



Divorce Reform

Encouraging life-long marriage through public policy

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What is no fault divorce, and what has been its impact on the Commonwealth of Virginia?

- **No fault divorce first occurred in 1969 and swept through the country during the 70s. Since that time, the divorce rate has skyrocketed.** With this policy, when filing for divorce, no one is at fault, at least on paper, and the divorce can become final with or without the consent of the non-seeking spouse. As a consequence, that spouse is coerced into a divorce that often leaves him or her, along with any children, in a compromised state on every socio-economic indicator: financial, emotional, psychological, physical.
- **This unwelcome new status too often quickly tips the surviving, but broken family unit into unanticipated lowered standards of living and the effects thereof.** The family remnant that typically once enjoyed relative financial security now many times finds itself the recipients of charity and assorted social programs designed to help the needy. For example, for the year 2001, the median income of a single mother with at least one child under the age of 18 was \$21,997. This compared to \$65,203 for a married couple with one child, aged 18 or under.
- **Post-divorce families also experience increased rates of poorer self-esteem, social maladjustment, stress-related issues, and heightened risk behaviors.** Once thought to be extremely resilient, 37% of children are markedly depressed five years post-divorce and many carry the effects and scars into adulthood.
- **The fiscal impact of the carnage is great.** Each "average" divorce costs the government \$30,000. Ranking 28th worse for divorce in the nation in 2004, Virginia's bill tallied \$882,330,000. Our state capital has been especially noteworthy. During the year 2005, Richmond issued 1,683 marriage certificates while simultaneously dispensing 1,239 divorce decrees. Total cost: \$37,170,000.

In a vote that fell just short of the needed two-thirds majority to clear the House before its final demise, both sides of the aisle in the 2007 General Assembly overwhelmingly agreed that the effects of divorce on marriage were worthy of further investigation. They recognized what we all know: the effects of divorce are overwhelmingly negative and there are few winners among the human wreckage left in the divorce court's wake.

Short of including a DIY divorce kit with every wedding license awarded, what is the Commonwealth to do? "Fixes" are elusive, but one thing is clear. Virginia must place parameters around both the preservation of marriage and its dissolution. Couples must enter their marital contract understanding that the responsibility to any future children must be pre-eminent – and must be their own. To that end, mutual consent, while it cannot prevent divorce, attempts to curtail the process by requiring counseling for the purpose of reevaluation of both the marriage and the costs of dissolving it. In short, it encourages couples to determine whether the grass really is greener on the other side... or whether, on second thought, things are better than they ever thought right there at home.