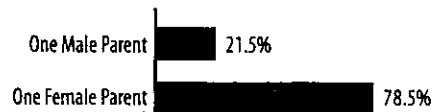
Public debate on marriage in this country has focused on the "social costs" of increases in divorce and unmarried childbearing. Research suggests that the social costs are indeed extensive. When parents part, or fail to marry, their children seem to suffer from increased risks of poverty, mental illness, infant mortality, physical illness, juvenile delinquency and adult criminality, sexual abuse, and other forms of family violence, economic hardship, substance abuse, and educational failure, such as increased risk of dropping out of school.

Table 1. U.S. Children Residing in Two-Parent Families



(Source: U.S. Bureau of the Census)

Table 2. Percent of U.S. Children in a Single-Parent Household that Has ...



(Source: 2005 American Community Survey)

But marriage is more than a moral or even social institution; it is also an economic one, a generator of social and human capital, especially when it comes to children. Not much attention has been focused to date on the hard, economic costs of family fragmentation, by which we mean not only the economic costs to affected individuals and families but also to the public purse.

There are good reasons for suspecting that taxpayer costs associated with family fragmentation are substantial: To the extent that the decline of marriage increases the number of children and adults eligible for and in need of government services, costs to taxpayers will grow. To the extent that increases in family fragmentation also independently drive social problems faced by communities—such as crime, domestic violence, substance abuse, and teen pregnancy—the costs to taxpayers of addressing these increasing social problems are also likely to be significant. Pointing out these concerns is not to “blame the victim,” but rather to launch a serious effort to determine what these costs are. If these costs are deemed substantial, then it is worth thinking carefully about how these costs can be lowered so that resources can be freed for other useful purposes.

In 2000, a group of more than one hundred family scholars and civic leaders noted the range of public costs associated with family breakdown, concluding:

Divorce and unwed childbearing create substantial public costs, paid by taxpayers. Higher rates of crime, drug abuse, education failure, chronic illness, child abuse, domestic violence, and poverty among both adults and children bring with them higher taxpayer costs in diverse forms: more welfare expenditure; increased remedial and special education expenses; higher day-care subsidies; additional child-support collection costs; a range of increased direct court administration costs incurred in regulating post-divorce or unwed families; higher foster care and child protection services; increased Medicaid and Medicare costs; increasingly expensive and harsh crime-control measures to compensate for formerly private regulation of adolescent and young-adult behaviors; and many other similar costs.

While no study has yet attempted precisely to measure these sweeping and diverse taxpayer costs stemming from the decline of marriage, current research suggests that these costs are likely to be quite extensive.<sup>5</sup>

In response to public concerns about the negative consequences of divorce and unmarried childbearing for child well-being, the federal government and many states have modestly funded programs aimed at strengthening marriage.

Since the mid-1990s, at least nine states have publicly adopted a goal of strengthening marriage, and seven states have dedicated funding (often using a very small

Assumption 3 implies that the proportion of poverty that can be attributed to family fragmentation is equal to the proportion of expenditures on a variety of government programs that are caused by family fragmentation. As shown in table 3, if marriage would lift 60 percent of single-mother households out of poverty, then the total number of persons in poverty would decline by 31.7 percent and the total number of children in poverty would decline by 36.1 percent.<sup>30</sup> By virtue of assumption 3, marriage would reduce the costs of some government programs by 31.7 percent and the costs of government programs that are exclusively for children by 36.1 percent. Put another way, this assumption suggests that family fragmentation is responsible for 31.7 percent of the costs of government antipoverty programs and is responsible for 36.1 percent of the costs of government programs that are exclusively for children.<sup>31</sup>

**Table 3. Persons and Children Lifted out of Poverty via Marriage**

*(Source: 2006 CPS)*

	Total U.S. Poverty 2006 (thousands)	Number Lifted Out of Poverty via Marriage (thousands) @60% of female-headed households in poverty are lifted out of poverty	Percent Lifted Out of Poverty via Marriage
Total Persons	36,460	11,554	31.7%
Children	12,827	4,629	36.1%

This crucial assumption seems cautious not only because single-parent households have higher rates of poverty and other negative outcomes but also because at the same income level single-parent households are much more likely than married households to make use of government benefits.

In the cautious assumptions used in this analysis, we assume no behavioral effects from marriage on the likelihood of choosing to use government programs, even though (as shown in tables 4, 5, and 6) single-mother households use the Food Stamp, cash assistance, and Medicaid programs at much higher rates than married households with similar incomes.

**Table 4. Household Income and Usage of Food Stamps**

*(Source: 2006 CPS)*

Family Type	Percent Receiving Food Stamps All Income Levels	Percent Receiving Food Stamps Families Earning < 200% of Poverty Level
Married	3.9%	16.2%
Male head no spouse present	8.6%	21.2%
Female head no spouse present	26.1%	42.5%

**Table 7. Estimated Costs of Family Fragmentation for U.S. Taxpayers\***

\* These costs include federal, state, and local costs.

	in billions
Justice System	\$19.3
TANF – Cash Assistance	\$5.1
Food Stamps	\$9.6
Housing Assistance	\$7.3
Medicaid	\$27.9
SCHIP	\$2.8
Child Welfare	\$9.2
WIC	\$1.6
LIHEAP	\$0.7
Head Start	\$2.7
School Lunch and Breakfast Program	\$3.5
Additional U.S. Income Taxes Paid	\$6.1
Additional FICA Taxes Paid	\$9.4
Additional State & Local Taxes Paid	\$6.8
<b>Total U.S. Taxpayer Cost of Family Fragmentation</b>	<b>\$112.0</b>

Table A.5 (page 38) reveals state-by-state estimates for the costs of family fragmentation, and appendix B (page 31) describes the methods used to estimate the costs of family fragmentation for state and local taxpayers. These state-by-state estimates are a subset of the \$112 billion total taxpayer cost.

We are confident this is a minimum figure because of the uniformly cautious assumptions built into our methodology. For those who would like to dig deeper, appendix A (page 22) provides a detailed response to possible arguments that we have overestimated or underestimated taxpayer costs. For example, here are four potential underestimates:

First, our estimate focuses exclusively on female-headed households; that is, we assume the taxpayer costs of single-father families are zero. This assumption almost certainly leads to an underestimate.

Second, we have excluded from analysis several expensive government programs (because existing data does not allow us to quantify them with confidence), which nonetheless very likely include significant marriage-related taxpayer costs. The taxpayer-funded programs excluded from analysis include the Earned Income Tax Credit (EITC), public education,<sup>42</sup> and Medicare and Medicaid benefits for older adults. The EITC alone is a \$40 billion taxpayer-funded program. Estimating the effect of marriage on the EITC involves making complex judgments about who marries whom, and how their income shifts as a result. Since we lack hard data to make

Table A.3: Total Poverty and Family Structure by State

(Source: 2006 CPS)

	Total Number in Poverty (thousands)	Number in Poverty in Husband-Wife Family (thousands)	Number in Poverty in Unmarried Households with Male Householder (thousands)	Number in Poverty in Unmarried Households with Female Householder (thousands)	Percent of Total Poverty Living in Unmarried Household	Percent of Total Poverty Living in Unmarried Households with Female Householder	Percent Reduction Total Poverty If Marriage Reduced Poverty of Female-headed Households by 60%
AL	650	196	88	366	69.8%	56.3%	33.8%
AK	58	10	13	35	82.8%	60.3%	36.2%
AZ	902	361	188	353	60.0%	39.1%	23.5%
AR	487	140	67	280	71.3%	57.5%	34.5%
CA	4,427	1,732	760	1,935	60.9%	43.7%	26.2%
CO	466	159	88	220	65.9%	47.2%	28.3%
CT	275	54	49	172	80.4%	62.5%	37.5%
DE	80	27	14	38	66.3%	47.5%	28.5%
DC	104	11	29	64	89.4%	61.5%	36.9%
FL	2,068	580	383	1,106	72.0%	53.5%	32.1%
GA	1,172	300	156	716	74.4%	61.1%	36.7%
HI	116	27	35	53	76.7%	45.7%	27.4%
ID	141	41	30	70	70.9%	49.6%	29.8%
IL	1,338	274	241	823	79.5%	61.5%	36.9%
IN	674	134	129	411	80.1%	61.0%	36.6%
IA	301	79	67	156	73.8%	51.8%	31.1%
KS	349	91	77	182	73.9%	52.1%	31.3%
KY	690	234	117	339	66.1%	49.1%	29.5%
LA	713	200	96	417	71.9%	58.5%	35.1%
ME	134	29	28	77	78.4%	57.5%	34.5%
MD	469	79	110	279	83.2%	59.5%	35.7%
MA	758	183	166	409	75.9%	54.0%	32.4%
MI	1,323	315	259	749	76.2%	56.6%	34.0%
MN	422	125	111	186	70.4%	44.1%	26.4%
MS	596	150	67	379	74.8%	63.6%	38.2%
MO	659	228	113	318	65.4%	48.3%	29.0%
MT	125	28	23	75	77.6%	60.0%	36.0%
NE	180	71	40	69	60.6%	38.3%	23.0%
NV	241	66	56	120	72.6%	49.8%	29.9%
NH	71	16	20	35	77.5%	49.3%	29.6%
NU	762	241	121	400	68.4%	52.5%	31.5%
NM	328	116	64	148	64.6%	45.1%	27.1%
NY	2,668	666	468	1,534	75.0%	57.5%	34.5%
NC	1,225	348	188	689	71.6%	56.2%	33.7%
ND	206	51	41	99	80.0%	59.7%	33.4%
OH	1,371	316	204	851	77.0%	62.1%	37.2%
OK	531	165	103	263	68.9%	49.5%	29.7%
OR	439	158	54	227	64.0%	51.7%	31.0%
PA	1,397	294	295	808	79.0%	57.8%	34.7%
RI	110	27	17	66	75.5%	60.0%	36.0%
SC	474	127	51	296	73.2%	62.4%	37.5%
SD	82	18	16	48	78.0%	58.5%	35.1%
TN	879	310	129	441	64.7%	50.2%	30.7%
TX	3,816	1,446	625	1,745	62.1%	45.7%	27.4%
UT	235	65	35	135	72.3%	57.4%	34.5%
VT	48	12	10	26	75.0%	54.2%	32.5%
VA	651	184	112	355	71.7%	54.5%	32.7%
WA	502	132	118	253	73.7%	50.4%	30.2%
WV	277	96	46	136	65.3%	49.1%	29.5%
WI	555	117	97	341	78.9%	61.4%	36.9%
WY	51	14	10	27	72.5%	52.9%	31.8%

Table A.4: Child Poverty and Family Structure by State

(Source: 2006 CPS)

	Total Number of Children in Poverty (thousands)	Number of Children in Poverty in Husband-Wife Family (thousands)	Number of Children in Poverty in Unmarried Households with Male Householder (thousands)	Number of Children in Poverty in Unmarried Households with Female Householder (thousands)	Percent of Total Child Poverty Living in Unmarried Household	Percent of Total Child Poverty Living in Unmarried Households with Female Householder	Percent Reduction in Total Child Poverty if Marriage Reduced Poverty of Female-headed Households by 60%
AL	209	64	12	133	63.6%	69.4%	38.2%
AK	21	3	3	15	71.4%	85.7%	42.9%
AZ	329	142	29	159	48.3%	56.8%	29.0%
AR	183	56	6	121	66.1%	69.4%	39.7%
CA	1,724	788	149	787	45.6%	54.3%	27.4%
CO	161	69	11	81	50.3%	57.1%	30.2%
CT	84	18	7	59	70.2%	78.6%	42.1%
DE	25	10	2	13	52.0%	60.0%	31.2%
DC	37	4	4	29	78.4%	89.2%	47.0%
FL	590	177	18	395	66.9%	70.0%	40.2%
GA	499	142	13	344	68.9%	71.5%	41.4%
HI	31	10	5	16	51.6%	67.7%	31.0%
ID	53	19	4	29	54.7%	64.2%	32.8%
IL	472	130	23	319	67.6%	72.5%	40.6%
IN	226	33	18	175	77.4%	85.4%	46.5%
IA	101	34	9	58	57.4%	66.3%	34.5%
KS	137	38	14	85	62.0%	72.3%	37.2%
KY	236	64	31	141	59.7%	72.9%	35.8%
LA	252	160	20	73	68.7%	76.2%	41.2%
ME	37	9	4	25	67.6%	75.7%	40.5%
MD	151	29	21	100	66.2%	80.8%	39.7%
MA	199	51	15	133	66.8%	74.4%	40.1%
MI	469	104	48	316	67.4%	77.8%	40.4%
MN	139	56	9	74	53.2%	59.7%	31.9%
MS	221	40	8	173	78.3%	81.9%	47.0%
MO	247	100	20	127	51.4%	59.5%	30.9%
MT	36	9	1	26	72.2%	75.0%	43.3%
NE	58	30	4	23	39.7%	48.3%	23.8%
NV	81	29	6	46	56.8%	64.2%	34.1%
NH	17	5	2	9	52.9%	70.6%	31.8%
NJ	260	111	13	136	52.3%	57.3%	31.4%
NM	120	52	12	55	45.8%	56.7%	27.5%
NY	858	205	57	597	69.6%	76.1%	41.7%
NC	449	131	33	285	63.5%	70.8%	38.1%
ND	23	6	2	15	65.2%	73.9%	39.1%
OH	515	109	32	373	72.4%	78.8%	43.5%
OK	188	63	25	101	53.7%	66.5%	32.2%
OR	143	67	8	68	47.6%	53.1%	28.5%
PA	469	111	46	312	66.5%	76.3%	39.9%
RI	37	12	3	23	62.2%	67.6%	37.3%
SC	163	44	8	110	67.5%	73.0%	40.5%
SD	26	7	2	16	61.5%	73.1%	36.9%
TN	306	125	21	159	52.0%	59.2%	31.2%
TX	1,436	593	86	756	52.6%	58.7%	31.6%
UT	101	29	7	65	64.4%	71.3%	38.6%
VT	12	3	1	7	58.3%	75.0%	35.0%
VA	241	72	12	157	65.1%	70.1%	39.1%
WA	159	48	10	101	63.5%	69.8%	38.1%
WV	83	26	9	48	57.8%	68.7%	34.7%
WI	199	56	5	138	69.3%	71.9%	41.6%
WY	17	5	2	10	58.8%	70.6%	35.3%



Table A.5: Estimates of State and Local Taxpayer Costs of Family Fragmentation (in millions)

State	State & Local Tax Burden	Foregone Tax Revenue	Justice System	TANF	Medicaid	SCHIP	Child Welfare	Total
California	11.5%	\$717	\$1,621	\$515	\$1,083	\$153	\$739	\$4,829
New York	13.8%	\$657	\$1,230	\$202	\$1,184	\$73	\$322	\$3,668
Texas	9.3%	\$559	\$1,557	\$64	\$635	\$46	\$96	\$2,957
Ohio	12.4%	\$368	\$768	\$48	\$1,271	\$32	\$251	\$2,739
Pennsylvania	10.8%	\$267	\$643	\$109	\$839	\$36	\$421	\$2,315
Florida	10.0%	\$313	\$814	\$57	\$546	\$43	\$181	\$1,953
Illinois	10.8%	\$275	\$657	\$19	\$650	\$98	\$250	\$1,949
Michigan	11.2%	\$281	\$651	\$90	\$374	\$30	\$135	\$1,562
Georgia	10.3%	\$281	\$709	\$59	\$290	\$49	\$72	\$1,460
North Carolina	11.0%	\$250	\$587	\$59	\$339	\$21	\$73	\$1,329
New Jersey	11.6%	\$126	\$280	\$16	\$419	\$47	\$115	\$1,003
Massachusetts	10.6%	\$112	\$274	\$3	\$335	\$46	\$175	\$945
Indiana	10.7%	\$150	\$361	\$5	\$158	\$15	\$150	\$839
Virginia	10.2%	\$127	\$323	\$17	\$234	\$23	\$51	\$776
Tennessee	8.5%	\$107	\$328	\$12	\$220	\$0	\$89	\$757
Wisconsin	12.3%	\$135	\$284	\$11	\$198	\$15	\$95	\$737
Maryland	10.8%	\$86	\$206	\$9	\$266	\$30	\$127	\$724
Connecticut	12.2%	\$57	\$122	\$45	\$438	\$3	\$48	\$712
Washington	11.1%	\$89	\$208	\$52	\$266	\$1	\$95	\$711
Louisiana	11.0%	\$152	\$356	\$2	\$109	\$13	\$37	\$670
Missouri	10.1%	\$102	\$262	\$5	\$211	\$9	\$75	\$664
Arizona	10.3%	\$131	\$328	\$13	\$134	\$10	\$38	\$654
Kentucky	10.9%	\$122	\$290	\$21	\$119	\$8	\$92	\$654
Mississippi	10.5%	\$144	\$356	\$0	\$84	\$10	\$10	\$605
Minnesota	11.5%	\$68	\$152	\$9	\$213	\$11	\$121	\$574
Alabama	8.8%	\$93	\$274	\$3	\$124	\$10	\$44	\$548
Arkansas	11.3%	\$109	\$249	\$4	\$86	\$6	\$16	\$471
South Carolina	10.7%	\$94	\$227	\$4	\$132	\$3	\$8	\$469
Colorado	10.4%	\$67	\$167	\$0	\$111	\$11	\$99	\$454
Oklahoma	9.0%	\$72	\$208	\$23	\$92	\$9	\$26	\$430
Kansas	11.2%	\$76	\$175	\$9	\$78	\$6	\$45	\$389
Oregon	10.0%	\$54	\$140	\$16	\$111	\$7	\$33	\$361
Iowa	11.0%	\$51	\$119	\$17	\$104	\$6	\$61	\$359
Utah	10.7%	\$55	\$134	\$8	\$50	\$4	\$25	\$276
West Virginia	10.9%	\$42	\$99	\$8	\$50	\$3	\$29	\$231
New Mexico	9.8%	\$43	\$113	\$3	\$57	\$1	\$12	\$230
Maine	14.0%	\$28	\$52	\$37	\$87	\$4	\$7	\$214
Rhode Island	12.7%	\$23	\$47	\$6	\$78	\$9	\$43	\$206
Nevada	10.1%	\$37	\$95	\$6	\$44	\$5	\$13	\$199
District of Columbia	12.5%	\$29	\$60	NA	NA	\$1	\$72	\$162
Nebraska	11.9%	\$22	\$47	\$6	\$41	\$3	\$23	\$142
Idaho	10.1%	\$23	\$60	\$0	\$34	\$2	\$8	\$127
Alaska	6.6%	\$8	\$31	\$7	\$42	\$3	\$22	\$114
Montana	9.7%	\$20	\$54	\$5	\$22	\$2	\$10	\$113
Hawaii	12.4%	\$16	\$33	\$10	\$32	\$2	\$18	\$112
New Hampshire	8.0%	\$6	\$19	\$8	\$48	\$1	\$18	\$99
Delaware	8.8%	\$9	\$27	\$1	\$39	\$1	\$11	\$88
South Dakota	9.0%	\$11	\$33	\$3	\$22	\$1	\$7	\$77
Vermont	14.1%	\$8	\$14	\$5	\$35	\$0	\$17	\$74
North Dakota	9.9%	\$12	\$3	\$5	\$17	\$1	\$5	\$69
Wyoming	9.5%	\$8	\$21	\$12	\$13	\$1	\$7	\$61

Many more details, including a discussion of the empirical literature on which our conclusions are based, are found in appendix A.

## V. What Are the Policy Implications?

**H**OW SHOULD POLICYMAKERS, state legislators, and others respond to these new, rigorous estimates of the large taxpayer costs of family fragmentation?

First, public concern about the decline of marriage need not be based only on the important negative consequences for child well-being or on moral concerns, as important as these concerns may be. *High rates of family fragmentation impose extraordinary costs on taxpayers.* Reducing these costs is a legitimate concern of government, policymakers, and legislators, as well as civic leaders and faith communities.

Second, *even very small increases in stable marriage rates would result in very large returns to taxpayers.* For example, a mere 1 percent reduction in rates of family fragmentation would save taxpayers \$1.12 billion annually.

Given the modest cost of government and civic marriage-strengthening programs, even more modest success rates in strengthening marriages would be cost-effective. Texas, for example, recently appropriated \$15 million over two years for marriage education and other programs to increase stable marriage rates. If such a program succeeded in increasing stably married families by *just three-tenths of 1 percent*, it would still save Texas taxpayers almost \$9 million per year. Efforts are currently underway to evaluate the impact of these programs.

### **Conclusion**

**E**ACH YEAR, FAMILY FRAGMENTATION costs American taxpayers at least \$112 billion dollars. These costs are recurring—that is, they are incurred each and every year—meaning that the decline of marriage costs American taxpayers more than \$1 trillion dollars over a decade.

These costs are due to increased taxpayer expenditures for antipoverty, criminal justice and school nutrition programs, and through lower levels of taxes paid by individuals whose adult productivity has been negatively influenced by growing up in poverty caused by family fragmentation.

This figure represents a minimum or “lower-bound” estimate. If, as research suggests is likely, marriage has additional economic and social benefits to children, adults, and communities—benefits that reduce the need for government services and that operate through mechanisms other than increased income—then the actual taxpayer costs of the retreat from marriage are likely much higher.

Given the cautious assumptions used throughout this analysis, we can be confident that current high rates of family fragmentation cost taxpayers *at least* \$112 billion a year, or more than \$1 trillion over a decade. Finding new ways to strengthen marriage and reduce unnecessary divorce and unmarried childbearing is a legitimate and pressing public concern.

Because of the very large taxpayer costs associated with high rates of divorce and unmarried childbearing, and the modest price tags associated with most marriage-strengthening initiatives, state and federal marriage-strengthening programs with even very modest success rates will be cost-effective for taxpayers.

## Senate Judiciary Committee

February 1, 2011

SB 2367

Mr. Chairman and members of the Senate Judiciary Committee, I am Tom Freier with the North Dakota Family Alliance. I am here in support of SB 2367.

Nationally, each year over 1 million American children will experience, suffer the divorce of their parents; moreover, about half of the children born this year to parents who are married will see their parents' divorce before they are 18 years of age. Mounting evidence in social science journals demonstrates that the devastating physical, emotional, and financial effects that divorce is having on children will last well into adulthood and affect future generations.

Researchers Robert Rector at the Heritage Foundation and Pat Fagan at the Family Research Council state the following:

- Children whose parents have divorced are increasingly the victims of abuse. They exhibit more health, behavioral, and emotional problems, are involved more frequently in crime and drug abuse, and have higher rates of suicide.
- Children of divorced parents perform more poorly in reading, spelling, and math, and are more likely to repeat a grade in school.
- Families with children that were not poor before the divorce see a drop in their income, with as high as 50 percent of the parents with children that are going through a divorce move into poverty after the divorce. Divorced women with children are four times more likely than a married woman to be living under the poverty level.

Additionally, I have provided excerpts from various articles addressing the issue of divorce involving children.

While this research and these excerpts look at the issue of divorce from a national level, I see no reason why it would not apply here in North Dakota as well. It is clear divorce is not the best choice for children.

Statistically, here in North Dakota, a five year average from 2005-2009:

1915 Average number of divorces

909 Average number divorces involving minor children

1597 Average number of minor children

The five year totals show 9574 total divorces, 4543 total divorces involving 7985 children.

The Heritage Foundation estimates the cost to taxpayers is \$25,000 per divorce. If we use these numbers, times only a small number of divorces averted—the savings could be in the millions.

While our divorce rates in North Dakota may be lower than in some other states, that is of little consolation to the many children who are victims of divorce. We as a society can and should do all in our power to address this issue.

SB 2367 simply provides for a 12 month waiting period and 10 counseling sessions. Is that too much to ask? Is that too much to ask to keep a marriage in tact which includes children?

Compare a 12 month waiting period to the rest of the lives of the children. If this marriage could be saved, think of the return on investment for the physical, emotional, and financial future of these children. Even in cases where counseling fees are paid, compare how miniscule the fees are in comparison to the overall financial cost of the divorce, and how great a return on investment it would be if that marriage could be saved. How can we not favor such an investment?

We believe that the family is truly the foundation of society, and as the family goes so goes society. Marriage is the cornerstone of that family, and together with the children of that family have the power to influence generation after generation. As a people, as a state, we have a responsibility to do all in our power for the wellbeing of these vulnerable children.

Please give SB 2367 a Do Pass and work to pass this bill.

## **SB 2367 Divorce legislation with Children**

### **Background information provided by NDFA**

- William J. Doherty, director of the University of Minnesota's Marriage and Family Therapy Program believes that divorce, unfortunately, is sometimes necessary. But it should be avoided if at all possible because **it brings about permanent disability, especially when children are involved**. If divorce were a medical procedure, it would be like amputating a limb — not like cosmetic surgery — a drastic measure justified only in the most hopeless circumstances. (*In the November/December, 2002, issue of Psychotherapy Networker*)

- **Our research estimates that 55-60% of marriages that end in divorce fall into the category of "good enough marriages"**. These marriages appear to be functioning well only a year or so prior to the divorce. From a child's perspective, these divorce are unexpected, inexplicable, and unwelcome and are thus most likely to harm children. These marriages are significantly more likely to divorce because of infidelity, citing explanations of "drifting apart" or "communication problems". They are unlikely to mention abuse because these were not highly conflicted marriages. (*Paul Amato, Smart Marriages keynote*)

- **"Children ought not to be victims of the choices adults make for them,"** said Wade Horn (*U.S. Assistant Secretary for Children and Families under President George W. Bush*).

- **I'm not sure when we decided that divorce was "best for the kids,"** but we sure act on that assumption a lot in America (so do lots of other countries). However, most of the time it's just not true. There are circumstances when divorce is "the lesser of two evils" (especially when violence or abuse is occurring in the home), but generally speaking, it is not best for the children. Not even in remarriage.

Children of divorce and of unmarried parents are twice as likely as those from intact homes to drop out of school, 3 times as apt to be expelled or to have a baby out-of-wedlock as a teenager and 6 times more likely to be raised in poverty. **Unmarried women living with a man are 3 times more likely to be physically abused than a married woman.** (*Article can be found in Newsletter Archives section on web site for [www.smartmarriages.com](http://www.smartmarriages.com) Sent: Friday, May 23, 2003 Subject: Increase Marriage: Reduce Child Poverty*)

- **The children of divorce are handed a really big job.** When parents are married, it's their job to do the hard work of making sense of your different values, your different beliefs, your different backgrounds. When they get divorced that job doesn't go away, it just gets handed to their child instead, who is 4 or 8 or 12 years old. Their child is and always will be, throughout their childhood, looking to their mom and dad as the first and most important role models for their own moral and spiritual formation.

**And now these role models live completely separate lives; lives that, to a child, often seem to be polar opposites.** And when the child asks the big questions of moral and spiritual identity — who am I? Where do I belong? What is true? What is right and wrong? Is there a God? They're looking to two different models that often seem as different as night and day. And those two people aren't talking about this kind of big stuff anymore. They're not fighting about it — they're talking about nothing.

The child is wrestling with the differences that the child sees in each of their worlds. And the conflict that used to be between the parents has now gotten transferred to the child's inner life. And it's within the child's own life in a very lonely, overwhelming way that the child is trying to confront these big questions. It's the distinctive experience of the child of divorce. (*Elizabeth Marquardt, The Emotional Hurdles of Living Through a Divorce Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8838>*)

- **Two faulty beliefs provide the foundation for our current attitudes towards divorce. The first holds that if the parents are happier the children will be happier, too.** Children are not considered separately from their parents; their needs, and even their thoughts are subsumed under the adult agenda. Indeed, many adults who are trapped in very unhappy marriages would be surprised to learn that their children are relatively content. They don't care if mom and dad sleep in different beds as long as the family is together.

A second myth is based on the premise that divorce is a temporary crisis that exerts its more harmful effects on parents and children at the time of the breakup. ... The belief that the crisis is temporary underlies the notion that if acceptable legal arrangements for custody, visits, and child support are made at the time of the divorce and parents are provided with a few lectures, the child will soon be fine. It is a view we have fervently embraced and continue to hold. But it's misguided. (*Judith Wallerstein from the book, The Unexpected Legacy of Divorce, A Twenty-Five Year Landmark Study, pp. xxiii-xxiv*)

- I've talked to adults who have gone through divorce and have spent hours talking with them, interacting as I watch them attempt to recover and pick up the pieces in their lives and sort through all the emotions of what they were experiencing trying to piece it together. And I've often thought, if an adult who's emotionally mature, supposedly, fully developed as an adult, with everything in place— if they struggle trying to piece it all together and sometimes spend decades piecing together their own emotions of what they're thinking and feeling, **how can we expect a 12-year-old, a 15-year-old, or, for that matter, and 18-year-old to process this emotional earthquake that has aftershocks that go on into adulthood— how do they even interpret it?** (*Dennis Rainey, The Emotional Hurdles of Living Through a Divorce – Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8838>*)

Many of the children of divorce, fear splitting up and are determined not to let it happen to them. But it does happen. **Children of divorce have a higher rate of divorce themselves than children from intact families.** Penn State sociologist Paul Amato, who has studied adults whose parents divorced, said that children learn about marital commitment and permanence by observing their parents. In children of divorce, the sense of commitment to a lifelong marriage has been undermined. They come to marriage with unrealistic expectations.

- **Marriages of the children of divorce have a much higher rate of divorce than the marriages of children from intact families.** A major reason for this is that children learn about marital commitment or permanence by observing their parents. In the children of divorce, the

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sense of commitment to a lifelong marriage has been undermined. (*10 Myths of Divorce, National Marriage Project*)

**The effect upon children creates a strain upon every resource in our communities.** Juvenile delinquency increases. Teachers face ever-mounting discipline problems at school. The ranks of those in need of government assistance and private charity continue to swell. No family comes through divorce and ends up with the financial resources they would have had staying intact, and the effect is particularly bad on the mother and children. Every year the magic of compound interest works in reverse: Combined resources that the married couple could have set aside for retirement or the kids' education are diminished; less of a return is earned, and the future financial security of everyone is threatened.

- From where I'm looking at with divorce, **the problems don't go away, they're simply just pressed down the generational pipeline**, and it seems to me that they tend to multiply. Parents are already adults. They've got some [emotional] tools they can use, if they choose to, to work through these problems. But they pass their problems onward generationally, to their children. The problems are going to multiply because children are far less equipped to deal with these issues when they're young. I feel like they grow up emotionally stunted. (*Charlotte, a woman discussing the impact her parents divorce had on her on the radio interview on: Surviving the Aftermath of Divorce Broadcast Date: 10/23/06 -This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8837>*)

**Not long ago, Judith Wallerstein wrote an article in USA Weekend titled, "Children of Divorce, Twenty-Five Years Later."** In it she described a landmark new study that has tracked children of divorce for twenty-five years. The study has found that the negative impact of family breakup continues well into adulthood. One such grown child of divorce reported, "Part of me is always waiting for disaster to strike. I live in dread that some terrible loss will change my life." That is what divorce sounds like twenty-five years later among those it hits hardest.

The article goes on to quote Mavis Hetherington, a divorce researcher and now professor of marital psychology at the University of Virginia, "In the short term, divorce is always troublesome for children." She has scrutinized the workings of fourteen hundred divorce families since the early 1970's. She pinpoints a crisis period of about two years in the immediate aftermath of separation when adults, preoccupied with their own lives, typically take their eyes off their parenting duties at the very time when their children are reeling from their loss. Is it surprising that people are not emotionally attached in our day? Could this be the reason that in the last ten years instead of men marrying about age 23 and women about age 20, men are now marrying about age 27 to 28 and women about age 23? Do you hear what this generation is saying by their actions and sometimes admitting by their words?

- "I don't know if I believe in marriage." • "I get close to someone, then the same thing happens. I'm scared to death to make a commitment." • "I don't know how marriage is supposed to work, but I know I grew up in a family where it didn't." • "The models that I had didn't work, and I've got mixed feelings about Mom and Dad. I was two days with one parent and two weeks with the other; summers in one house and school years in another. They kept asking me to choose who I wanted to stay with. Why couldn't they choose to stay together?" (*Chip Ingram, Love, Sex and Lasting Relationships*)



• **Divorce robs children of the bedrock belief in the stability of marriage.** It's unsettling to them. We need to get this thing right! (*Unknown*)

• **What people need to know is that the majority of divorces today don't end high-conflict marriages.** Two-thirds of divorces today end low-conflict marriages. They're ending marriages that are not characterized by abuse or violence or very serious and frequent quarreling. They're ending marriages that are often ending for reasons like people grew apart. They're not sure if they love each other anymore. Somebody else at work is more interesting. Sometimes they're ending for reasons that we can be sympathetic for — the people in the marriage are hurting. But a lot of this stuff is not on the radar screen to the child.

They struggle with the idea of, "Okay, my parents are happy, but are they as happy as they could be? Would they be happier not married to my mom or dad? Are they as fulfilled as they could be? Are they bored sometimes?" This isn't on the kid's radar screen. What's on their radar screen is the day their parents come and tell them they're getting a divorce. That's when that child's world falls apart. So my message to people based on my own experience as a child of divorce and all the people I've talked to is if you're married to someone you know is a good person and a good parent, and you're not sure you're in love anymore, you feel like you're growing apart, **there are so many good reasons to reach out and get help and save that marriage for your child and for your own sake as well.** (*Elizabeth Marquardt, The Emotional Hurdles of Living Through a Divorce Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8838>*)

• **Data demonstrates that in work, school and college education, children of intact families fare better.** Linda Waite and Maggie Gallagher's book, 'The Case for Marriage' (2000), describes more than 50 ways that married parents bestow advantages on children — advantages that extend into adulthood including longer lives and better jobs. Am I suggesting that parents who now live alone call up their long-departed spouses, and invite them back to start all over? No. Nor am I attempting to shame parents who already have struggled with, and made, the choice to permanently sever their marital bonds. Single parents have enough challenges without having to revisit past decisions. But I do call on the many parents of young children who are facing marital problems and concluding, wrongly, that the only option is to quit.

The decision to divorce is often based on two premises: 1) struggling relationships have no hope of repair; and 2) marital separation improves the quality of life for everyone. In most cases, both of these assumptions are false.

So as the school season gears up, take out your daybook and your No. 2 pencil. Schedule the PTO meetings, the soccer tournaments and the ballet classes. But cross out that appointment to see the divorce lawyer. Instead, ask your spiritual leader, your doctor or your local community mental health center to point you to resources that can help you work on your marriage. Then, pencil in an appointment with someone who can help. Your kid's education is at stake. (*Scott Haltzman, MD*) (Article can be found in Newsletter Archive section at [www.smartmarriages.com](http://www.smartmarriages.com) -Sent: September 04, 2002 Subject: Op Ed: Children soar in school when their parents stay together -9/1/02)

## **Children & Divorce: The Effects Of Divorce On Children:**

(Provided by: Divorce Source, Inc. Staff)

To appreciate the effects of divorce on children, a person must appreciate what divorce does to adults. In her book, *Crazy Time: Surviving Divorce and Building a New Life*, Abigail Trafford describes divorce as a "savage emotional journey," where a person ricochets between the failure of the past and the uncertainty of the future. Far more is involved than the legal end of a marriage. Divorce upends the established order of family, friends, finances, work, and in some cases health and well being. Divorce sends shrapnel in every direction. In truth, divorce is a death, and neither spouse who made a good faith effort to make the marriage work buries it without pain and suffering. While many divorce books portray life after divorce as the occasion of enlightening self-discovery and re-creation, for many, particularly women with children, life after a divorce takes on the characteristics of forced march across very barren terrain. While people do go on and rebuild their lives in rewarding ways after a divorce, divorce makes no one a winner.

For obvious reasons, divorce traumatizes children. They are often concerned with their own security, not with their parent's happiness.

An adult elects to end a marriage; a child has that decision thrust upon him or her. The parents acts; the child reacts. The philosophical questions of choice, which reward human experience for adult who makes them freely, are meaningless for a child who sees his or her idea of order collapse when his or her parents separate.

A child whose parents divorce may feel sucked into a vortex of loneliness, guilt and fear. When one parent leaves, he or she may fear the other one will follow. Even when both parents reassure him or her of their love, the child may be tormented by the belief that he or she caused the break. Almost always, children worry about what is going to happen to them. From the point of view of a youngster, that fear is quite reasonable.

Children react in different ways with the onset of divorce. Some will be extremely sad and show signs of depression and sleeplessness. Anxiety levels peak as they feel they are going to be abandoned or rejected by one or even both parents. Some divorce situations may make the child feel lonely. This may be due to a long absence of one of the parents.

Divorce deranges the idea of order for a child. This is why broken promises -- something as small as going to a baseball game -- take on a magnitude far beyond its actual significance.

No matter what the situation, the child will be affected in some way by a divorce. Some children may become psychologically scarred from the experience, and still other children may not be affected emotionally at all. Much depends on how well the parents are able to handle the situation.

### **Uncontrollable Bad Effects**

Very few people going into a divorce for the first time can anticipate how a marital breakdown deranges their lives. Like shrapnel, the blast hits the innocent bystanders as readily as it does the main participants.

In a divorce, money, or the lack of it, almost always becomes a problem. Child support payments, alimony and financial assistance place a monetary strain on one or both parents, which directly affects the children. It seldom works any other way. Income that once supported one household now supports two. This ignores the legal costs, and all of the unforeseen costs of one spouse settling up that second household. Sometimes it is very hard at the outset to know in advance how bleak the financial picture will be after the divorce, but a divorcing couple should brace for the worst.

Sometimes the marital home must be sold as part of the property settlement. In some instances, one of the parents may have to relocate. This brings with it a new set of problems; children having to adjust to a new school, friends, and environment.

### **The Loss of Friends**

Few divorcing couples ever anticipate the loss of friends in the wake of a marital breakup. While the wife may retain her friends, and the husband his friends, the friends the couple made together as a married couple often drift away. Sometimes people don't want to take sides, but often people drift away because divorce can be very threatening, particularly when a couple senses problems in their own home.

### **The Loss of Family**

Family structure is very important. Divorce requires the family to restructure, and this can take a toll on in-laws and grandparents. Both parents must continue to play an important role in the life of their child, but family beyond the parents can be disrupted by divorce. It is generally a good idea that the parents design a thought out parenting plan in order to keep some predictability in the family structure. This is good for the sake of the child. Divorce does not have to mean the end of a family.

It is also good for the children to keep close ties with other relatives. Even if the parent does not get along with the extended family, children need these people in their lives.

### **Birthdays and Holidays**

For parents and their children, holidays and birthdays after a divorce can be very difficult. That first birthday, that first Christmas, that first anything spent without both parents is traumatic. As each year passes, the family feels more comfortable with new environments and new ways to celebrate, but birthdays and holidays and other special days are difficult, particularly in the beginning.

### **Stepfamilies**

Stepparenting, stepchildren and stepfamilies have reshaped the contour lines of American family law and American life. Many divorced people marry again and have additional children, natural or stepchildren, but most states do not consider stepchildren to be "children of a subsequent marriage" in support guidelines.

Under common law, a stepparent has no financial duty to support a stepchild during a marriage to that child's natural parent. However, twenty states have statutes requiring a stepparent to support stepchildren, but no jurisdiction imposes a duty on a stepparent to support a stepchild when the stepparent and stepchild no longer live as a family.

Stepfamilies become very complicated. The number of children, their ages, the rapport with the stepparent are very important factors to consider when dealing with the structure of a stepfamily.

In spite of the fact that stepfamilies are very complex and difficult, the blended family, as stepfamilies are sometime called, can be a very strong family unit. Everyone involved must have time to adjust to the new way the family operates. Each stepfamily member must also look at things from the other stepfamily member's point of view. A new stepfamily member cannot just jump into a new family and take charge. The new family must take things very slowly, and each family member must carefully think things out before they act.

For sure, some marriages must and should end. Domestic violence and extreme conflict are reasons to end a marriage. But the truth is most marriages do not fall in this category. People contemplating divorce should make certain that it is a course of last resort. They may find happiness and a new beginning after the divorce; divorce itself makes no one happy. To paraphrase Ernest Hemingway, in a divorce, the winner takes nothing.

### **Common Questions and Answers**

**Q.** What is the single most important factor in how a child reacts to divorce?

**A.** How a parent handles the divorce. Parents teach by example, and child picks up on cues the parent gives.

**Q.** What is it about divorce, which ends a unhappy marriage, that makes it so difficult?

**A.** Psychologists rate divorce as one of the most stressful events in life, just below the death of a spouse. Divorce is like getting into a lifeboat. For sure, the lifeboat offers the chance of escape from a terrible situation, but abandoning ship holds little appeal because of the enormous uncertainties. The same is true for divorce. From a child's point of view, divorce is enormously dislocating because he or she lacks the life experience to even envision possible good

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outcomes. A divorcing parent, in addition to all his or her problems, must support the child in what may be the most difficult experience in his or her young life. This is a tough set of marching orders.

## Children of Divorce

Children of divorce need to know that they are not uniquely odd. In fact they tend to behave in fairly typical ways as a result of their shared experience. It can be hugely liberating for children of divorce, and those marrying children of divorce, to become aware of this. Discovering that the way you think and behave is normal - if not always healthy - can be a huge spur to accepting one another in marriage and working out a better way ahead. Mentoring with another couple can be especially helpful in this - for some people the Mentors' marriage will be the first normal marriage they have witnessed at first hand. Knowing what normal marriage looks like, with its ups and downs, is especially important to the child of divorce.

But once again, awareness of the problem is half the battle. Judith Wallerstein is a world leader in the study of the long-term effects of divorce on kids (see References). She outlines typical patterns. In each case, the way the child handles the divorce deeply influences the way they seek their own subsequent adult relationships. For children, divorce is not a one-off event but a cumulative experience that peaks in early adulthood. At the point of breakup, most children are surprised. Few are relieved. Mostly, the reasons for the divorce remain a black hole. Even where there is violence, children don't link it with the decision to divorce. They are frightened and angry, terrified of being abandoned, often feeling in some way responsible. Looking back as adults, they remember having to adjust to a confusing new world with little support from their parents. They presume that all relationships are fragile and unreliable, including their own relationship with their parents. They remember loss of an intact family and loss of their newly preoccupied parents.

Resilient children are able to draw on other resources, people or abilities. But taking responsibility for themselves, and maybe for others in their family, often comes at the cost of their own childhood. Those with less resilience view their parents and childhood with sorrow and anger. "I never want a child of mine to experience a childhood like I had." Teenage experiences with sex, alcohol and drugs are more common.

But it is as adults that children of divorce suffer most. For many, divorce remains the central issue of life. They lack a healthy model of love, intimacy and commitment. "No one taught me," they complain. They often end up with unsuitable or troubled partners. They are anxious about their relationships. They are wary of trust and commitment. They fear disaster and loss when things are going well.

They fear abandonment and rejection when things are going badly. All children of divorce struggle with differences and even moderate conflict in marriage. Their first response is often panic and then flight.

Children of divorce say things like this:

- "What is to keep the same fate from happening to me?"
- "Marriage can work for others but not for me"
- "I fear that any marriage can just dissolve"
- "People think they know me but they don't. I've learned lots of times it's better not to feel."

So what can children of divorce do to improve their odds? They can read Judith Wallerstein's book or get a tape of one of her talks (details at the end of this article). They can become aware that their behaviour is probably quite normal, if unhealthy. They can discuss the subject with greater awareness and insight with other children of divorce, with their pastor or mentors, and with their spouse or future spouse. They can make themselves aware of their doubts and fears about relationships and how that translates into self-destructive behaviours, especially when under pressure. By doing this, they will become more aware of themselves, more accepting of themselves.

Children of divorce know that love and good marriage exists somewhere. The trick is to help them realise that, with work, it can be that way for them

## *Understanding And Dealing With Children During Divorce*

Revised:

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A great deal of study and thought has been given to knowing more about the impact of divorce on children. While there is growing agreement among researchers and practitioners about the effects of divorce, there is still a lot we don't know. We have not reached a point that we can be specific about the impact of divorce on a specific child. What we do know is that the impact will vary with each child depending the child's age, gender, maturity, psychological health and whether or not other supportive adults are able to be a regular part of their lives. However, there are some generalizations that apply in nearly every situation.

### *Generalizations*

- Ongoing abuse (e.g. child abuse, domestic violence) that cannot be stopped is more damaging to children than divorce itself.
- Divorce can be the right decision and can be handled responsibly.
- Divorce itself does not have a positive impact on a child's life and development.
- Girls tend to handle divorce better and have fewer serious problems than boys.

- Divorce is a failure of a couple's commitment to their marital and family roles. This includes parental responsibilities to their children's psychological and emotional development. Divorce has its most negative impact when one or both parents abandon responsibility for their child's social and emotional development.
- The negative impact of a divorce is not canceled out by new conditions or changes that may be positive. Put simply, divorce is bad for children. Children don't need perfect parents, they need "good enough" parents.
- At best, a divorce or separation may help prevent abuse between parents that is a result of living together. The resulting changes in location, environment and family structure may have a positive influence (but not necessarily). This does not mean neglectful, abusive or retaliatory behavior won't occur.
- Children don't grasp or appreciate how parents can stop loving each other, separate or divorce. Children lose some degree of trust in others or themselves. They often fear that one or both parents may abandon them. They can feel guilty even when they have nothing to do with the turmoil between parents. They feel especially guilty when they created conflict or were the source of conflict between parents.
- Divorce often makes parenting and raising children more difficult. If there were conflicts or disagreements over parenting before a divorce, those problems will usually be worse and not better after the divorce.
- Children raised in conflicted and marginally functional homes have fewer problems and develop in a manner that is often superior in many ways to those children whose parents divorce.
- It is important for children to have good enough parents within a functional home environment that is free of ongoing abuse. It is not necessary for a mother and father to be "in love" or romantically involved to be good parents and to raise healthy children.
- The responsibilities of parents include providing an environment that is understanding, reassuring, open, kind, respectful and firm. Emotions of love and romantic love between a husband and wife play an important role in a marriage. That relationship in a marriage is the responsibility of a husband and a wife to create and maintain. The roles of a mother and father are different responsibilities than those of husband and wife.

### ***The Perspective of Children***

The perspective and feelings of children are not usually considered when parents make their decision to divorce. Parents may think about their children's well-being, but it is very rare that parents will ask directly or "consult" with their children during their discussions or decisions to divorce. The following are comments from insightful teenagers who wanted their parents and other children to understand the importance and impact of a divorce.

Why don't parents ask the kids?

"Because they don't care about their opinion, or it doesn't effect their progress on working on their problems. Parents can get away with divorce. Kids can't get away with anything."

Why do parents divorce?

"Because when you give them the ability to divorce they just abuse it."

Don't parents care?

If the parents say "We want to get a divorce." And the kids say "We shall be sad." The parents don't say "O.K., we'll stay together." That never happens. That's what comedians are.

How did your parents divorce make you feel?

"Like I have no effect. Like I'm a bystander. Like they know how I feel, but they don't care."

How do you feel about your parents?

"My opinion is lower because I thought they would be more mature and solve their problems. They didn't even ask what it would do to me."

What do you think parents need to know?

"I just think they deserve to suffer a lot just to know what it's like."

### ***Symptoms And The Impact Of Divorce On Children***

During and following a divorce there are a number of issues that parents will usually face. Sooner or latter, parents, family or friends should begin to notice the impact of divorce on children. There is no avoiding it. Children will feel bad. The emotional pain is distressing. The impact and the child's response will vary according to their age, gender, maturity, psychological health and whether or not other supportive adults are able to be a regular part of their lives. A lot will also depend on how skillfully and compassionately parents handle or mishandle their interactions with each other and their children.

When parents make a decision to divorce and children are expected to cope with the decision. Except in cases involving abuse, it is rare that children will thrive during a divorce. The impact of divorce is that children will have problems and experience symptoms. This may include one or more of the following:

- Impulsive and impatient behavior
- Anger at others
- Oppositional, rebellious, defiant, or conduct problems
- Breaking rules and testing limits
- Destructive behavior
- Anger at self
- Self-blame or guilt
- Self-destructive or self-harming behavior
- Drug or alcohol use
- Apathy or failure to accept responsibility



- Early or increased sexual activity
- Isolation and Withdrawal
- Suicidal thoughts or behavior
- Violent thoughts or behavior
- Superficially positive behavior





Tom Freier

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Subject:

FW:

Mr. Freier,

Below is the data you requested.

Year	Total Number of Divorces Involving Minor Children	Total Minor Children	Total Divorces
2005	1905	1642	933
2006	1963	1658	975
2007	1925	1601	893
2008	1908	1553	884
2009	1873	1531	858

If you have further questions, please contact me.

Carmell Barth  
 Division of Vital Records  
 North Dakota Department of Health  
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Senate Judiciary Committee  
Testimony regarding SB 2367

Paul Schauer  
PO Box 217  
Wilton, ND 58579  
734-6605  
February 1, 2011

Distinguished members of the Senate Judiciary Committee, staff and guests;

My name is Paul Schauer. I have served as a pastor for nearly 24 years now, primarily in rural Burleigh County. Over the years I have officiated at dozens and dozens of weddings. I have also worked with many couples who have had struggles in their marriage and those who have come to the difficult decision to end their marriage. I am a firm believer that counseling can be an effective tool to help people through difficult periods and to help people grow in their understanding of who they are. But, for the following reasons, I am opposed to forced counseling for those going through a divorce.

1. Counseling works best when a person recognizes that they need help and freely chooses to seek help. When a person takes ownership in the counseling process, changes will take place. If a person who does not want to make changes is forced to see a counselor, there's little hope for growth. Forced counseling seems to be more punitive than would it be effective.

2. Let's be realistic here, if one partner in a marriage has reached the point of filing for divorce, no amount of "marital" counseling will magically bring the couple back together. The plane has left the runway, so to speak. The vast majority of couples that I have worked with have struggled for years before one or both partners make a decision to file for divorce. Many of these couples have been in counseling for an extended period before they make a decision to file.

3. There are practical consequences of letting a divorce process drag on for a year. If a divorce decree cannot be finalized, then financial settlements cannot be finalized. Since this law would apply to those trying to decide the issue of parental rights and responsibilities, what happens to the children during this one year waiting period? With whom will they live? Would an interim primary residential responsibility order automatically last for a year?

4. There would be a potential for significant cost to those ordered to undergo counseling. Ten sessions could easily average \$1500 per person.

Senate Judiciary Committee  
Testimony regarding SB 2367

Paul Schauer  
PO Box 217  
Wilton, ND 58579  
734-6605  
February 1, 2011

5. Finally, I question the methodology. Ten forced counseling sessions in a year is a fairly aggressive counseling schedule. Four of these sessions would have to deal with the broad topic of finances. Just what would have to be covered? "Marital" counseling that does not include having the couple work together with a counselor will not be effective. Individual sessions are helpful, but ultimately, the couple will need to work together with a counselor. Who and what determines if a person has "successfully" completed their counseling?

While I am supportive of counseling, in this situation, I am opposed to forcing people into counseling. Counseling is not a magical cure all. SB 2367 would add an unnecessary burden to those already working their way through a difficult time in life.

I ask you to give Senate Bill 2367 a do not pass recommendation.

**STATE BAR ASSOCIATION OF NORTH DAKOTA  
TESTIMONY ON SB 2367  
SHERRY MILLS MOORE**

I am Sherry Mills Moore, a volunteer lobbyist for the State Bar Association of North Dakota. The Association wants to point out the concerns this bill creates.

Before doing so, however, I think it would be helpful for you to know that I am and have been an attorney in private practice in Bismarck for over 30 years. While my practice is varied, the vast majority of my time is spent handling family law cases, and I do so by preference. Family law is an extremely important area of the law that allows me the opportunity to work with all kinds of people, with all kinds of problems, and to influence a branch of the law that deals with that which is most dear to us all -- our families. I am also the Past President of the Family Law Section of the Bar Association, chair of the Family Law Task Force, Chair of the Custody and Visitation Task Force, have served on the child support guideline advisory committee to the Department of Human Services resulting in the most recent proposed changes to the guidelines and past President of the State Bar Association of North Dakota.

Our concerns with SB 2367 are with the unintended consequences for families. Parents who are divorcing, have worked all of the issues and signed an agreement will have to wait for a year for it to be finalized. Reaching agreement on all issues is sometimes a very delicate balance and until it is signed by the court, may be subject to change.

Both parties begin to feel buyer's remorse, not at the divorce but on the terms. The peaceful resolution they have reached begins to unravel. Rather than to allow this family the dignity and respect of their choices, we are leaving it open for continued disagreement. Many times the agreement involves transfers of money, buying out the others interest in the home, selling a family home that is too big and too expensive for either party to maintain, dividing up pensions, and dividing up debt. None of this can happen while it waits for a year for finalization. Do they continue to reside in the same home during this year? What happens to the debt that builds up during that year?

If the purpose of this is to help children, for the vast majority of cases it will have the opposite effect. One of the truly difficult parts of a divorce for children is the waiting. Once they have absorbed the fact of their parents divorcing, they just want it over with. They want to know what is going to happen and they want their parents to be at peace. This bill does not promote that peace.

I will grant you that in the contested nasty divorce, this bill will have less effect because trials are not as likely to happen within a year, for many reasons. This bill will effect the "good" divorces, those where the parents have gone through mediation or in some other way come to resolution.

The other thing this bill would do is to make people file their divorce action at the first possible minute to start the clock running. Many people do not want to have their divorce action filed immediately because they want to protect their privacy and that of their children for as long as possible. Once they have gone "public" so to speak, it is much more difficult to step back and reconcile. That certainly seems counterproductive to the stated purpose of the bill.

Let me talk about timeframes. Someone comes in to me to see about a divorce. There is then a discourse either between the parties directly, in mediation, or through attorneys, directed at resolution. Resolution involves gathering of information often times in an informal process so the parties are informed. Sometimes that also involves efforts at reconciliation. Once this is filed, however, the courts, with information provided by the parties, establish a timetable to take it towards trial. The path to litigation is not always conducive to reconciliation. For this reason, the attorneys may simply work on settling the case and then present the entire package to the court. If the parties decide to reconcile they can do so with ease and less expense. If they decide they need a judge to decide their differences, then they file and seek the timeframes the court imposes. To sum up, if we have to file the case to get the 12 month time period running, we jumpstart the family to litigation rather than settlement.

Mediation complicates the proposed waiting period. Currently the court issues an order for mediation immediately after the case is filed. Within 20 days the parties have to contact the mediator and with 90 days the mediation is to be done. This is a very successful program through the courts which helps many divorcing parents mediate their issues, particularly what they are going to do with their children. If they have mediated an agreement will they really have to simply wait to divorced for another 9 months?

This is likely to result in more litigation over the temporary issues. For parties to some management while the divorce is pending, they seek interim orders. Between mediation and negotiation, we can often patch together temporary solutions while working on the final resolution. If that period is going to stretch out to twelve months, the parties are going to have to get interim orders. That means more cost to the parties financially and emotionally. The tone of a divorce is far more negative when it begins with a purging of faults early on in the case.

The mandatory counseling provisions are also of concern. For the most part, nearly all of my clients have already been through counseling when they arrive on my doorstep. Many have gone through marital counseling, some simple individual counseling. None of that would count towards the requirements of this bill. We are also concerned about the requirement for four post marital financial planning sessions. My experience is that few marital counselors are also qualified financial planners. So the parties would now need to each go to two separate types of counselors and this regardless of their individual abilities to manage their finances. Forced counseling seems unlikely to be effective.

The domestic violence provision is confusing. First, it eliminates the waiting period but not the counseling requirement. Forcing people who have questioned themselves for years before even considering leaving and who had to overcome great fear to muster the courage to do so, into an environment where they must face more of the same is a very real problem.

Secondly, how does someone substantiate domestic violence without a trial or hearing? Families may well have domestic violence and imbalance of power issues that have never been made public. If the victim has finally overcome the fear of violence attendant to leaving a marriage, must the victim first go to trial to substantiate the domestic violence in order to avoid a 12 month waiting period?

For all these reasons, we believe SB 2367 to be problematic. I thank you for the opportunity to speak to this bill. If you have any questions, I would be happy to try to answer them. If any arise in the future you may contact me by telephone at 222-4777 or e-mail address of [sherry@millsmoorelaw.com](mailto:sherry@millsmoorelaw.com) Thank you.

# NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA

418 [redacted] Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Testimony on SB 2367  
Senate Judiciary Committee  
February 1, 2011

Chairman Nething and Members of the Committee:

My name is Janelle Moos and I am the Executive Director of the North Dakota Council on Abused Women's Services. Our Coalition is a membership based organization that consists of 21 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in opposition to SB 2367 and to propose amendments.

Most people believe that a victim of domestic violence will be safe once he/she separates from the abuser. They also believe that victims are free to leave their abusers at any time. Unfortunately, leaving does not usually put an end to the violence. Oftentimes, post separation can be the most dangerous time in a relationship. Abusers may, in fact, escalate the violence as a way of coercing the victim into reconciliation or a way of retaliating for the victim's perceived abandonment or rejection of the abuser. Post separation violence can take many forms, including physical or sexual assault, threats of physical abuse, stalking, harassment or threats related to taking custody of the children or refusing child support.

Some studies suggest that up to ¾ of domestic assaults reported to law enforcement are inflicted after the separation of the couple and almost ¼ of victims killed by their partners were separated or divorced at the time of their death. And yet another ¼ of victims killed were attempting to end the relationship when they were killed.

The fact that leaving can be dangerous does not mean that the victims should stay. Leaving an abuser requires strategic planning and legal intervention to avert separation violence and to safeguard victims and their children.

Although it appears SB 2367 would not require victims to be subjected to the 12 month waiting period, we have concerns about how "substantiated allegations of domestic abuse" is defined by the sponsors. We would recommend that the language proposed in subsection 1, line 8 be amended to read as follows:

"and which does not include substantiated domestic violence as documented by a court order, protection order, restraining order or other documentation of domestic violence filed with the court; a police record; medical documentation; a written affidavit provided by a social worker, member of the clergy, shelter worker, attorney, or other professional who has assisted the applicant in dealing with the domestic violence."

I'd be happy to answer any questions that you may have.

Thank you.

February 11, 2011

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2/14/11

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2367**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study relating to divorce reform and education.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DIVORCE REFORM AND EDUCATION.** During the 2011-12 interim, the legislative management shall consider studying the physical, emotional, and financial effects associated with divorce involving dependent children. The legislative management shall offer legislative policy solutions, including divorce reform legislation and marriage and relational education, which will lead to increasing the number of dependent children living in intact families. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly





The  
**State**  
of Our  
**Unions**

*Marriage in America*

2010



WHEN  
MARRIAGE

DISAPPEARS

THE NEW MIDDLE AMERICA

# EXECUTIVE SUMMARY

## **IN MIDDLE AMERICA, MARRIAGE IS IN TROUBLE.**

Among the affluent, marriage is stable and appears to be getting even stronger. Among the poor, marriage continues to be fragile and weak. But the newest and perhaps most consequential marriage trend of our time concerns the broad center of our society, where marriage, that iconic middle-class institution, is foundering. Among Middle Americans, defined here as those with a high-school but not a (four-year) college degree, rates of nonmarital childbearing and divorce are rising, even as marital happiness is falling. This “moderately educated” middle of America constitutes a full 58 percent of the adult population. *When Marriage Disappears* argues that shifts in marriage mores, increases in unemployment, and declines in religious attendance are among the trends driving the retreat from marriage in Middle America. This report finds:

Marriage is an emerging dividing line between America’s moderately educated middle and those with college degrees.

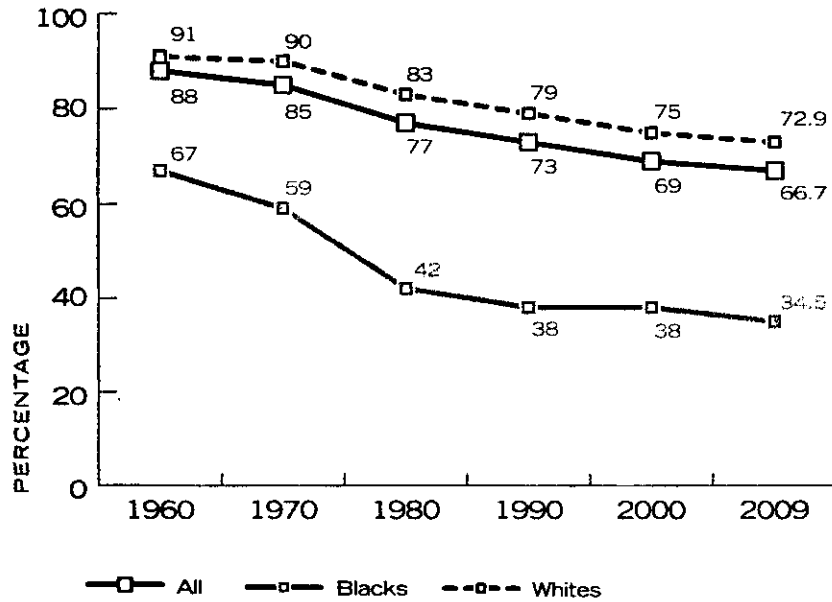
Although marriage is still held in high regard across social classes in America, in recent years, moderately educated Americans have become less likely to form stable, high-quality marriages, while highly (college) educated Americans (who make up 30 percent of the adult population) have become more likely to do so.

Research has consistently shown that both divorce and non-marital childbearing increase child poverty. In recent years, the majority of children who grow up outside of married families have experienced at least one year of dire poverty.<sup>F</sup> According to one study, if family structure had not changed between 1960 and 1998, the black child poverty rate in 1998 would have been 28.4 percent rather than 45.6 percent, and the white child poverty rate would have been 11.4 percent rather than 15.4 percent.<sup>G</sup> The rise in child poverty, of course, generates significant public costs in health and welfare programs.

Marriages that end in divorce also are very costly to the public. One researcher determined that a single divorce costs state and federal governments about \$30,000, based on such things as the higher use of food stamps and public housing as well as increased bankruptcies and juvenile delinquency. The nation's 1.4 million divorces in 2002 are estimated to have cost taxpayers more than \$30 billion.<sup>H</sup>

- a. See Janet Wilmoth and Gregor Koso, "Does Marital History Matter? Marital Status and Wealth Outcomes Among Preretirement Adults," *Journal of Marriage and the Family* 64 (2002): 254-68.
- b. See Thomas A. Hirschl, Joyce Altobelli, and Mark R. Rank, "Does Marriage Increase the Odds of Affluence? Exploring the Life Course Probabilities," *Journal of Marriage and the Family* 65 (4) (2003): 927-38; Joseph Lupton and James P. Smith, "Marriage, Assets and Savings," in Shoshana A. Grossbard-Schechtman (ed.), *Marriage and the Economy* (Cambridge: Cambridge University Press, 2003): 129-52.

**FIGURE 11. Percentage of Children Under Age 18 Living with Two Married Parents, by Year and Race, United States<sup>A</sup>**



<sup>A</sup> The "All" line includes all racial and ethnic groupings. In 2003, the U.S. Census Bureau expanded its racial categories to permit respondents to identify themselves as belonging to more than one race. This means that racial data computations beginning in 2004 may not be strictly comparable to those of prior years. "Married Parents" include stepparents or natural/adoptive parents of children in the household.

SOURCE: U.S. Census Bureau: *Current Population Reports: "America's Families and Living Arrangements"* for 2009 (Table C3). And earlier similar reports. Available online at [www.census.gov/prod/www/abs/p20.html](http://www.census.gov/prod/www/abs/p20.html).

**KEY FINDING:** The percentage of children who grow up in fragile—typically fatherless—families has grown enormously over the past five decades. This is mainly due to increases in divorce, nonmarital childbearing, and unmarried cohabitation. The trend toward fragile families leveled off in the late 1990s, but the most recent data show a slight increase.

There is now ample evidence that stable and satisfactory marriages are crucial for the well-being of adults. Yet such marriages are even more important for the proper socialization and overall well-being of children. A central purpose of the institution of marriage is to ensure the responsible and long-term involvement of both biological parents in the difficult and time-consuming task of nurturing the next generation.

The trend toward single-parent families is probably the most important of the recent family trends that have affected children and adolescents (Figure 10). This is because the children in such families have negative life outcomes—including abuse, depression, school failure, and delinquency—at two to three times the rate of children in married, two-parent families.<sup>1</sup> While in 1960, only 9 percent of all children lived in single-parent families, by 2009, the amount had risen to 25 percent. This growth has leveled off in the last decade. The overwhelming majority of single-parent families are mother-only, although the percentage of father-only families has recently grown (to now about 18 percent of all single-parent families).

An indirect indicator of fragile families is the percentage of persons under age 18 living with two married parents. Since 1960, this percentage has declined substantially, by more than 20 percentage points (Figure 11). However, this measure makes no distinction between natural and stepfamilies; it is estimated that some 88 percent of two-parent families consist of both biological parents, while 9 percent are step-families.<sup>2</sup> The distinction is significant, because children in stepfamilies, according to a substantial and growing body of social-science evidence, fare no better in life on average than do children in single-parent families.<sup>3</sup> Data on stepfamilies, therefore, probably would be more reasonably combined with those on single-parent families than those on two-biological-parent families. An important indicator that helps to resolve this issue is the percentage of children who live apart from their biological fathers. That percentage has doubled since 1960, from 17 to 34 percent.<sup>4</sup>

The dramatic shift in family structure indicated by these measures has been generated mainly by three burgeoning trends: divorce, nonmarital childbearing, and unmarried cohabitation. The incidence of divorce began to increase rapidly during the 1960s. The annual number of children under age 18 newly affected by parental divorce—most of whom had lost the benefit of a father in the home—rose from under 500,000 in 1960 to well over a million in 1975.<sup>5</sup> After peaking around 1980, the number leveled off and remains close to a million new children each year. Much of the reason for the leveling off is a drop in average family size; each divorce that occurs today typically affects fewer children than it would have in earlier times.

# The end of middle America? Working class white families are unraveling before our eyes

By Kay Hymowitz

Sunday, December 19th 2010, 4:00 AM

Times of eating around a dinner table with married parents may be long gone for many Americans.

Foreclosures, plant closings, offshored jobs, underwater mortgages, miserable rates of unemployment, stagnating incomes: Is there any end to the woes of the struggling American middle? Apparently not, because now comes news of a trend guaranteeing trouble ahead for the more than half of the nation that make up the moderately educated and moderately earning middle — even if the economy improves.

That seismic shift, outlined in a new report from the National Marriage Project and the Institute for American Values, is towards more divorce, more out of wedlock births and, ipso facto, fewer kids with a hopeful future.

Family breakdown, to put it simply, has hit white middle America big time.

Researchers have known for a while now that there is a significant "marriage gap" between affluent couples and low-income, largely minority, ones.

The children of well-to-do college educated couples are considerably more likely to be growing up in a home with both their mother and father present than the children of the poor — who are more often than not living without their fathers. It surprises most people to hear it, but rates of divorce among college-educated women have actually been declining since 1980.

The proportion of degreed women having children outside of marriage, always very low, remains at a very modest 6%, while among those without a high school degree the rate stands at a much, much higher 54%.

In the past, middle America — the report means by that the "moderately educated," those with at least a high school but less than a college degree —

embled the more highly educated in their sexual marital habits.

No more. In 1982, 13% of the births to those in the economic middle were out-of-wedlock. Today, that number is 44%; that's a startling increase in such a

short period of time. The middle folks are more likely to divorce than both the educated and high school dropouts. Only 58% of the 14-year-old daughters of moderately educated mothers are living with both parents. Not only is that down significantly from 1982 when the number was 74%; it is appreciably closer to the 52% of the daughters of the least educated than it is to the 81% of the girls of the college educated.

The middle Americans in the study are choosing to cohabit rather than to marry; the proportion living together is up 29 percentage points in just 20 years. This increase also well surpasses the numbers for both the most and least educated women.

That is not just surprising; it is deeply threatening to the nation as we know it.

This is, after all, mom and apple pie America; the moderately educated are "the silent majority," "values voters," people who dedicate themselves to the hard work, thrift and delayed gratification that will provide their children a chance to achieve the American Dream. An economy shifting away from manufacturing and a nasty recession has made that dream recede; family breakdown promises to erase it entirely.

Children growing up in single parent homes are at greater risk of a host of social ills, including educational failure and emotional problems. They are also more likely to become single parents themselves.

Making this scenario even more likely are the increasingly permissive attitudes of the moderately educated middle. Americans at all education levels remain fans of marriage; more than three-quarters of them describe it as a very important life goal.

But in other respects it's the highly educated who wind up sounding traditional. Seventy-six percent of the teenaged children of highly educated parents

say they would be embarrassed if they got — or got someone — pregnant. Only 61% of the kids of moderately educated parents said the same. Though premarital sex has become a widely accepted fact of American life, the few who disapprove of it are now about as likely to be from the brie and chardonnay crowd as the Budweiser and Doritos group.

On the subject of divorce, too, it's the college educated who are trending more socially conservative. Close to half of both groups believe it ought to be harder to get a divorce. But while the highly educated group has grown substantially

more anti-divorce, the moderately educated have not. One more example of the twilight of middle American traditionalism: In 1995, 62% of 25-to-44-year-old moderately educated women reported having three or more sexual partners; by 2008 the number was 70%. Among college grads, on the other hand, the percentages have gone down in the same period, from 59% to 57%.

The title of the National Marriage Project report, "When Marriage Disappears," is an echo of an influential 1996 book by then-University of Chicago sociologist William Julius Wilson, with clear implications for the moderately educated middle. In that work, Wilson argued that the loss of manufacturing jobs was helping to create a dearth of "marriageable men," mainly among minorities. Not only were there few men with a steady job earning decent wages in the poor, black neighborhoods of the nation's cities; their joblessness coincided with more criminal and anti-social behavior. As women looked over the pool of available husbands, they often chose to have children on their own — that is, outside of marriage.

Wilson's thesis helped to explain the ballooning rates of single-parent families among blacks; today, 72% of black children are born to unmarried mothers.

Though the numbers are lower for middle American children, the trends, unfortunately, now look similar. But Wilson's theory tells us only part of the story. It underplays just how much marital breakdown is itself a cause of downward mobility. Manufacturing jobs may have disappeared, but knowledge economy jobs have grown in number and complexity. Those jobs require higher education, which in turn requires good primary and secondary schools, which for their part depend on families who support their children's stability and learning. As families unravel, so do the chances of children thriving in school and, ultimately, in a complex economy.

Not so long ago, the moderately educated were the imagined heroes of the American Dream. With marriage disappearing, that dream is ending.

*Hymowitz is a senior fellow at the Manhattan Institute and a contributing editor of City Journal. She is author of "Marriage and Caste in America: Separate and Unequal Families in a Post-Marital Age."*





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## Why the marriage gap is bad for America

By **Leah Ward Sears**, Special to CNN</div>

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### STORY HIGHLIGHTS

Leah Ward Sears: Research shows lower income people less likely to get married

Those who marry raise children who tend to fare better, she says

Sears: Strengthening marriage is key to bolstering the middle class

*Editor's note: Leah Ward Sears is a retired chief justice of the Georgia Supreme Court and a partner at the Atlanta office of Schiff Hardin LLP. She also is the William Thomas Sears Distinguished Fellow in Family Law at the Institute for American Values.*

**(CNN)** – Over the past 40 years, marriage has foundered among the poor, with the nation's attention especially focused on the decline of marriage in poor black communities. But an important new report finds that "the retreat from marriage has now clearly moved into the precincts of [both] black and white Middle America."

The report, "When Marriage Disappears: The Retreat from Marriage in Middle America," was released by the National Marriage Project, a nonpartisan initiative at the University of Virginia directed by family scholar W. Bradford Wilcox.

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Wilcox's study finds that over the last 30 years, among what the report calls "Middle Americans" (the 58% of moderately educated Americans who have a high school degree), the proportion of children born outside of marriage skyrocketed from 13% to 44% while the portion of adults in an intact first marriage dropped from 73% to 45%.

Meanwhile, among financially well-off Americans (the 30% who have a college degree or higher), the proportion of children born outside of marriage climbed only slightly from 2% to 6%, the divorce rate dropped from 15% to 11%, and intact first marriages dropped from 73% to 56%.

In sum, the relationships of Middle Americans increasingly resemble those of the poor, while marriages among upscale Americans are getting better in many respects.

As a divorcee myself who, for a time, reared my children alone before my remarriage 13 years ago, I know all too well that the rise in children born outside of marriage and the high divorce rate call for compassion. While we must help people in all types of family situations, we must not turn a blind eye to the social injustice of the growing, class-based marriage gap.

The retreat from marriage in Middle America is not a retreat from bearing children. Wedding bands may be out of vogue, but in Middle America, women pushing strollers, diaper bags slung over their shoulders, infants hidden in bundles of blankets, are as common a sight as ever.

But children who grow up in Middle America today are far less likely to grow up with their own parents than they were 30 years ago. By contrast, a greater proportion of children in upscale America live with their mothers and fathers today than they did 30 years ago.

Wilcox found that Middle Americans appear to be becoming less "marriage-minded" in some respects than upscale Americans. While 76% of teenagers from upscale America said they would be embarrassed if they got (or got someone) pregnant, for example, 61% of Middle Americans said the same.

This is important because, as Wilcox notes, the social science evidence today is indisputable: Children who grow up in intact, married families are significantly more likely to graduate from high school, find work and enjoy a stable family life, compared with their peers who grow up in broken families.

The class-based marriage gap is also an injustice because most Americans still seem to desire a happy marriage. Wilcox found that the vast majority of Americans of all classes still say marriage is "very important" or "one of the most important things" to them.

But while they long for it, few in Middle America today have good models or the confidence that their relationships are strong enough to last: 43% of Middle Americans agreed that marriage has not worked out for most people they know, while 17% of upscale Americans agreed.

What should we do?

We don't go about insisting that the poor are better off left alone in their poverty -- as if this were a state they chose and should remain in. Instead, we recognize poverty as an injustice. We set about helping the less fortunate find fortune.

It's the same with the growing, class-based marriage gap. We can't just put a bandage on the injustice by, for instance, providing support groups only to single parents, albeit support groups certainly can help. Instead, we should help couples, too, achieve the stability for which they long.

This means, among other things, reconnecting marriage and parenthood in the public imagination, encouraging both religious and secular civic organizations to reach out to Americans from less-privileged backgrounds, and also urging state lawmakers to reconsider how existing divorce laws are helping -- or hurting -- our families.

Strengthening marriage and parenthood are key to renewing a broad and flourishing middle class. As Wilcox notes, marriage "has long served the American experiment in democracy as an engine of the American Dream, a seedbed of virtue for children, and one of the few sources of social solidarity in a nation that otherwise prizes individual liberty."

Marriage today is all of those things -- for upper-class Americans. Our challenge is to extend the benefits of married life once again to all.

*The opinions expressed in this commentary are solely those of Leah Ward Sears.*

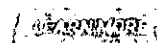
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## The State Of Our Unions: [This is the print preview: Back to normal view »](#) Is Divorce Bad For The Economy?

Huffington Post | Amy Lee First Posted: 12- 8-10 10:14 AM | Updated: 12- 8-10 10:40 AM



### Is divorce hurting the economy?

According to "The State of Our Unions," a recent study released by the National Marriage Project assessing the health of marriage in the country, the loss of stable, successful marriages undermines the financial health of the nation. Citing a 2002 study called "Does Marital History Matter? Marital Status and Wealth Outcomes Among Preretirement Adults," the report suggested that marriage offers "surprising economic benefits," while also noting that divorce is "very costly" to the public.

The 2002 study compared those who had been continuously married throughout adulthood to their counterparts who had not. The results: those who never marry suffer a reduction in wealth of 75 percent, and those who divorced and didn't remarry, a reduction of 73 percent.

Projecting these views even wider, the "State Of Our Unions" study argued that marriage actually has an enormous impact on the national economy. They extracted this conclusion from the fact that the growth of median family income, after more than doubling between 1947 and 1977, has slowed in recent years. "Married couples, who fare better economically than their single counterparts," notes the study, "Have been a rapidly decreasing proportion of total families."

Divorce, according to their figures, has an equally strong effect on the economy. Citing the court costs, as well as welfare, food stamps, public housing and increased bankruptcy, the study warned of divorce's economic threat. "65% of the cases that Georgia deals with are related to family stuff," said W. Brad Wilcox, the editor of the study, noting further that one estimate had the annual cost of divorce at \$120 billion.

But the issue of whether divorce has an economic impact is not quite as simple as it seems. "Is the problem divorce, or is it all the things that happen when divorce happens?" Stacy J. Rogers, a professor of sociology at Penn State, and a co-author on the book *Alone Together: How Marriage America is Changing*. "Maybe we should be supporting single mothers."

Ann Crittenden, Pulitzer Prize nominee and author of *The Price of Motherhood*, seemed to agree that while divorce is indeed costly to the state, the real problem lies in the outcomes of divorce.

"Divorce is one of the great creators of poverty," she said. "Divorce courts ought to seek an equal standard of living measure after divorce, for a period, especially while kids are young."

Indeed, the victims of divorce seem to be the children. When citing the costs of divorce, "The State Of Our Unions" points to elevated levels of delinquency in those children coming out of "broken" homes. Kay S. Hymowitz, the William E. Simon Fellow at the Manhattan Institute and author of the book *Marriage and Caste in America: Separate and Unequal Families in a Post-Marital Age*, concurred that in terms of economic harm, it's the future generation we should look to when we worry about the results of divorce. "The way that you get ahead in this country, and the source of economic mobility is the socialization of children," she said. "Kids who are socialized to ...[not get pregnant], to perform well in school, to put a lot of emphasis on their education, will thrive."

**NDLA, S JUD**

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**From:** Larsen, Oley L.  
**Sent:** Monday, February 07, 2011 11:45 AM  
**To:** NDLA, S JUD  
**Subject:** FW: Senate Bill 2367

I am not sure if you have received this information. It only enforces the issue that something needs to be done.

---

**From:** Daria [mailto:redvette87@comcast.net]  
**Sent:** Sunday, February 06, 2011 3:49 PM  
**To:** Larsen, Oley L.  
**Subject:** Senate Bill 2367

Senator Larsen,

I am completely in agreement with "mandatory marital counseling". Something needs to be done about individuals who dispose of their spouse and children like dirty napkins. People are too quick to say "I'm out of here". I guess I was ahead of my time. I requested in 2005, through my attorney, that my husband and I be required to attend marital counseling and was just ignored. Instead, they put you through private mediation which is a joke and a waste of money. They should be sending you to counseling.

I believe this would benefit the couple in the following ways:

- Renew or resurge the love that first attracted them
- Realize they know the devil they have, not the one they will get
- Realize selfishness or self-absorption
- Make them aware of family commitments
- See one's own negative/positive contributions to the marriage
- Face reality, not lust or propelled endorphins for someone else
- Recognize all the cherished memories that have been and will be shared in this family that was created
- Made aware of all the destruction and impact that will occur as result of divorce
- Keep the faith
- Etc.

Your bill would be just the first step to try to get some control over the number of divorces and the problems they cause in society. I believe there needs to be others enacted to further make individuals realize the importance of the commitment they made and that it is not so easy to walk away.

I am sorry to say I don't live in your state, but if you can inform me of anything I can do to enforce this bill, it would be greatly appreciated. In addition, is there one area in the government that specifically handles divorce laws?

Sincerely,

Daria D'Addario  
State of Maryland

**NDLA, S JUD**

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**From:** Larsen, Oley L.  
**Sent:** Monday, February 07, 2011 11:43 AM  
**To:** NDLA, S JUD  
**Subject:** FW: Marriage Bill - Supporter!

I believe this bill can do great things for families in North Dakota. It seems there is support for helping families stay together for the good of the children and the family.

---

**From:** Shelle Moran [mailto:shellemoran@yahoo.com]  
**Sent:** Wednesday, February 02, 2011 8:05 AM  
**To:** Larsen, Oley L.  
**Subject:** Marriage Bill - Supporter!

Oley,

My name is Shelle Moran and I am Mrs. North Dakota International 2011. Locally I am working with Billie Sue Ellingson, Licensed Marriage and Family Counselor, to facilitate the "Marriage Mentor Program". During this year, it is my goal to increase marital assistance to couples in order to keep more North Dakota families strong and thriving. Your bill is something that I would like to help you with in any way I can!

Please let me know!

Shelle Moran

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Please allow 24 hour notice for cancellation of appointments to avoid being billed for your reservation of time.

Thank you! I appreciate your business!

**NDLA, S JUD**

---

**From:** Larsen, Oley L.  
**Sent:** Monday, February 07, 2011 11:38 AM  
**To:** NDLA, S JUD  
**Subject:** FW: Divorce Reform--response to Forum editorial " bill a SHAM"  
**Attachments:** SB 2367 Divorce Reform Summary Sheet.docx

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**From:** Tom Freier [mailto:tfreier@ndfa.org]  
**Sent:** Monday, February 07, 2011 10:05 AM  
**To:** Larsen, Oley L.; Wanzek, Terry M.; Grande, Bette B.; Koppelman, Kim A.; Ruby, Dan J.; Sitte, Margaret A.  
**Subject:** Divorce Reform--response to Forum editorial " bill a SHAM"

Last week the Forum had an editorial that called the divorce reform bill---SB2367---a Sham.....  
I sent them a response---rather long---but here it is.....

Bismarck Tribune had just a short paragragh---calling it 'egregious'.....  
If someone wants to send a short reply using what I have here, or otherwise---that is fine..if not I can send something??

The bill will be worked on Wed morning---any encouragement we can send to the Judiciary Committee---will be helpful---from real people.....

Thanks...

**SB 2367 DRAFT 2-5-2011**

Relating to a waiting period and required counseling when a divorce is filed involving dependent children.

**Does the state have vested interest in this issue?**

The state currently is the grantor of marriage licenses and divorce decrees, and as such has the responsibility to put in place laws and approve rules that take into account the best interests and wellbeing of all, adults and children.

**Does this issue rise to the level of a need/problem which should be addressed by the legislature?**

- Nationally, every year 1 million children are a product of divorce (1600 annually in ND)
- On average, in ND, 4200 marriages each year, 1900 divorces, of which over 900 involve dependent children
- Projecting into the future using current trends, in 10 years 16,000 children will be added those children who are a product of divorce, in 25 years that grows to 40,000—which equates to more than the population of Minot
- Mounting evidence concludes that many children, not all, but many will experience the devastating physical, emotional, and financial effects associated with the divorce which will last well into adulthood and affect future generations. Children of divorce:
  - Have a higher incidence of crime and drug abuse, perform more poorly in school, have a higher incidence of being abused, more likely to be raised in poverty, and have a higher rate of divorce.
- Most children fail to fully understand the divorce, and that feeling becomes even more troubling after the divorce is finalized.
- Nationally, it is estimated that each divorce costs the state about \$25,000 resulting in an annual cost of \$112 Billion. Using a more conservative figure of \$20,000 here in ND, that equates to an annual cost of about \$38M for the 1915 divorces.
- In ND, applying the \$20,000 to the 900 divorces involving children equates to \$18M. Even if this legislation had an effect on 10% of the divorces involving children, it would amount to a savings \$1.8M annually, or approximately \$100M over a 10 year period.
- The issue of divorce and especially those divorces involving dependent children whereby many of those children suffer the effects of the divorce is a need crying out for hope.

**Would SB 2367 have a positive influence on diminishing the number of divorces involving children?**

It seems well worth the effort. Recent studies seem to indicate that a waiting period including requiring appropriate counseling sessions may well be successful in certain situations. There are no guarantees on how many may reconsider their plans for divorce. The question is what is the necessary return on investment? Is it 10 marriages, 50 marriages, 75 children, or 250 children? How can we measure the impact on those children?

And what is the investment this bill is asking for? It is for the married couple who entered into a legal contract, who in the midst of that marriage were blessed with children, and now as are seeking a divorce---they would make the investment of attending counseling sessions during a waiting period—before reaching that final decision. A decision that will impact not only their future, but that of their children. Is that too much to ask?



**NDLA, S JUD**

---

**From:** Larsen, Oley L.  
**Sent:** Monday, February 07, 2011 11:38 AM  
**To:** NDLA, S JUD  
**Subject:** FW: SENATE BILL NO. 236

---

**From:** Sitte, Margaret A.  
**Sent:** Monday, February 07, 2011 7:50 AM  
**To:** Larsen, Oley L.  
**Subject:** RE: SENATE BILL NO. 236

Oley,  
Will you please forward these to the Senate Judiciary Committee? Here's the link. ndla, S Jud

*Margaret Sitte*  
**State Senator, District 35**  
808 West Ave C  
Bismarck, ND 58501  
701-255-4885

---

**From:** Larsen, Oley L.  
**Sent:** Monday, February 07, 2011 7:22 AM  
**To:** Sitte, Margaret A.; Nelson, Carolyn C.; Olafson, Curtis; Sorvaag, Ronald G.  
**Subject:** FW: SENATE BILL NO. 236

I believe we can be visionaries in this arena as well not just the economic, and energy power house of the Nation but family visionaries as well . We are starting to spark interest across the country.

---

**From:** Matt Beaven [mailto:beaven@gmail.com]  
**Sent:** Saturday, February 05, 2011 9:07 AM  
**To:** Larsen, Oley L.  
**Subject:** SENATE BILL NO. 236

Senator Larsen-

I saw that your name was on a bill introduced to help reduce divorces by assisting distressed marriages and introducing a waiting period. I live in Kansas and would like to see a similar law enacted here. I was wondering if you were working with any specific group that we might be able to team-up with. What resources have been helpful for you?

Keep up the good work!

Matt Beaven

# North Dakota Family Alliance

*A Trusted Voice Impacting Our Legacy*

Tom D. Freier, EXECUTIVE DIRECTOR

## House Judiciary Committee

March 16, 2011

SB 2367

Mr. Chairman and members of the House Judiciary Committee, I am Tom Freier with the North Dakota Family Alliance. I am here in support of SB 2367.

Nationally, each year over 1 million American children will experience, suffer the divorce of their parents; moreover, about half of the children born this year to parents who are married will see their parents' divorce before they are 18 years of age. Mounting evidence in social science journals demonstrates that the devastating physical, emotional, and financial effects that divorce is having on children will last well into adulthood and affect future generations.

Researchers Robert Rector at the Heritage Foundation and Pat Fagan at the Family Research Council state the following:

- Children whose parents have divorced are increasingly the victims of abuse. They exhibit more health, behavioral, and emotional problems, are involved more frequently in crime and drug abuse, and have higher rates of suicide.
- Children of divorced parents perform more poorly in reading, spelling, and math, and are more likely to repeat a grade in school.
- Families with children that were not poor before the divorce see a drop in their income, with as high as 50 percent of the parents with children that are going through a divorce move into poverty after the divorce. Divorced women with children are four times more likely than a married woman to be living under the poverty level.

Additionally, I have provided excerpts from various articles addressing the issue of divorce involving children.

While this research and these excerpts look at the issue of divorce from a national level, I see no reason why it would not apply here in North Dakota as well. It is clear divorce is not in the best interests for most children.

Statistically, here in North Dakota, a five year average from 2005-2009:

1915 Average number of divorces

909 Average number divorces involving minor children

1597 Average number of minor children

The five year totals show 9574 total divorces, 4543 total divorces involving 7985 children.

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The Heritage Foundation estimates the cost to taxpayers is \$25,000 per divorce, per year, resulting in millions of dollars of costs right here in North Dakota. This does not take into account the direct costs to the divorcees, costs which will continue.

While our divorce rates in North Dakota may be lower than in some other states, that is of little consolation to the many children who are victims of divorce. We as a society can and should do all in our power to address this issue.

As written SB 2367 sought to require a waiting period with educational counseling when a divorce involved dependent children. As it stands today, SB 2367 is asking this issue be considered as an interim study.

The efforts to this point on SB 2367 have established two strong points:

- 1) The state has a vested interest as a result of it issuing marriage licenses and divorce decrees
- 2) The overwhelming evidence that divorce does have physical, emotional, and financial effects on children

As the bill was discussed, what was not as clear—was what could be the identifiable solutions that might have a positive benefit. Hence, we believe bringing as many entities as possible to the table will provide an environment to develop initiatives that might be recommended to the next legislative body.

We believe that the family is truly the foundation of society, and as the family goes so goes society. Marriage is the cornerstone of that family, and together with the children of that family have the power to influence generation after generation. As a people, as a state, we have a responsibility to do all in our power for the wellbeing of these vulnerable children.

Please give SB 2367 a Do Pass.

## SB 2367 Divorce legislation with Children

### Background information provided by NDFA

- William J. Doherty, director of the University of Minnesota’s Marriage and Family Therapy Program believes that divorce, unfortunately, is sometimes necessary. But it should be avoided if at all possible because **it brings about permanent disability, especially when children are involved**. If divorce were a medical procedure, it would be like amputating a limb — not like cosmetic surgery — a drastic measure justified only in the most hopeless circumstances. (*In the November/December, 2002, issue of Psychotherapy Networker*)

- **Our research estimates that 55-60% of marriages that end in divorce fall into the category of “good enough marriages”**. These marriages appear to be functioning well only a year or so prior to the divorce. From a child’s perspective, these divorce are unexpected, inexplicable, and unwelcome and are thus most likely to harm children. These marriages are significantly more likely to divorce because of infidelity, citing explanations of “drifting apart” or “communication problems”. They are unlikely to mention abuse because these were not highly conflicted marriages. (*Paul Amato, Smart Marriages keynote*)

- **“Children ought not to be victims of the choices adults make for them,”** said Wade Horn (*U.S. Assistant Secretary for Children and Families under President George W. Bush*).

- **I’m not sure when we decided that divorce was “best for the kids,”** but we sure act on that assumption a lot in America (so do lots of other countries). However, most of the time it’s just not true. There are circumstances when divorce is “the lesser of two evils” (especially when violence or abuse is occurring in the home), but generally speaking, it is not best for the children. Not even in remarriage.

Children of divorce and of unmarried parents are twice as likely as those from intact homes to drop out of school, 3 times as apt to be expelled or to have a baby out-of-wedlock as a teenager and 6 times more likely to be raised in poverty. **Unmarried women living with a man are 3 times more likely to be physically abused than a married woman.** (*Article can be found in Newsletter Archives section on web site for [www.smartmarriages.com](http://www.smartmarriages.com) Sent: Friday, May 23, 2003 Subject: Increase Marriage: Reduce Child Poverty*)

- **The children of divorce are handed a really big job.** When parents are married, it’s their job to do the hard work of making sense of your different values, your different beliefs, your different backgrounds. When they get divorced that job doesn’t go away, it just gets handed to their child instead, who is 4 or 8 or 12 years old. Their child is and always will be, throughout their childhood, looking to their mom and dad as the first and most important role models for their own moral and spiritual formation.

**And now these role models live completely separate lives; lives that, to a child, often seem to be polar opposites.** And when the child asks the big questions of moral and spiritual identity — who am I? Where do I belong? What is true? What is right and wrong? Is there a God? They’re looking to two different models that often seem as different as night and day. And those two people aren’t talking about this kind of big stuff anymore. They’re not fighting about it — they’re talking about nothing.

The child is wrestling with the differences that the child sees in each of their worlds. And the conflict that used to be between the parents has now gotten transferred to the child's inner life. And it's within the child's own life in a very lonely, overwhelming way that the child is trying to confront these big questions. It's the distinctive experience of the child of divorce. (*Elizabeth Marquardt, The Emotional Hurdles of Living Through a Divorce Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at:*

<http://www.familylife.com/fltoday/default.asp?id=8838>

- **Two faulty beliefs provide the foundation for our current attitudes towards divorce. The first holds that if the parents are happier the children will be happier, too.** Children are not considered separately from their parents; their needs, and even their thoughts are subsumed under the adult agenda. Indeed, many adults who are trapped in very unhappy marriages would be surprised to learn that their children are relatively content. They don't care if mom and dad sleep in different beds as long as the family is together.

A second myth is based on the premise that divorce is a temporary crisis that exerts its more harmful effects on parents and children at the time of the breakup. ...The belief that the crisis is temporary underlies the notion that if acceptable legal arrangements for custody, visits, and child support are made at the time of the divorce and parents are provided with a few lectures, the child will soon be fine. It is a view we have fervently embraced and continue to hold. But it's misguided. (*Judith Wallerstein from the book, The Unexpected Legacy of Divorce, A Twenty-Five Year Landmark Study, pp. xxiii-xxiv*)

- I've talked to adults who have gone through divorce and have spent hours talking with them, interacting as I watch them attempt to recover and pick up the pieces in their lives and sort through all the emotions of what they were experiencing trying to piece it together. And I've often thought, if an adult who's emotionally mature, supposedly, fully developed as an adult, with everything in place— if they struggle trying to piece it all together and sometimes spend decades piecing together their own emotions of what they're thinking and feeling, **how can we expect a 12-year-old, a 15-year-old, or, for that matter, and 18-year-old to process this emotional earthquake that has aftershocks that go on into adulthood— how do they even interpret it?** (*Dennis Rainey, The Emotional Hurdles of Living Through a Divorce – Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at:*  
<http://www.familylife.com/fltoday/default.asp?id=8838>

Many of the children of divorce, fear splitting up and are determined not to let it happen to them. But it does happen. **Children of divorce have a higher rate of divorce themselves than children from intact families.** Penn State sociologist Paul Amato, who has studied adults whose parents divorced, said that children learn about marital commitment and permanence by observing their parents. In children of divorce, the sense of commitment to a lifelong marriage has been undermined. They come to marriage with unrealistic expectations.

- **Marriages of the children of divorce have a much higher rate of divorce than the marriages of children from intact families.** A major reason for this is that children learn about marital commitment or permanence by observing their parents. In the children of divorce, the

sense of commitment to a lifelong marriage has been undermined. (*10 Myths of Divorce, National Marriage Project*)

**The effect upon children creates a strain upon every resource in our communities.** Juvenile delinquency increases. Teachers face ever-mounting discipline problems at school. The ranks of those in need of government assistance and private charity continue to swell. No family comes through divorce and ends up with the financial resources they would have had staying intact, and the effect is particularly bad on the mother and children. Every year the magic of compound interest works in reverse: Combined resources that the married couple could have set aside for retirement or the kids' education are diminished; less of a return is earned, and the future financial security of everyone is threatened.

• From where I'm looking at with divorce, **the problems don't go away, they're simply just pressed down the generational pipeline**, and it seems to me that they tend to multiply. Parents are already adults. They've got some [emotional] tools they can use, if they choose to, to work through these problems. But they pass their problems onward generationally, to their children. The problems are going to multiply because children are far less equipped to deal with these issues when they're young. I feel like they grow up emotionally stunted. (*Charlotte, a woman discussing the impact her parents divorce had on her on the radio interview on: Surviving the Aftermath of Divorce Broadcast Date: 10/23/06 -This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8837>*)

**Not long ago, Judith Wallerstein wrote an article in USA Weekend titled, "Children of Divorce, Twenty-Five Years Later."** In it she described a landmark new study that has tracked children of divorce for twenty-five years. The study has found that the negative impact of family breakup continues well into adulthood. One such grown child of divorce reported, "Part of me is always waiting for disaster to strike. I live in dread that some terrible loss will change my life." That is what divorce sounds like twenty-five years later among those it hits hardest.

The article goes on to quote Mavis Hetherington, a divorce researcher and now professor of marital psychology at the University of Virginia, "In the short term, divorce is always troublesome for children." She has scrutinized the workings of fourteen hundred divorce families since the early 1970's. She pinpoints a crisis period of about two years in the immediate aftermath of separation when adults, preoccupied with their own lives, typically take their eyes off their parenting duties at the very time when their children are reeling from their loss. Is it surprising that people are not emotionally attached in our day? Could this be the reason that in the last ten years instead of men marrying about age 23 and women about age 20, men are now marrying about age 27 to 28 and women about age 23? Do you hear what this generation is saying by their actions and sometimes admitting by their words?

• "I don't know if I believe in marriage." • "I get close to someone, then the same thing happens. I'm scared to death to make a commitment." • "I don't know how marriage is supposed to work, but I know I grew up in a family where it didn't." • "The models that I had didn't work, and I've got mixed feelings about Mom and Dad. I was two days with one parent and two weeks with the other; summers in one house and school years in another. They kept asking me to choose who I wanted to stay with. Why couldn't they choose to stay together?" (*Chip Ingram, Love, Sex and Lasting Relationships*)

• **Divorce robs children of the bedrock belief in the stability of marriage.** It's unsettling to them. We need to get this thing right! (*Unknown*)

• **What people need to know is that the majority of divorces today don't end high-conflict marriages.** Two-thirds of divorces today end low-conflict marriages. They're ending marriages that are not characterized by abuse or violence or very serious and frequent quarreling. They're ending marriages that are often ending for reasons like people grew apart. They're not sure if they love each other anymore. Somebody else at work is more interesting. Sometimes they're ending for reasons that we can be sympathetic for — the people in the marriage are hurting. But a lot of this stuff is not on the radar screen to the child.

They struggle with the idea of, "Okay, my parents are happy, but are they as happy as they could be? Would they be happier not married to my mom or dad? Are they as fulfilled as they could be? Are they bored sometimes?" This isn't on the kid's radar screen. What's on their radar screen is the day their parents come and tell them they're getting a divorce. That's when that child's world falls apart. So my message to people based on my own experience as a child of divorce and all the people I've talked to is if you're married to someone you know is a good person and a good parent, and you're not sure you're in love anymore, you feel like you're growing apart, **there are so many good reasons to reach out and get help and save that marriage for your child and for your own sake as well.** (*Elizabeth Marquardt, The Emotional Hurdles of Living Through a Divorce Broadcast Date: 10/24/06 – This FamilyLife Today Transcript is located at: <http://www.familylife.com/fltoday/default.asp?id=8838>*)

• **Data demonstrates that in work, school and college education, children of intact families fare better.** Linda Waite and Maggie Gallagher's book, 'The Case for Marriage' (2000), describes more than 50 ways that married parents bestow advantages on children — advantages that extend into adulthood including longer lives and better jobs. Am I suggesting that parents who now live alone call up their long-departed spouses, and invite them back to start all over? No. Nor am I attempting to shame parents who already have struggled with, and made, the choice to permanently sever their marital bonds. Single parents have enough challenges without having to revisit past decisions. But I do call on the many parents of young children who are facing marital problems and concluding, wrongly, that the only option is to quit.

The decision to divorce is often based on two premises: 1) struggling relationships have no hope of repair; and 2) marital separation improves the quality of life for everyone. In most cases, both of these assumptions are false.

So as the school season gears up, take out your daybook and your No. 2 pencil. Schedule the PTO meetings, the soccer tournaments and the ballet classes. But cross out that appointment to see the divorce lawyer. Instead, ask your spiritual leader, your doctor or your local community mental health center to point you to resources that can help you work on your marriage. Then, pencil in an appointment with someone who can help. Your kid's education is at stake. (*Scott Haltzman, MD*) (Article can be found in Newsletter Archive section at [www.smartmarriages.com](http://www.smartmarriages.com) -Sent: September 04, 2002 Subject: Op Ed: Children soar in school when their parents stay together -9/1/02)

## **Children & Divorce: The Effects Of Divorce On Children:**

(Provided by: Divorce Source, Inc. Staff)

To appreciate the effects of divorce on children, a person must appreciate what divorce does to adults. In her book, *Crazy Time: Surviving Divorce and Building a New Life*, Abigail Trafford describes divorce as a "savage emotional journey," where a person ricochets between the failure of the past and the uncertainty of the future. Far more is involved than the legal end of a marriage. Divorce upends the established order of family, friends, finances, work, and in some cases health and well being. Divorce sends shrapnel in every direction. In truth, divorce is a death, and neither spouse who made a good faith effort to make the marriage work buries it without pain and suffering. While many divorce books portray life after divorce as the occasion of enlightening self-discovery and re-creation, for many, particularly women with children, life after a divorce takes on the characteristics of forced march across very barren terrain. While people do go on and rebuild their lives in rewarding ways after a divorce, divorce makes no one a winner.

For obvious reasons, divorce traumatizes children. They are often concerned with their own security, not with their parent's happiness.

An adult elects to end a marriage; a child has that decision thrust upon him or her. The parents acts; the child reacts. The philosophical questions of choice, which reward human experience for adult who makes them freely, are meaningless for a child who sees his or her idea of order collapse when his or her parents separate.

A child whose parents divorce may feel sucked into a vortex of loneliness, guilt and fear. When one parent leaves, he or she may fear the other one will follow. Even when both parents reassure him or her of their love, the child may be tormented by the belief that he or she caused the break. Almost always, children worry about what is going to happen to them. From the point of view of a youngster, that fear is quite reasonable.

Children react in different ways with the onset of divorce. Some will be extremely sad and show signs of depression and sleeplessness. Anxiety levels peak as they feel they are going to be abandoned or rejected by one or even both parents. Some divorce situations may make the child feel lonely. This may be due to a long absence of one of the parents.

Divorce deranges the idea of order for a child. This is why broken promises -- something as small as going to a baseball game -- take on a magnitude far beyond its actual significance.

No matter what the situation, the child will be affected in some way by a divorce. Some children may become psychologically scarred from the experience, and still other children may not be affected emotionally at all. Much depends on how well the parents are able to handle the situation.

### **Uncontrollable Bad Effects**

Very few people going into a divorce for the first time can anticipate how a marital breakdown deranges their lives. Like shrapnel, the blast hits the innocent bystanders as readily as it does the main participants.

In a divorce, money, or the lack of it, almost always becomes a problem. Child support payments, alimony and financial assistance place a monetary strain on one or both parents, which directly affects the children. It seldom works any other way. Income that once supported one household now supports two. This ignores the legal costs, and all of the unforeseen costs of one spouse settling up that second household. Sometimes it is very hard at the outset to know in advance how bleak the financial picture will be after the divorce, but a divorcing couple should brace for the worst.

Sometimes the marital home must be sold as part of the property settlement. In some instances, one of the parents may have to relocate. This brings with it a new set of problems; children having to adjust to a new school, friends, and environment.



### **The Loss of Friends**

Few divorcing couples ever anticipate the loss of friends in the wake of a marital breakup. While the wife may retain her friends, and the husband his friends, the friends the couple made together as a married couple often drift away. Sometimes people don't want to take sides, but often people drift away because divorce can be very threatening, particularly when a couple senses problems in their own home.

### **The Loss of Family**

Family structure is very important. Divorce requires the family to restructure, and this can take a toll on in-laws and grandparents. Both parents must continue to play an important role in the life of their child, but family beyond the parents can be disrupted by divorce. It is generally a good idea that the parents design a thought out parenting plan in order to keep some predictability in the family structure. This is good for the sake of the child. Divorce does not have to mean the end of a family.

It is also good for the children to keep close ties with other relatives. Even if the parent does not get along with the extended family, children need these people in their lives.

### **Birthdays and Holidays**

For parents and their children, holidays and birthdays after a divorce can be very difficult. That first birthday, that first Christmas, that first anything spent without both parents is traumatic. As each year passes, the family feels more comfortable with new environments and new ways to celebrate, but birthdays and holidays and other special days are difficult, particularly in the beginning.

### **Stepfamilies**

Stepparenting, stepchildren and stepfamilies have reshaped the contour lines of American family law and American life. Many divorced people marry again and have additional children, natural or stepchildren, but most states do not consider stepchildren to be "children of a subsequent marriage" in support guidelines.

Under common law, a stepparent has no financial duty to support a stepchild during a marriage to that child's natural parent. However, twenty states have statutes requiring a stepparent to support stepchildren, but no jurisdiction imposes a duty on a stepparent to support a stepchild when the stepparent and stepchild no longer live as a family.

Stepfamilies become very complicated. The number of children, their ages, the rapport with the stepparent are very important factors to consider when dealing with the structure of a stepfamily.

In spite of the fact that stepfamilies are very complex and difficult, the blended family, as stepfamilies are sometime called, can be a very strong family unit. Everyone involved must have time to adjust to the new way the family operates. Each stepfamily member must also look at things from the other stepfamily member's point of view. A new stepfamily member cannot just jump into a new family and take charge. The new family must take things very slowly, and each family member must carefully think things out before they act.

For sure, some marriages must and should end. Domestic violence and extreme conflict are reasons to end a marriage. But the truth is most marriages do not fall in this category. People contemplating divorce should make certain that it is a course of last resort. They may find happiness and a new beginning after the divorce; divorce itself makes no one happy. To paraphrase Ernest Hemingway, in a divorce, the winner takes nothing.

### **Common Questions and Answers**

**Q.** What is the single most important factor in how a child reacts to divorce?

**A.** How a parent handles the divorce. Parents teach by example, and child picks up on cues the parent gives.

**Q.** What is it about divorce, which ends a unhappy marriage, that makes it so difficult?

**A.** Psychologists rate divorce as one of the most stressful events in life, just below the death of a spouse. Divorce is like getting into a lifeboat. For sure, the lifeboat offers the chance of escape from a terrible situation, but abandoning ship holds little appeal because of the enormous uncertainties. The same is true for divorce. From a child's point of view, divorce is enormously dislocating because he or she lacks the life experience to even envision possible good

outcomes. A divorcing parent, in addition to all his or her problems, must support the child in what may be the most difficult experience in his or her young life. This is a tough set of marching orders.

## Children of Divorce

Children of divorce need to know that they are not uniquely odd. In fact they tend to behave in fairly typical ways as a result of their shared experience. It can be hugely liberating for children of divorce, and those marrying children of divorce, to become aware of this. Discovering that the way you think and behave is normal - if not always healthy - can be a huge spur to accepting one another in marriage and working out a better way ahead. Mentoring with another couple can be especially helpful in this - for some people the Mentors' marriage will be the first normal marriage they have witnessed at first hand. Knowing what normal marriage looks like, with its ups and downs, is especially important to the child of divorce. But once again, awareness of the problem is half the battle. Judith Wallerstein is a world leader in the study of the long-term effects of divorce on kids (see References). She outlines typical patterns. In each case, the way the child handles the divorce deeply influences the way they seek their own subsequent adult relationships. For children, divorce is not a one-off event but a cumulative experience that peaks in early adulthood. At the point of breakup, most children are surprised. Few are relieved. Mostly, the reasons for the divorce remain a black hole. Even where there is violence, children don't link it with the decision to divorce. They are frightened and angry, terrified of being abandoned, often feeling in some way responsible. Looking back as adults, they remember having to adjust to a confusing new world with little support from their parents. They presume that all relationships are fragile and unreliable, including their own relationship with their parents. They remember loss of an intact family and loss of their newly preoccupied parents.

Resilient children are able to draw on other resources, people or abilities. But taking responsibility for themselves, and maybe for others in their family, often comes at the cost of their own childhood. Those with less resilience view their parents and childhood with sorrow and anger. "I never want a child of mine to experience a childhood like I had." Teenage experiences with sex, alcohol and drugs are more common.

But it is as adults that children of divorce suffer most. For many, divorce remains the central issue of life. They lack a healthy model of love, intimacy and commitment. "No one taught me," they complain. They often end up with unsuitable or troubled partners. They are anxious about their relationships. They are wary of trust and commitment. They fear disaster and loss when things are going well. They fear abandonment and rejection when things are going badly. All children of divorce struggle with differences and even moderate conflict in marriage. Their first response is often panic and then flight.

Children of divorce say things like this:

- "What is to keep the same fate from happening to me?"
- "Marriage can work for others but not for me"
- "I fear that any marriage can just dissolve"
- "People think they know me but they don't. I've learned lots of times it's better not to feel."

So what can children of divorce do to improve their odds? They can read Judith Wallerstein's book or get a tape of one of her talks (details at the end of this article). They can become aware that their behaviour is probably quite normal, if unhealthy. They can discuss the subject with greater awareness and insight with other children of divorce, with their pastor or mentors, and with their spouse or future spouse. They can make themselves aware of their doubts and fears about relationships and how that translates into self-destructive behaviours, especially when under pressure. By doing this, they will become more aware of themselves, more accepting of themselves.

Children of divorce know that love and good marriage exists somewhere. The trick is to help them realise that, with work, it can be that way for them

## *Understanding And Dealing With Children During Divorce*

Revised:

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A great deal of study and thought has been given to knowing more about the impact of divorce on children. While there is growing agreement among researchers and practitioners about the effects of divorce, there is still a lot we don't know. We have not reached a point that we can be specific about the impact of divorce on a specific child. What we do know is that the impact will vary with each child depending the child's age, gender, maturity, psychological health and whether or not other supportive adults are able to be a regular part of their lives. However, there are some generalizations that apply in nearly every situation.

### *Generalizations*

- Ongoing abuse (e.g. child abuse, domestic violence) that cannot be stopped is more damaging to children than divorce itself.
- Divorce can be the right decision and can be handled responsibly.
- Divorce itself does not have a positive impact on a child's life and development.
- Girls tend to handle divorce better and have fewer serious problems than boys.

- Divorce is a failure of a couple's commitment to their marital and family roles. This includes parental responsibilities to their children's psychological and emotional development. Divorce has its most negative impact when one or both parents abandon responsibility for their child's social and emotional development.
- The negative impact of a divorce is not canceled out by new conditions or changes that may be positive. Put simply, divorce is bad for children. Children don't need perfect parents, they need "good enough" parents.
- At best, a divorce or separation may help prevent abuse between parents that is a result of living together. The resulting changes in location, environment and family structure may have a positive influence (but not necessarily). This does not mean neglectful, abusive or retaliatory behavior won't occur.
- Children don't grasp or appreciate how parents can stop loving each other, separate or divorce. Children lose some degree of trust in others or themselves. They often fear that one or both parents may abandon them. They can feel guilty even when they have nothing to do with the turmoil between parents. They feel especially guilty when they created conflict or were the source of conflict between parents.
- Divorce often makes parenting and raising children more difficult. If there were conflicts or disagreements over parenting before a divorce, those problems will usually be worse and not better after the divorce.
- Children raised in conflicted and marginally functional homes have fewer problems and develop in a manner that is often superior in many ways to those children whose parents divorce.
- It is important for children to have good enough parents within a functional home environment that is free of ongoing abuse. It is not necessary for a mother and father to be "in love" or romantically involved to be good parents and to raise healthy children.
- The responsibilities of parents include providing an environment that is understanding, reassuring, open, kind, respectful and firm. Emotions of love and romantic love between a husband and wife play an important role in a marriage. That relationship in a marriage is the responsibility of a husband and a wife to create and maintain. The roles of a mother and father are different responsibilities than those of husband and wife.

### *The Perspective of Children*

The perspective and feelings of children are not usually considered when parents make their decision to divorce. Parents may think about their children's well-being, but it is very rare that parents will ask directly or "consult" with their children during their discussions or decisions to divorce. The following are comments from insightful teenagers who wanted their parents and other children to understand the importance and impact of a divorce.

Why don't parents ask the kids?

"Because they don't care about their opinion, or it doesn't effect their progress on working on their problems. Parents can get away with divorce. Kids can't get away with anything."

Why do parents divorce?

"Because when you give them the ability to divorce they just abuse it."

Don't parents care?

If the parents say "We want to get a divorce." And the kids say "We shall be sad." The parents don't say "O.K., we'll stay together." That never happens. That's what comedians are.

How did your parents divorce make you feel?

"Like I have no effect. Like I'm a bystander. Like they know how I feel, but they don't care."

How do you feel about your parents?

"My opinion is lower because I thought they would be more mature and solve their problems. They didn't even ask what it would do to me."

What do you think parents need to know?

"I just think they deserve to suffer a lot just to know what it's like."

### ***Symptoms And The Impact Of Divorce On Children***

During and following a divorce there are a number of issues that parents will usually face. Sooner or latter, parents, family or friends should begin to notice the impact of divorce on children. There is no avoiding it. Children will feel bad. The emotional pain is distressing. The impact and the child's response will vary according to their age, gender, maturity, psychological health and whether or not other supportive adults are able to be a regular part of their lives. A lot will also depend on how skillfully and compassionately parents handle or mishandle their interactions with each other and their children.

When parents make a decision to divorce and children are expected to cope with the decision. Except in cases involving abuse, it is rare that children will thrive during a divorce. The impact of divorce is that children will have problems and experience symptoms. This may include one or more of the following:

- Impulsive and impatient behavior
- Anger at others
- Oppositional, rebellious, defiant, or conduct problems
- Breaking rules and testing limits
- Destructive behavior
- Anger at self
- Self-blame or guilt
- Self-destructive or self-harming behavior
- Drug or alcohol use
- Apathy or failure to accept responsibility

- Early or increased sexual activity
- Isolation and Withdrawal
- Suicidal thoughts or behavior
- Violent thoughts or behavior
- Superficially positive behavior

**Tom Freier**

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Subject:

FW:

**Tom D Freier**

North Dakota Family Alliance

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**From:** Barth, Carmell R. [mailto:[cbarth@nd.gov](mailto:cbarth@nd.gov)]

**Sent:** Monday, January 31, 2011 2:14 PM

**To:** [tfreier@ndfa.org](mailto:tfreier@ndfa.org)

**Subject:**

Mr. Freier,

Below is the data you requested.

Year	Total Number of Divorces Involving Minor Children	Total Divorces Total Minor Children
2005	1905	933
	1642	
2006	1963	975
	1658	
2007	1925	893
	1601	
2008	1908	884
	1553	
2009	1873	858
	1531	

If you have further questions, please contact me.

Carmell Barth

Division of Vital Records

North Dakota Department of Health

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